

SPECIAL MEETING
COUNCIL CHAMBER-KYLE HOUSE
JANUARY 5, 1976
8:30 P. M.

Present: Mayor Beth D. Finch

Council Members: Marie Beard, J.L. Dawkins, Gene Plummer, Marion George, Vincent Shields
Steve Satsky

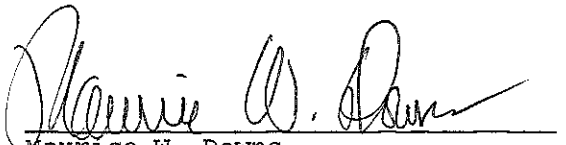
Others Present: Mr. Guy Smith, City Manager
Mr. Billy Clark, City Attorney
Mr. William Thomas, Asst. City Manager
Mr. James Gray, Administrative Assistant

Following a lengthy Council conference session which began at 7:30 p.m. which was set at the regular meeting on December 22nd for the purpose of discussing and possibly formulating a new merit/longevity pay plan for the employees of the city; Mayor Finch called this special session to order for the purpose of acting on such merit/longevity pay plan.

Mrs. Beard offered motion for the adoption of a longevity plan effective beginning the first full pay period following January 1, 1976 (January 6, 1976) based on five year increments. Motion seconded by Mr. Plummer.

Following brief discussion, Mr. Satsky offered substitute motion for the adoption of a 3½% salary increase to all employees under \$9,000. per annum and 1% for each 10 years tenure with the city for longevity effective beginning the first full pay period following January 1, 1976 (January 6, 1976). Motion seconded by Mr. George and upon being put to vote carried as follows: FOR THE MOTION: Council Members Satsky, George, Shields and Dawkins. AGAINST THE MOTION: Council Members Plummer and Beard.

The meeting was then adjourned at 8:50 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods used to collect and analyze data. It includes a detailed description of the sampling process and the statistical techniques employed to interpret the results.

3. The third part of the document presents the findings of the study. It shows that there is a significant correlation between the variables being studied, which supports the hypothesis that was tested.

4. The fourth part of the document discusses the implications of the findings for future research and practice. It suggests that the results of this study could be used to inform policy decisions and to guide the development of new programs and initiatives.

5. The fifth part of the document provides a conclusion and a summary of the key points. It reiterates the importance of the study and the need for further research in this area.

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JANUARY 12, 1976
8:00 P.M.

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Gene Plummer, Marion George, Vincent Shields
Steve Satsky

Others Present: Mr. Guy Smith, City Manager
Mr. Billy Clark, City Attorney
Mr. Ray Muench, PWC
Mr. Joe Stowe, PWC

Mayor Finch called the meeting to order and the invocation was offered by the Rev. R.M. Smithson, Pastor of Person Street United Methodist Church. Following the invocation, a Boy Scout from Troop 260, Boy Scouts of America, present in the audience to observe Council proceedings, led the assembly in the Pledge of the Allegiance to the Flag.

Mayor Finch then recognized the following Youth Council representatives present in the audience: Kenny Fleishman, Susan Linder, Thomas Hooper.

Council then moved to the first order of business which was the approval of minutes.

Upon motion by Mr. Plummer, seconded by Mr. Dawkins and carried unanimously, Minutes of a Special Meeting of December 15, 1975 were approved as submitted by the Clerk.

Upon motion by Mr. Satsky, seconded by Mr. Shields and carried unanimously, Minutes of a Regular Meeting of December 22, 1975 were approved as submitted by the Clerk.

Upon motion by Mr. Plummer, seconded by Mr. George and carried unanimously, Minutes of a Special Meeting of January 5, 1976 were approved as submitted by the Clerk.

Upon motion by Mr. Dawkins, seconded by Mrs. Beard and carried unanimously, public hearings were set for Monday, February 9, 1976 on the following three items:

- A. Annexation of property located on U.S. 301 (corner of Eastern Blvd. and Gillespie Street) the Hickman property under the provisions of GS-160A-24 (old law)
- B. Resolution of the City of Fayetteville calling for public hearing on Turnpike Road Community Development program. Res. No. R-1976-1
- C. Resolution of the City of Fayetteville calling for public hearing on Wilmington Road Neighborhood Development program. Res. ^{NO.} R-1976-2

Copies of the foregoing resolutions are on file in the Clerk's office in Resolution Book R-1976.

PLANNING BOARD MATTERS

Council next gave reconsideration to Briarwood, Section X - preliminary review located on Village Drive at Bryn Mawr Drive. This matter had been considered on two previous occasions. The City Attorney presented this matter and stated that he, Mr. Walter Moorman, the developer's engineer and the City Engineer had met today concerning realignment of Bryn Mawr Drive and requests that this matter be delayed to the January 26 meeting in order that the Planning Board might consider another street realignment. Under the existing thoroughfare plan, Village Drive is scheduled to be signalized at Boone Trail extension, Bryn Mawr-Marlborough Drive and Fordham Drive. After considering another alternative, Council may consider extending Cheselka Street to align with Purdue Drive with signals at Boone Trail and one at Purdue Drive eliminating the signals at Fordham Drive and Bryn Mawr Drive. If this is satisfactory with Council, it may eliminate the problem of alignment of Bryn Mawr and Marlborough Drives.

Following brief discussion, Mr. Dawkins offered motion to defer this matter to the January 26 meeting. Motion seconded by Mr. George and carried unanimously.

PUBLIC WORKS COMMISSION MATTERS

Council recognized PWC Manager Ray Muench on a recommendation for approval of an application by Bobby Lee McNair for a one inch water connection to an existing water main to serve a residence at 2231 Progress Street (corner of Progress and Teague Streets). Mr. Muench stated an annexation agreement would be executed if this extension is approved outside the city.

Following brief discussion, Mr. Plummer offered motion for approval of the foregoing extension pursuant to an annexation agreement being completed. Motion seconded by Mr. George and carried by the following vote: FOR: Mr. Plummer, Mr. George, Mr. Shields, Mr. Satsky; AGAINST: Mrs. Beard and Mr. Dawkins.

At the further request of Mr. Muench, Council gave consideration to the purchase of four 33,333 KVA 13,800/67,000 volt auto-transformers for peak shaving generation project. Mr. Muench stated that bids had been received for these transformers and the low negotiated firm bid, without escalation and deleting the load tap changers by Westinghouse Supply Company in the amount of \$496,600 is recommended.

Following brief discussion, Mr. Plummer offered motion for approval of the foregoing bid by Westinghouse and the award of same as recommended by PWC. Motion seconded by Mrs. Beard and carried unanimously.

On a further PWC matter, Mr. Muench stated that the North Carolina Local Government Commission desires to sell \$10,000,000 worth of the \$18,000,000 peak shaving generation bonds on February 10. He stated that PWC requests Council approve February 10 or after for the sale of these bonds.

Mr. Satsky then offered motion for approval of February 10 or after for the sale of \$10,000,000 bonds as recommended. Motion seconded by Mr. Shields and carried unanimously.

Mayor Finch then stated that without objection Council would consider a matter which had been inadvertently left off the agenda this evening. Mrs. Finch called on City Manager Smith to present information to the Council on the local city bus operation. Mr. Smith reviewed what had been presented to and discussed by Council at the last conference meeting and reminded them that the dead line for filing the application with UMTA is March 15 with funding available by July 1 provided the March 15 dead line can be met which he stated was doubtful. Mr. Smith stated that the local bus owner had informed him and Council that he would go out of operation on January 31 if funding from the city is not continued.

Mayor Finch recognized the approximately 150 persons present in the audience interested in this matter and invited two persons each pro and con to speak for the group.

Mr. E.P. Devenish was first recognized with comments to the effect that the bus system should be continued either privately or publicly for the benefit of the numerous persons who use such service daily and have no other transportation to fall back on.

Mrs. Gloria Stanton Holloway was also recognized in favor of continuing the bus service either privately or publicly for the benefit of the using public.

No persons spoke in opposition.

Following this, Mr. George offered motion that the city will continue to allocate public funds if need be for public transportation within the city and that we will further attempt to work out the details of a transportation program by the next Council meeting on January 26. Motion seconded by Mr. Satsky and carried unanimously.

Council next gave consideration to the awarding of eight Taxi Cab Ownership Franchises for eight taxi cabs. City Taxi Cab Inspector Sgt. Paul Warner of the Police Dept. was recognized and stated that Mr. Henry T. Paul doing business as Yellow Cab Company was terminating his taxi business and returning eight certificates of public necessity and convenience to the City of Fayetteville. Applications for franchise had been received and background investigations performed on 9 applicants according to the ordinance, Sgt. Warner stated. On January 5, 1976 a public hearing was conducted at the law enforcement center on this matter. The hearing was conducted to enable anyone to present any further evidence or information in reference to the applicants. As outlined by ordinance, Sgt. Warner stated, the taxi cab inspector must make recommendations to the Council concerning the award of such certificates. The Taxi Cab Inspector stated that it was his recommendation that 7 certificates be awarded to Thomas P. Hall, Jr. and one certificate awarded to Richard J. Whitby. His recommendation, he stated, was based on background investigations of the applicants, criminal records, driving records, neighbors and business people in the community, tax records and the availability of facilities in which to operate taxi services.

Council recognized Attorney John Blackwell, representing Mr. Carlton Stewart, one of the applicants, who desires one certificate.

Mr. Thomas P. Hall, Jr., Manager of Yellow Cab Company, was recognized for himself. Mr. James Davis, Mr. Dalton Cauley, Mr. Herbert E. Griffin and Rev. R.D. Purdie were recognized in their own behalf as applicants for certificates.

Following some discussion, Mr. Plummer offered to follow the recommendation of the Taxi Cab Inspector and award 7 certificates to Thomas P. Hall, Jr. and one certificate to Richard J. Whitby. Motion seconded by Mrs. Beard.

Mr. George offered substitute motion that Mr. Hall be awarded six certificates, Rev. Purdie one certificate and Mr. Whitby one certificate. The motion received no second. Mayor Finch then called for vote on Mr. Plummer's original motion and it carried unanimously.

Council next gave reconsideration to an ordinance for "No Parking at Anytime" on Bradford Ave., the east side, from Hay Street southwardly to a point near Arsenal Avenue located in front of Highsmith Hospital. (This matter deferred from the December 22 meeting.) The City Engineer presented this matter and reminded Council that he had met with Doctors McLean, Currie and Olive and Mr. Miller of Highsmith Hospital on their concern of the hazard caused by cars parking adjacent to several driveways into the hospital's parking lot and their office parking lot. The on-street parking cars in this vicinity block the view of drivers attempting to exit the parking lot on to Bradford Ave. thereby causing a hazard. The City Engineer stated that the hospital now has adequate parking adjacent to the hospital building for the patients, visitors and doctors and that their employees now have a 200 car parking lot available about one-half block from Bradford Avenue on Arsenal Ave. The City Engineer recommended the adoption of the ordinance which would eliminate 9 parking spaces on the east side of Bradford Ave. between Hay Street and Arsenal Avenue.

Doctor James McLean and Highsmith Administrator Miller were both present in the audience in support of this action recommended by the City Engineer.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, N.C. SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE NO. 11 "PARKING PROHIBITED" BRADFORD AVENUE THE EAST SIDE BEGINNING AT THE SOUTHERN CURB LINE OF HAY STREET SOUTHWARDLY FOR 386 FEET,. ORD. NO. NS-1976-1.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Dawkins and carried unanimously. A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS-1976.

Council next gave consideration to a request received by Mayor Finch that the Council recommend to the N.C. Department of Transportation the new bridge across Cape Fear River and located on Grove Street extension be named the Oscar P. Breece bridge. Mrs. Finch stated that she had received several requests that the above bridge be named to honor Mr. Breece. Some of the reasons mentioned were Mr. Breece's long years of service to the community and the location of the bridge crossing the Cape Fear River is near the site of Breece's landing which was for many years a landmark in the area. Mayor Finch stated that the County Commissioners recently endorsed the proposed naming of the bridge.

RESOLUTION OF THE CITY COUNCIL RECOMMENDING TO THE N.C. DEPARTMENT OF TRANSPORTATION THAT THE NEW BRIDGE ON GROVE STREET EXTENSION ACROSS CAPE FEAR RIVER BE NAMED THE OSCAR P. BREECE BRIDGE. RES. NO. R-1976-3.

Mr. Dawkins 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 R-1976.

Council next gave consideration to a request by Chief of Police Keator for authorization for four additional platoon sergeants for the department. The City Manager presented this matter and stated that in a memorandum to him, Chief Keator said after seriously studying the problem of the need for more supervision to include the size of the geographical city area to be covered and problems confronting young and inexperienced officers and the increased size of the platoons, it was recommended that the department be authorized four additional line sergeants spaces. The city will be divided into two sectors for supervisory purposes. There are many instances wherein time and distance factors preclude the platoon commander or his sergeant to reach scenes of incidents where expertise is required from a supervisor.

Additional patrol spaces in the fiscal year 75-76 budget will not be requested to replace the four personnel that would be promoted to sergeant. However, four additional patrol spaces would be requested to fill the gap in each platoon created by the formation of the Warrant Processing Squad.

If this request is authorized, it should be made effective January 1, 1976. The monetary value for the last six months would be approximately \$1,752.00.

Following some discussion of Chief Keator's request, Mr. Plummer offered motion that no action be taken on this matter at this time. Motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to a proposed ordinance amending Chapter 8 "Auctions and Auctioneers" of the Fayetteville City Code.

The City Attorney presented this matter and stated that NCGS 85B-6 provides that only the state may require licenses of auctioneers or require the payment of auctioneer fees. Sections 8-11 thru 8-19 of the city code require an individual to obtain an auction license and pay certain auction fees to the city. Inasmuch as these provisions of the code are in conflict with the state law, I recommend that they be repealed.

AN ORDINANCE AMENDING CHAPTER 8 "AUCTIONS AND AUCTIONEERS" OF THE FAYETTEVILLE CITY CODE - REPEAL OF SECTION 8-11 THRU 8-19. ORD. NO. NS-1976-1

Following brief discussion, Mr. Plummer introduced the foregoing ordinance and moved its adoption, motion seconded by Mr. Shields and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book S-1976.

Council next gave consideration to the removal of jail equipment from the City Hall. In a memorandum to the Mayor and Council, the City Manager stated that several qualified bidders had been contacted for the disassembling and removal of all steel cells, walls and pipes in the former jail section on the third floor of City Hall. Two companies expressed interest and submitted written proposals. One proposal was an offer to remove the jail cells from the building for a fee of \$1,000 and the material. The other proposal was for the removal of all metals and materials alone and at no cost to the city. This proposal was submitted by Cohen and Green Salvage Company Inc. and was the proposal recommended. The City Manager stated that it was not anticipated at this time to have any work done except for the repair of broken windows and leaks. Once the third floor has been cleared, the plans for future use of the area will be presented to Council for consideration.

Following some discussion, Mr. Plummer offered motion for approval of the removal of jail equipment and acceptance of the proposal to do so from Cohen and Green as recommended. Motion seconded by Mr. George.

Following some further discussion, Mr. Satsky offered substitute motion to continue this matter

to the January 26 meeting. Motion seconded by Mr. Shields and carried unanimously.

Council next gave consideration to the awarding of bids on the Hillsboro Street sidewalk construction from Davie Street to Walter Street, the west side thereof. The City Engineer presented this matter and stated that in a memorandum to the City Manager that in February 1975, Council held a public hearing at the request of some of the property owners within this block of Hillsboro Street. The property owners explained at that time they had tried to obtain petition for sidewalk but were not able to get a majority of the owners to sign. After hearing the request, Council ordered the sidewalk construction be done without a petition and assess 2/3 to the property owners and with the city to bear 1/3 of the cost. Bids on this project were received on January 6, 1976 and the low bidder was Henley's Concrete Service in the amount of \$5,816.00. This is a unit price contract, the City Engineer stated, and the final construction cost may vary slightly from the bid amount. He recommended awarding the bid to the low bidder Henley's Concrete Service for their bid of \$5,816.00. In addition the City Engineer stated that the property owners had been mailed a notice stating the estimating assessment and that Council would consider the awarding of this contract this evening.

A Mr. L.C. Oliver, a Hillsboro Street business man (Barber Shop Owner), was recognized and stated that there was a need for this sidewalk to be constructed and requested Council's approval of same.

Following brief discussion, Mr. Satisfsky offered motion for approval of the low bid to Henley's Concrete Service for their bid of \$5,816.00 for this sidewalk project as recommended. Motion seconded by Mr. George and carried unanimously.

Council next gave consideration to a proposed ordinance amending Schedule 11 of section 20-106 of the city code prohibiting parking between certain hours on downtown streets. The City Manager presented this matter and stated that the ordinance proposes to prohibit parking on downtown streets between the hours of 2 a.m. and an hour to be determined by Council to permit the Street Dept. to sweep and flush these streets. The ordinance also proposes that any vehicle in violation shall be subject to removal.

Councilman Plummer suggested adding to this list of streets Winslow Street from Hay Street to Rankin Street and the suggestion was accepted.

AN ORDINANCE AMENDING CHAPTER 20-106 OF THE CITY CODE, SCHEDULE 11, "NO PARKING ON DOWNTOWN CITY STREETS. ORD. NO. NS-1976-2.

Mr. Plummer introduced the foregoing ordinance and moved its adoption with the hours to read between 2 a.m. and 4 a.m. and adding Winslow Street from Hay Street to Rankin Street. Motion seconded by Mr. Shields and carried unanimously. A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS-1976.

Council next gave consideration to a proposed ordinance for a "Tow Away Zone" on Beale Street, Talbot Street and North King Streets. The City Manager presented this matter and stated that at the last Council meeting on December 22, 1975 Council adopted an ordinance prohibiting parking on the foregoing streets between the hours of 5 P.M. and 7 A.M. and it was proposed now for the adoption of an ordinance to provide for the towing away of vehicles in violation of the no parking ordinance on the foregoing streets.

AN ORDINANCE AMENDING SECTION 20-106, SCHEDULE 11 OF THE CITY CODE - "TOW AWAY ZONE" ON NORTH KING STREET, TALBOT STREET AND BEALE STREET. ORD. NO. NS-1976-3.

Following brief discussion, Mr. Plummer introduced the foregoing ordinance and moved its adoption as recommended by the City Manager. Motion seconded by Mr. Dawkins and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book NS-1976.

There being no objection from the Council, Mayor Finch then moved to item 18 on the agenda which was consideration of an ordinance amending chapter 20 "Motor Vehicles and Traffic" of the Fayetteville City Code. The City Attorney presented the ordinance and explained briefly that the ordinance amends section 20-97 of the code to provide for the issuance of warrants by the Meter Collection Supervisor of the Finance Dept. against persons for failure to pay overtime parking fees; amends section 20-100 of the code to permit the Chief of Police and Finance Director to designate some members of the Police Dept. and the Finance Dept. jointly as needed to make collections of parking meter monies, amends section 20-136 (B) the payment of overtime parking fees to the meter collection division of the finance dept. and for the meter collection supervisor to bring charges against those in violation of the ordinance, amend section 20-136 (C) to permit the meter collection supervisor to issue a civil summons and prosecute same to judgement of violators of this ordinance.

Following some discussion of this proposed ordinance, Councilman George offered motion to continue discussion of this matter to the January 26 meeting. Motion seconded by Mrs. Beard and carried unanimously.

Mayor Finch then moved back to item 14 on the agenda which was delegations. No delegations responded to the invitation by Mayor Finch for recognition.

Council next gave consideration to several appointments.

There being no nominations one appointment to the Board of Appeals to replace Mr. Edward David, resigned, was carried over to the next regular meeting on January 26.

Upon motion by Mrs. Beard, seconded by Mr. George and carried unanimously, the following named were appointed to the Human Relations Advisory Commission to fill vacancies created by removals and a resignation said appointees to serve the balance of terms of offices which run to March 1976.

Mrs. Voncyle Davis, Rev. Emmitt Mullins and Mr. Ernest ^{J. Morine} ~~Maureen~~ *Mass*

Upon motion by Mr. Plummer, seconded by Mr. George and carried unanimously, the following named was appointed to the Treasurer of the Board of Trustees of the North Carolina Firemans' Relief Fund for a two year term of office said term to expire in January 1978.

Mr. George McCarthy, City Finance Director.

CITY MANAGER REPORTS

Council next gave consideration to the matter of acquiring three parcels of land now part of the new courthouse property owned by the Cumberland Redevelopment Commission for the Dick Street Franklin Street connection to Person Street opposite Bow Street. The City Manager and Ron Hickman, Executive Director of the Cumberland Redevelopment Commission, presented this matter and stated that the acquisition price for the three parcels is \$25,194.80.

Following brief discussion, Mrs. Beard offered motion, seconded by Mr. Satisfsky to approve the purchase of the foregoing parcels for \$25,194.80 from the Cumberland Redevelopment Commission. Motion carried unanimously.

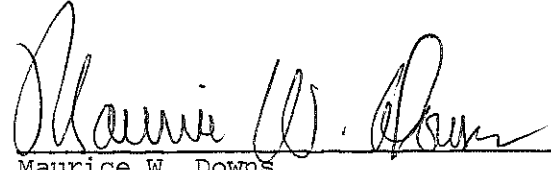
MATTERS OF INTEREST TO THE CITY COUNCIL

Mr. Plummer suggested that Council adopt a lot clearing ordinance "with teeth in it" and let the Street Dept. administer it. The City Attorney was requested to draw such ordinance.

A conference meeting was set for Monday, January 19, 1976, 3:30 P.M. in the Kyle House for the discussion of street paving policies and possibly zoning.

Mrs. Finch reminded the Council of the Seminar for new Mayor's and Councilman at the Institute of Government in Chapel Hill to be held on February 23-25 and of the necessity to reschedule the regular meeting of February 23 for this purpose. It was decided that this would be discussed at a later date.

Thereafter, all matters of business having been completed, the meeting was adjourned at 10:14 upon motion made and duly seconded.


Maurice W. Downs
City Clerk

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SPECIAL MEETING
CITY HALL COUNCIL CHAMBER
JANUARY 12, 1976
11:18 P.M.

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Gene Plummer, Marion George, Vincent Shields, Steve Satsky

Also Present: Mr. J. Guy Smith, City Manager
Mr. William Thomas, Asst. City Manager
Mr. Jim Gray, Administrative Assistant

Mayor Finch called this special session to order following an executive session to discuss personnel matters.

Mr. Plummer offered motion that the position of City Public Relations Officer be terminated as near February 15, 1976 as possible. Motion seconded by Mr. George and carried unanimously.

Mr. George offered motion to abolish the position of City Purchasing Agent as near the date of February 15, 1976 as possible. Motion seconded by Mr. Shields and carried unanimously.

Mrs. Beard offered motion to abolish the position of Personnel Technician as near the date of February 15, 1976 as possible. Motion seconded by Mr. Shields and carried unanimously.

Mrs. Finch then stated that Council would consider ordinances amending Chapter 22 "Personnel" of the City Code.

Mr. Plummer introduced the following ordinance and moved its adoption. Motion seconded by Mr. Shields and carried unanimously.

AN ORDINANCE AMENDING CHAPTER 22 "PERSONNEL" ORD. NO. S-1976-2
OF THE FAYETTEVILLE CITY CODE

The City Council of the City of Fayetteville, North Carolina ordains the following:

Section 22-22(e) is deleted and a new Section 22-22 (e) is added as follows:

Sick leave not a right. Sick leave is a privilege and not a right. The City Manager and department heads are authorized to take all necessary action to prevent abuses, to include a requirement for a medical examination report verifying the physical condition of the employee during the time of his/her absence as a condition to continued employment.

Adopted this the 12th day of January, 1976.

CITY OF FAYETTEVILLE

BY: /s/ Beth Finch
Beth Finch, Mayor

ATTEST:

BY: /s/ Maurice W. Downs
Maurice W. Downs, City Clerk

Mr. Plummer then introduced the following ordinance and moved its adoption, Motion seconded by Mr. Satsky.

AN ORDINANCE AMENDING CHAPTER 22 "PERSONNEL" ORD. NO. S-1976-3
OF THE FAYETTEVILLE CITY CODE

The City Council of the City of Fayetteville, North Carolina ordains the adoption of the following ordinance:

Sec. 22-27. Unexcused absences.

Any employee who is absent without authority for one full working day or shift and does not report for work on the next succeeding work day or shift may be automatically terminated from employment with the city by the department head with the approval of the City Manager.

Adopted this the 12th day of January, 1976.

CITY OF FAYETTEVILLE

BY: /s/ Beth Finch
Beth Finch, Mayor

ATTEST:

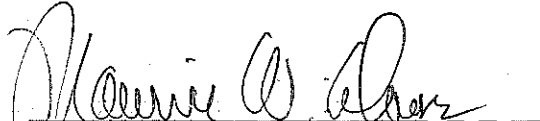
BY: MAURICE W. DOWNS
Maurice W. Downs, City Clerk

Mr. George offered substitute motion for amending foregoing ordinance to read "three days" rather than "one day". Motion failed for lack of a second.

Mayor Finch then called for vote on the original motion and it carried by the following vote: FOR: Council Members Beard, Dawkins, Plummer, Shields and Satsky; AGAINST: Council Member George.

Copies of the foregoing ordinances are on file in the City Clerk's office in Ordinance Book S-1976.

Mayor Finch then declared this special session adjourned at 11:25 p.m. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JANUARY 26, 1976
8:00 P. M.

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Gene Plummer, Marion George, Vincent Shields, Steve Satsky

Others Present: Mr. Guy Smith, City Manager
Mr. Billy Clark, City Attorney
Mr. Jim Warner, PWC
Mr. Ray Muench, PWC

Mayor Finch called the meeting to order and the Rev. Daniel P. Stiles, Shaw Heights Baptist Church, offered the invocation. Following the invocation, Scout Ricky Jones, Troop 702, Boy Scouts of America, led the Pledge of the Allegiance to the Flag.

Mayor Finch recognized the following the Youth Council Representatives present in the audience to observe Council proceedings: Susan Linder, Kenny Fleishman, Patricia MacMillan.

The first order of business was approval of Minutes.

Upon motion by Mrs. Beard, seconded by Mr. Satsky and carried unanimously, Minutes of Regular Meeting of January 12, 1976 were approved as submitted by the Clerk.

Upon motion by Mr. Satsky, seconded by Mr. George and carried unanimously, Minutes of a Special Meeting of January 12, 1976 were approved as submitted by the Clerk.

Council then proceeded to public hearings.

A public hearing was held as continued from the December 22, 1975 meeting on a proposed amendment to the City of Fayetteville Zoning Ordinance establishing a C1A area commercial district. Planning Board recommended approval.

Mr. Ray Espy, a Marlborough Road resident, was recognized and requested an opportunity to see the proposed amendments.

While Mr. Espy was studying the amendments, Mayor Finch without objection from Council moved to item 2B on the agenda which was the proposed rezoning from P1 Professional District to P2 Professional District or to a higher classification of an area located at 3415-A Melrose Road. Planning Board recommended denial based on findings that this petition constituted spot zoning and that the use existing now was non-conforming and in violation of the zoning ordinance.

Council recognized Attorney Ervin Baer, for the petitioner, who requested approval of the proposed rezoning. There was no opposition present.

Following brief discussion, Mr. Plummer offered motion that the request for rezoning be denied as recommended by the Planning Board. Motion seconded by Mrs. Beard and carried unanimously.

Mayor Finch then returned to item 2A (1) the proposed amendment to the zoning ordinance providing a C1A area commercial district. Mr. Espy was again recognized and stated that they were satisfied with the proposed amendments. There was no opposition present.

AN ORDINANCE AMENDING CHAPTER 32 "ZONING" SECTION 41 OF THE FAYETTEVILLE CITY CODE ADDING A C1A COMMERCIAL DISTRICT. ORD. NO. S-1976-4.

Mr. Satsky introduced the foregoing ordinance and moved its adoption as recommended, motion seconded by Mr. Shields and carried unanimously. A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book S-1976.

Council then moved to consider another proposed amendment pertaining to the C1A area commercial district defining it as exclusively for the conduct of retail trade in residential areas and providing daily necessities for the convenience of area residents and added the uses permitted in the C1A commercial district.

(This hearing also continued from the regular meeting of December 22, 1975.)

Planning Board recommended approval of the proposed amendment. There was no opposition present.

AN ORDINANCE AMENDING CHAPTER 32 "ZONING" OF THE FAYETTEVILLE CITY CODE DEFINING THE C1A AREA COMMERCIAL DISTRICT AND SETTING THE FORTH THE USES PERMITTED THEREIN. ORD. NO. S-1976-5

Following brief discussion, Mr. Satsky introduced the foregoing ordinance and moved its adoption as recommended, motion seconded by Mr. George and carried unanimously. A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book S-1976.

A public hearing had been published for this date and hour on the rezoning from R5 Residential District to P2 Professional District or to a higher classification an area located on the north side of Cumberland Street between West Orange and Hillsboro Streets. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R5 RESIDENTIAL DISTRICT TO P2 PROFESSIONAL AN AREA LOCATED ON THE NORTH SIDE OF CUMBERLAND STREET BETWEEN WEST ORANGE AND HILLSBORO STREETS. ORD. NO. NS-1976-4.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Dawkins and carried unanimously. A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book NS-1976.

Item 2D on the agenda was not considered inasmuch as it had been placed there by error; This matter having already been considered by Council and advertised for a public hearing on February 9 at the meeting of January 12.

Upon motion by Mr. Plummer, seconded by Mrs. Beard and carried unanimously, a public hearing was ordered published for February 9, 1976 on the proposed annexation of the Harmon property located on the southeast corner of Cumberland Road and West Hudson Street pursuant to 100% sole owner petition and pursuant to the provisions of NCGS 160A-31.

Upon motion by Mr. Plummer, seconded by Mrs. Beard and carried unanimously, a public hearing on the rezoning from P2 Professional District to C1 Local Business District or to a higher classification of an area located at 1309 Ft. Bragg Road which had been continued from a previous meeting to the meeting of February 23 was rescheduled and continued over to the March 8, 1976. (This action was taken inasmuch as Council intends to cancel the February 23 regular meeting to permit their attendance at the seminar for new Mayors and Councilmen at the Institute of Government in Chapel Hill on February 23, 24, 25.)

PLANNING BOARD MATTERS

Council next gave consideration to an amendment to the Feeder Street Plan for the City of Fayetteville. Planner Mitchell presented this matter for the Planning Board and stated the Board recommended conditional approval. Planner Mitchell stated with the adoption of the proposed amended Feeder Street plan, that the relocation of Bryn Mawr Drive and Marlborough Road was not necessary and that this alternative proposal would amend the presently adopted Feeder Street plan by designating Purdue Drive in Clairway Subdivision as a Feeder Street, adding a proposed new feeder street connecting the intersection of Purdue Drive and Village Drive with Cheselka Street to the north, eliminating a portion of Fordham Drive from the feeder street plan mainly those portions of Fordham Drive from Colgate Drive to Dartmouth Drive and from Village Drive to Cheselka Street. The addition of Alden Drive to the feeder street plan from Parnell-Marlborough Road to the proposed Purdue-Cheselka Street and signalization added to the plan at the intersection of Purdue and Village Drives. Mr. Mitchell also stated that although not designated as part of the feeder street plan it would also be proposed that Cardiff Avenue be extended to intersect with the proposed Purdue Drive extension north of Village Drive.

Following some discussion, Mr. Dawkins offered motion to follow the foregoing recommendation and approve the amended feeder street plan. Motion seconded by Mr. Plummer.

A Mr. Grebner, a resident of 1415 Marlborough Road, was recognized and requested postponement of action on this matter until he and the other residents of Glendale are notified as to the placement of the proposed road.

Mr. Ray Espy, Glendale resident, was also recognized in opposition to the placement of the proposed road.

Following some discussion, Mrs. Beard offered substitute motion to postpone this matter to the next meeting of the Council on February 9. Motion seconded by Mr. George. Mayor Finch called for vote and a tie resulted as follows: FOR: Mr. Shields, Mr. George, Mrs. Beard; AGAINST: Mr. Satisfsky, Mr. Plummer and Mr. Dawkins, Mayor Finch cast her vote in favor of the motion to postpone and declared it carried and the matter postponed to February 9.

Council next gave reconsideration to Briarwood, Section 10 Subdivision - preliminary and final review located on Village Drive at Bryn Mawr Drive at Bryn Mawr Drive. (This matter continued from the January 12 meeting.) Planner Mitchell presented this matter for the Planning Board and stated that the Board recommended conditional approval. Planner Mitchell stated that Mr. Walter Moorman, Consulting Engineer for the petitioner Mr. Teague, appeared before the Planning Board and indicated that he was in agreement with all the conditions recommended by the staff and extended an appreciation for the corporation among the city engineer and Planning Staff and their efforts to reach a reasonable solution for the realignment of Bryn Mawr Drive and Marlborough Road.

Attorney Rudolph Singleton, Jr. was recognized for the developer, Mr. Teague, and requested approval of the original plan which excluded the taking of four of the developers lots for the realignment of Bryn Mawr Drive.

Following some discussion, Mrs. Beard offered motion to continue this matter to the next regular meeting on February 9, motion seconded by Mr. Plummer and carried by the following vote: FOR: Mr. Shields, Mr. Dawkins, Mr. Plummer, Mr. George and Mrs. Beard; AGAINST: Mr. Satisfsky.

Council next gave consideration to Country Club Apartments Subdivision preliminary and final

review located on U.S. 401 north (Ramsey Street-Raleigh Road) Planning Board recommended conditional approval as contained in their memorandum to the Council dated January 21, 1976.

Following brief discussion, Mr. Plummer offered motion for approval of the foregoing subject to all of the conditions. Motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a request for sanitary sewer service outside the city for Aaran Lakes Section 6 formally Brentwood Subdivision. Planning Board recommended approval.

Following brief discussion, Mr. Plummer offered motion to follow the foregoing recommendation of the Planning Board and approve sanitary sewer service subject to all conditions. Motion seconded by Mr. Shields and carried unanimously.

PUBLIC WORKS COMMISSION MATTERS

Council recognized PWC Manager Ray Muench who requested consideration of approval of an application by Elton Parker for the Church of God of Prophecy for one 1-inch water connection to an existing main to serve an existing residence on Buie Avenue outside the city.

Mr. Plummer offered motion for approval of the foregoing as recommended by PWC. Motion seconded by Mr. George and carried unanimously.

Council next gave consideration for the approval of bids received January 14, 1976 for the purchase of 350,000 pounds of Lime for use in Water Treatment at the Glenville Lake water plant.

Mr. Muench stated the bid recommended for the foregoing is the low firm delivered bid by Asher-Moore Chemical Company in the amount of \$10,500.00.

Mr. Satsky offered motion to follow the foregoing recommendation of PWC and award the bid to Asher-Moore Chemical Company for their low firm bid of \$10, 500.00.. Motion seconded by Mr. Dawkins and carried unanimously.

Upon motion by Mrs. Beard, seconded by Mr. Satsky and carried unanimously, the bid of Eastern Electric Supply Company in the amount of \$79,400.00 for their base bid not subject to escalation for the purchase of four Oil Circuit Breakers for the Peak Shaving Generation project was approved.

Council next gave consideration to a resolution authorizing the condemnation of By-Bon, Inc. property. Mr. Muench stated that the property was located behind the Cargill Plant in the vicinity of River Road and was the tract of land for an electric generation installation.

RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF THE FEE SIMPLE INTEREST OF A TRACT OF LAND FOR AN ELECTRIC GENERATION INSTALLATION IN UPON AND OVER CERTAIN LAND OWNED BY BY-BON, INC. RES. NO. R-1976-4.

Following brief discussion, Mr. Plummer introduced the foregoing resolution and moved its adoption, seconded by Mrs. Beard and carried unanimously. A copy of the foregoing resolution is on file in the Clerk's office in Resolution Book R-1976.

Mr. Muench stated as a matter of information that PWC would hold a public hearing on Wednesday, January 28, 7:30 P.M. in the Alexander Graham Jr. High School on the proposed water and sanitary sewer rate increase in and outside the city.

Mr. Plummer asked Mr. Muench if it was possible for PWC to install brighter intensity street lights along Gillespie Street to replace the present mercury vapor lights with sodium vapor lights from the point where the sodium vapor lights now end to Blount Street. Mr. Muench stated that this could be done.

Mr. Plummer then offered motion that PWC replace the existing mercury vapor lights on Gillespie Street with high pressure sodium vapor lights from the point where the present sodium vapor lights end and extending to Blount Street. Motion seconded by Mrs. Beard and carried unanimously.

Council next gave reconsideration to the removal of the jail equipment from the third floor of City Hall. (This matter was continued from the January 12 meeting) City Manager Smith stated that the recommendation was the removal of the jail cells by Cohen and Green Salvage Company for the materials and at no cost to the city.

Following some discussion, Mr. Satsky offered motion to take no action on this matter at this time. Motion seconded by Mr. Shields.

Following some further discussion, Mr. Plummer offered substitute motion for approval of the foregoing as recommended by the City Manager. Motion seconded by Mr. Dawkins but failed to carry by the following vote: FOR: Mr. Plummer and Mr. Dawkins; AGAINST: Mr. Shields, Mr. Satsky, Mr. George and Mrs. Beard.

Mrs. Finch then called for vote on the original motion to take no action and it carried by the following vote: FOR: Mr. Satsky, Mr. Shields, Mr. George, and Mrs. Beard; AGAINST: Mr. Dawkins and Mr. Plummer.

Council next gave reconsideration to a proposed ordinance amending Chapter 20, "Motor Vehicles and Traffic" of the Fayetteville City Code. This item was continued from the January 12 meeting.

The City Attorney represented this matter and stated this ordinance dealt with the meter collection division of the Finance Dept. and a provision that the meter collection supervisor issue warrants for violations of this section of the code. The City Manager recommended that this item be deferred until a later date and Council agreed to the postponement.

Council next gave consideration to an ordinance revising Section 20-106 of the Schedule #8 of the City Code for speed limit changes on Morganton Road and 401 By-Pass. The City Engineer presented this matter and stated in a memo to the City Manager that the N.C. Dept. of Transportation had submitted a letter stating the requested changes they had received on these roadways. The proposed Morganton Road change would establish the standard 25 m.p.h. school zone that is within a portion of Morganton Road designated 45 m.p.h. The change on U.S. 401 By-Pass is from Cain Road eastwardly to the Seaboard Coastline Railroad reducing the speed limit from 55 m.p.h. to 45 m.p.h. These changes are recommended, the City Engineer stated.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, N.C. SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 8 - SPEED CONTROL-MORGANTON ROAD COVERING THAT PORTION FROM FT. BRAGG ROAD TO THE WESTERN CORPORATE LIMIT. ORD. NO. NS-1976-5.

Following some discussion, Mr. Plummer introduced the foregoing ordinance and moved its adoption as recommended by the City Engineer, motion seconded by Mr. Satisfsky and carried unanimously.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, N.C. SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 8 - SPEED CONTROL-U.S. 401 BY-PASS FROM CAIN ROAD EASTWARDLY TO THE SEABOARD COASTLINE RAILROAD. ORD. NO. NS-1976-6

Mr. Plummer introduced the foregoing ordinance and moved its adoption as recommended by the City Engineer, motion seconded by Mr. Dawkins and carried unanimously. Copies of the foregoing ordinances are on file in the office of the City Clerk in Ordinance Book NS-1976.

Council next gave consideration to a proposed revision to Section 20-106 of Schedule 11 "Parking Prohibited at All Times" on the south side of Ft. Bragg Road for 135 feet east from Olive Road. The City Engineer presented this matter and stated that he had received a letter from Mr. J.J. Rose, a local architect, who pointed out that a very hazardous situation exist at the intersection of Olive and Ft. Bragg Roads at No. 2 Fire station. The City Engineer stated that when turning left out of Olive on to Ft. Bragg Road, it is almost impossible to observe on coming traffic to the right if they are any vehicles parked in the last three parking spaces next to the corner. This situation is aggravated by recent increases in traffic flow in the vicinity, a bus stop directly across from the intersection, trucks and fire trucks which frequently use these spaces and the placement of trash containers directly in the line of site. Mr. Rose suggested the removal of the last three parking spaces on the corner next to the fire station to improve site visibility for a motorist entering Ft. Bragg Road from Olive Road. The City Engineer stated that he was in concurrence with Mr. Rose's suggestion.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, N.C. SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 11- "PARKING PROHIBITED" - FT. BRAGG ROAD THE SOUTH SIDE THEREOF BEGINNING AT THE EASTERN CURB LINE OF OLIVE ROAD EASTWARDLY FOR 135 FEET. ORD. NO. NS-1976.7

Following brief discussion, Mrs. Beard introduced the foregoing ordinance and moved its adoption as recommended by the City Engineer. Motion seconded by Mr. Dawkins and carried unanimously. A copy of the foregoing ordinance is on file in the Clerk's office in Ord. Book NS-1976.

Council next gave consideration to an ordinance amending Chapter 20, Article XI "City Off-Street Parking Lots" of the City Code in reference to the establishing of municipal parking lot #3A.

The City Attorney presented this matter and reminded the Council that this parking lot was created recently by the purchase by the city of an old building (the former Town Pump location) and the subsequent demolition of same. The proposed ordinance creates municipal parking lot #3A on Donaldson Street adjoining municipal parking lot #3. It also amends section 20-132 in that this lot shall not be subject to the regulations as specified in this Article insofar as they relate to rental charges and adds the provision that all parking spaces in lot #3A shall be used as monthly parking spaces in accordance with the section.

AN ORDINANCE AMENDING CHAPTER 20, ARTICLE XI "CITY OFF-STREET PARKING LOTS" OF THE CITY CODE CREATING MUNICIPAL LOT #3A PROVIDED THAT IT NOT BE SUBJECT TO THE REGULATIONS AS THEY RELATE TO RENTAL CHARGES AND DESIGNATING THAT ALL PARKING SPACES IN THIS LOT SHALL BE USED AS MONTHLY PARKING SPACES. ORD. NO. S-1976-6.

Following brief discussion, Mr. Plummer introduced the foregoing ordinance and moved its adoption as recommended, motion seconded by Mr. Dawkins and carried unanimously. A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S-1976.

Council next gave consideration to the designation of a local bank as the co-paying agent for the \$18,000,000.00 Public Works Commission Bond Issue.

The City Manager presented this matter and stated that when bids were received from the local banks desiring to be named co-paying agent they were requested in accordance with the provisions of the bid specifications to provide the following in their bid: (1) the bond paying charge for paying coupon, paying bond, bond destruction, coupon destruction for \$1,000.00 denominations; (2) the same charge for \$5,000.00 denominations; (3) the naming of a New York Bank as co-paying agent;

(4) the annual administrative charge and (5) the date of deposit. The City Manager stated that one additional item had been added and it was a specification added that in order to evaluate all proposals as fairly as possible each bank was requested to make as detail as possible the required date of deposit for payment of maturing principle and interest amounts that is; the number of business days in advance of maturity date. This information was received approximately January 21 and added to the original proposal and the recommendation was that the First Citizens Bank and Trust Company be designated as paying agent and the Chemical Bank of New York be designated as co-paying agent primarily by virtue of the fact that First Citizens Bank does not intend to make any charge for the paying bond, paying coupon, bond destruction and coupon destruction for either the \$1,000.00 or \$5,000.00 denominations whereas all other bids proposed such a charge.

Following brief discussion, Mr. Plummer offered motion to award the bid for the \$18,000,000.00 Public Works Commission bond issue to First Citizens Bank and Trust Company and that they be designated as the paying agent for these bonds and the Chemical Bank designated as co-paying agent. Motion seconded by Mr. George and carried unanimously.

Council next gave consideration to the approval of bids for motorcycles for the Police Dept. The City Manager presented this matter and stated that bids had been received on January 16 for providing two motorcycles for the police dept. Three bids were received and the bid recommended is the low bid submitted by Meridian Motorcycle, Inc. in the amount of \$4,516.00.

Following brief discussion, Mr. Plummer offered motion to award the foregoing motorcycle bid to Meridian Motorcycle, Inc. for their bid of \$4,516.00 as recommended by the City Manager. Motion seconded by Mr. Dawkins and carried unanimously.

Council next gave reconsideration to a proposed supplemental agreement for continuing city bus service.

The City Manager presented this matter and stated that the supplemental agreement provides for the continuation of the agreement under the terms of the original option to purchase agreement dated July 1, 1974 by amending same to provide that the city will continue to pay a monthly amount of \$2,875.00 for the months of February 1976 thru June 1976 and that the city or the bus company may terminate this agreement upon thirty days written notice and that except as specifically modified and amended in this agreement the agreement of July 1, 1974 shall remain in full force and effect.

Following some discussion, Mr. Plummer offered motion for approval of the supplemental agreement as presented and as recommended by the City Manager to run for the period from February thru June 1976. Motion seconded by Mr. George and carried unanimously. A copy of the foregoing supplemental agreement is on file in the City Clerk's office with the original agreement.

The City Manager was requested to contact Mr. Al Wheatley, another local bus company operator, about the practicability of providing supplemental bus service to the city. The City Manager stated that a meeting is now planned with Mr. Wheatley, Mr. Watson and himself concerning this matter within the next day or so and pending the results of the discussion in this meeting, he will report the same to the City Council. This was agreeable with the Council members.

On a report by Mr. Milton Mazarick, Chairman of the Recreation and Parks Advisory Commission, and Mr. Jimmy Tyre, Director of the Recreation Dept., in regards to city use of the Fayetteville State University ballfield, the City Manager stated that a deferment is requested to a later date in order that additional information can be obtained and presented.

Council next considered ordinances prepared by the Inspector of Substandard Housing in the Building Inspector's Dept. to correct and/or demolish substandard structures. Owners had received prior notice of the substandard conditions existing and of the fact that these matters would be presented to Council for action on this date.

Following brief discussion, Mr. Plummer offered motion for adoption of the following ordinances ordering correction of the substandard conditions by demolition of the structures as recommended by the Housing Inspector of the City of Fayetteville. Motion seconded by Mrs. Beard and carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 529 MECHANIC STREET AND OWNED BY MR. CALVIN J. MCDONALD AND WIFE NETTIE B. MCDONALD, "HEIRS" ORD. NO. NS-1976-8.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 619 MECHANIC STREET AND OWNED BY MR. JESSIE MCINTIRE, "HEIRS". ORD. NO NS-1976-9

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 203 JASPER STREET AND OWNED BY MR. LEWIS BRAYBOY. ORD. NO. NS-1976-10.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED 211 JASPER STREET AND OWNED BY MR. RUFUS WASHINGTON. ORD. NO. NS-1976-11

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED 913 WATERLESS STREET AND OWNED BY MR. WILLIE GADDY AND WIFE ELOUISE GADDY. ORD. NO. NS-1976-12.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT LOTS 85,86 and 87 PROVIDENCE STREET AND OWNED BY MR. HAROLD DAVID MCLAMB AND WIFE JOYCE MCLAMB. ORD. NO. NS-1976-13.

Copies of the foregoing ordinance are on file in the office of the City Clerk in Ordinance Book NS-1976.

Council next considered Taxi Cab Driver Permits.

Upon motion by Mr. Plummer, seconded by Mr. Dawkins 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: ALLEN L. BURNETTE, MARIO R. FRANCO, NORIO J. SILLER

Council next considered appointments to various Boards and Commissions. The first appointment considered was to the Board of Appeals to replace Mr. Edward Davis who had resigned. (The replacement would serve the balance of Mr. David's term of office which runs to May 1976.)

Mr. Satisfsky nominated for this position Mr. William S. (Bill) Geimer.

Mr. George then offered motion that nominations be closed and that Mr. Geimer be appointed to the Board of Appeals by acclamation vote to serve the balance of Mr. Edward David's term of office which runs to May 1976. Motion seconded by Mr. Plummer and upon being put to vote carried unanimously.

Next considered was an appointment of a member of the City Council to the City-County Joint Law Enforcement Agencies Committee to replace Mr. Glen Kelly. (This is a Mayor's appointment.)

Mayor Finch then asked Councilman Steve Satisfsky if he would consent to accept this appointment. Mr. Satisfsky stated that he would and there upon Mayor Finch appointed him as Council's representative to the City-County Joint Law Enforcement Agencies Committee to replace the former Councilman Glen Kelly.

No delegations responded to the invitation by Mayor Finch for recognition.

There were no City Manager reports.

MATTERS OF INTEREST TO THE COUNCIL

Mayor Finch informed the Council members that she had received a request from the Bicentennial Committee that all city offices be permitted to close at 1:00 P.M. on Thursday, February 26, 1976 in order to permit all city employees to attend the Bicentennial activities beginning on that day.

Mr. Dawkins offered motion for approval of the foregoing request and that all city offices will be permitted to close at 1:00 P.M. on Thursday, February 26, 1976 to allow city employees to attend bicentennial activities. Motion seconded by Mr. Plummer and carried unanimously.

Council next considered the recent resignation of Chief of Police Hervey Keator.

Mr. Satisfsky offered motion to accept Chief Keator's resignation with regret. Motion seconded by Mr. Dawkins and carried unanimously. (Chief Keator's resignation is effective January 31, 1976)

Council next considered the appointment of an interim Chief of Police.

Following some discussion, Mr. George offered motion that Major Emerson Hall be and the same is hereby appointed Interim Chief of Police until a new Chief of Police is appointed by the City Council. Motion seconded by Mr. Dawkins and carried unanimously.

Mayor Finch then appointed Councilmen George, Dawkins and herself as a screening committee to receive applications for the office of Chief of Police. No final date for the acceptance of such applications was agreed upon. Mrs. Beard asked if the entire Council would be informed fully when all applications are in and ready for consideration and Mayor Finch stated that not only would the full council be informed but it would be a council decision.

Mayor Finch then recognized Fayetteville Observer Reporter, George Frink, who was present in the audience to cover tonight's meeting as he has been doing for approximately two years. Mayor Finch commented on the fact that Mr. Frink had recently resigned his position with the Observer and since his departure date from there will be January 28, tonight will be George's last occasion to cover the City Council meeting. Mayor Finch stated that she wished to take this opportunity for herself and for the other members of this Council and the previous Council for the "bouquets and brick bats" received from Mr. Frink and to wish him all the luck and success in his new endeavor which is to return to his home in Columbus County and join his father in the Pig Raising Industry. Other members of the City Council took this opportunity to echo Mayor Finch's sentiments to Mr. Frink.

Mayor Finch then recognized City Public Relation's Officer Art Adler, who stated that as a matter of information the Council members and those others present in the audience would be interested to know that Mrs. Finch will appear on television station WTVD, Channel 11, on Sunday, February 1 at noon on a public affairs telecast.

Mayor Finch then recognized Councilman J.L. Dawkins and extended a Happy Anniversary to him and Mrs. Dawkins from herself and the other members of the Council on this their 18th wedding anniversary.

Mayor Finch then recognized Councilman Plummer on a suggestion that the City Engineer start on a citywide street marker program. Council was in tacit agreement with Mr. Plummer's suggestion.

Mr. Satisfsky, quoting from a memorandum to the Council from the City Attorney, stated that Superior Court Judge Donald Smith held that section 5-15 of the Fayetteville City Code (prohibiting the sale of beer or wine on other than the ground floor except in motels or grade A restaurants) invalid. The court ruled N.C. GS 18A barred the city from regulating wine or beer sales but also held if in fact the city did process such authority the ordinance was invalid because it was in violation of the 5th and 14th amendments to the U.S. constitution and article 1, section 19 of the N.C. constitution. The City Council may appeal the ruling if it gives notice of appeal on or before February 1, 1976. Mr. Satisfsky stated that the City Attorney recommended against appeal.

City Attorney Clark was asked for comments and he stated that he was in agreement with the decision and recommended that Council not appeal it and repeal the ordinance from the city's books.

Mrs. Beard stated that she was in disagreement with the decision and that in her opinion it was not in the best interest of the city and especially disadvantageous to the Police Dept. who is charged with enforcing the law. She stated that she was particularly concerned about the welfare of the police officers.

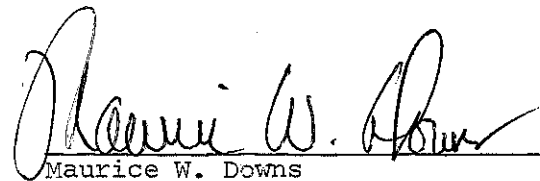
Following some further discussion, Mr. Satisfsky offered motion to follow recommendation of the City Attorney and adopt an ordinance repealing section 5-15 from the City Code. Motion seconded by Mr. Plummer and carried by the following vote: FOR: Mr. Satisfsky, Mr. Shields, Mr. George, Mr. Plummer and Mr. Dawkins: AGAINST: Mrs. Beard.

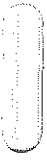
AN ORDINANCE OF THE CITY COUNCIL REPEALING SECTION 5-15 - BEER AND WINE - SALES LIMITED TO GROUND OR STREET FLOOR. ORD. NO. S-1976-7

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S-1976.

Mrs. Beard then offered motion to enforce the ordinance regarding the removal of shaded glass, curtains, boards or panels from the windows of establishments selling beer and wine and require the installation of adequate lighting within such establishments within 30 days. Motion seconded by Mr. Plummer.

Mr. Plummer then offered motion for adjournment. The motion was duly seconded and Mayor Finch declared this meeting adjourned at 10:40 P.M.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
FEBRUARY 9, 1976
8:00 P.M.

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Gene Plummer, Marion George, Vincent Shields
Steve Satisfsky

Others Present: Mr. Guy Smith, City Manager
Mr. Billy Clark, City Attorney
Mr. Robert H. Butler, PWC
Mr. Ray Muench, PWC

Mayor Finch called the meeting to order and the Rev. Harold Bridges, Walstone Memorial Baptist Church, offered the invocation. Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch recognized Fayetteville Youth Council representatives Charles West, Don Castro and John Sternlicht present in the audience to observe Council proceedings.

Upon motion by Mr. George, seconded by Mr. Shields and carried unanimously, Minutes of the Regular Meeting of January 26, 1976 were approved as submitted by the Clerk.

PUBLIC HEARINGS

A public hearing had been published for this date and hour on the annexation of property located on U.S. 301 (corner of Eastern Blvd. and Gillespie Street) the Hickman property pursuant to the provisions of the "old law" and N.C.G.S. 160-24. The Annexation Review Committee and Planning Board recommended approval. There was no opposition present.

AN ORDINANCE EXTENDING THE CITY LIMITS (HICKMAN PROPERTY-GILLESPIE STREET-CUDE STREET).
ANNEXATION NO. 163.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Satisfsky and carried unanimously.

A public hearing had been published for this date and hour on the proposed annexation of property located on the southeast corner of Cumberland Road and West Hudson Street (the Harmon property) pursuant to 100% sole owner petition and N.C.G.S. 160-31. The Annexation Review Committee and the Planning Board recommended approval. There was no opposition present.

AN ORDINANCE EXTENDING THE CITY LIMITS (HARMON PROPERTY-WEST HUDSON STREET-CAMDEN ROAD)
ANNEXATION NO. 164.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Satisfsky and carried unanimously. Copies of the foregoing ordinances are on file in the City Clerk's Office in Annexation Book NO. 1976.

Public hearings had been published for this date and hour on the Turnpike Road Community Development Program and the Wilmington Road Neighborhood Development Program at the request of the Community Development Commission.

Mr. Ron Hickman, Executive Director of Community Development, was recognized and offered the following information concerning these matters.

The Housing and Community Development Act of 1974 combined several categorized grant programs. Some of these programs are as follows: Urban Renewal, Model Cities and Certain water and sewer projects. These projects have not died, they are now called Community Development. The Dept. of Housing and Urban Development by the use of a formula based on our past activities in Urban Renewal has funded the City of Fayetteville with \$1,444,000.00. In accordance with the purpose of the Community Development Act, the money is to spent to develop viable urban communities including decent housing and a suitable living environment and expanding economic opportunities principally for persons of low and moderate income.

He stated he believed that the governing body and the citizens of Fayetteville can easily document the city's intent to carry out the objectives of the Community Development Act by adopting the Wilmington Road Redevelopment Plan and the Turnpike Road Community Development program. In short, the adoption of the plans will eliminate slum conditions, eliminate conditions detrimental to health, safety and public welfare, conserve the housing in the areas, improve the quality and quantity of community facilities, provide a better arrangement of land uses and reduce the isolation of income groups within communities.

Concerning the Turnpike Road Community Development Program, Mr. Hickman stated it is proposed as a complete redevelopment program that will fulfill the objectives of the Community Development Act. It would involve the removal of blighted and blight, the conservation of our housing stock, the provision of better community facilities and better utilization of land use. The area is generally bounded by the proposed CBD Loop the south side of Ellis and Turnpike Street properties and the right-of-way of the extension of Commerce Street.

Although, this area has been designated as a blighted area by the County-Joint Planning Board, it does process many homes that are standard and are in a category that could be rehabilitated. Those persons or families that would be displaced would be provided the maximum relocation assistance as provided by the acquisition and relocation policies act of 1970. This would include assistance up to \$15,000.00 per owner and up to \$4,000.00 per renter. The proposed reuse of the area is totally residential or residential-oriented reuse (recreation).

Features of the plan include, the removal of several totally delapidated structures, the paving and realignment of several streets, the complete building of two new streets, better water and sewer facilities, a recreation site and the last a multifamily site at the corner of Bransom Street and the extension of Commerce.

This site is being proposed to you tonight as the Housing Site for the Elderly that the Council funded in the 1975-76 Community Development Application. The proposed site contains just over 5 acres and could accomodate at least 100 housing units in a high rise complex and meet the City's Zoning Ordinance requirements.

Concerning the Wilmington Road Neighborhood Development Plan, Mr. Hickman stated that this plan is being presented to the Council and the citizens for adoption as the redevelopment project.

The affected area is the extension of the Wilmington Road Neighborhood Development Program area west of Wilmington Road and to just north of U.S. 301 on Eastern Blvd.

This program will meet all the previously mentioned objectives of the Community Development Act. The Wilmington Road Neighborhood Development Program is different from the Turnpike Road plan due to the fact that blight has a better grasp in this area. This will require the removal of the majority of the structures.

Again in all cases, those persons affected by dislocation will be provided the maximum assistance that the Acquisition and Relocation Policies Act of 1970 allows.

The reuse of the area will be predominately residential with one small area being local business and one small area being presently occupied by a Public Works Commission substation.

Mr. Hickman concluded these remarks by recommending that Council consider the plans favorably and adopt the resolutions approving the plans.

Mayor Finch then recognized Colonel (Retired) Edward DeGutis, who endorsed the Senior Citizens Bransom Street Turnpike Road site as proposed and requested Council's approval. Approximately 10 persons also present were in favor of this plan.

A Mr. Marvin N. Morrison of 1203 Turnpike Road, Charles Smith and Wesley McCoy of the area were recognized in opposition to the plan. Approximately 25 persons were also present and stood in opposition.

The complaint of these persons present was that the plan had not been presented to them by Mr. Hickman except one time and then at their request and that they desired more information before endorsing it.

Mr. Thad Cherry was recognized in favor of the plan.

Following some discussion, Mr. Plummer offered motion to continue this matter to the next meeting on March 8 and meanwhile that Community Development have meetings in the Turnpike Road area to provide additional information to the residents about the program. Motion seconded by Mr. Satsky and carried unanimously.

Council proceeded to discuss the Wilmington Road Neighborhood Development Program which had also been advertised for this date and hour. There was no opposition present and Mr. Hickman requested approval of the plan.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL APPROVING URBAN RENEWAL PLAN AND THE FEASIBILITY OF RELOCATION FOR THE WILMINGTON ROAD NEIGHBORHOOD DEVELOPMENT PROGRAM. RES. NO. R-1976-5

Mr. Plummer introduced the foregoing resolution and moved its adoption, seconded by Mr. Dawkins and carried unanimously. A copy of the resolution is on file in the City Clerk's Office in Resolution Book R-1976.

On public hearings to be set, upon motion by Mr. Satsky, seconded by Mr. Dawkins and carried unanimously, public hearings were set for March 8, 1976 on the following matters:

(A) Consideration of ordering street improvements without a petition on the following streets:

- (1) Turnpike Road from Bransom Street to Commerce Street
- (2) Cain Road from Bragg Blvd. to Pamalee Drive
- (3) Rosehill Road from Ramsey Street to U.S. 401 by the adoption of the following resolution.

PRELIMINARY RESOLUTION REQUIRING THE PAVING WITHOUT A PETITION OF TURNPIKE ROAD, CAIN ROAD AND ROSEHILL ROAD. RES. NO. R-1976-6

(B) Paving Assessments for Olive Road and Temple Avenue

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLLS FOR PAVING AND OTHER IMPROVEMENTS ON OLIVE ROAD AND TEMPLE AVENUE. RES. NO. R-1976-7.

Copies of the foregoing resolutions are on file in the office of the City Clerk in Resolution Book R-1976.

A public hearing was also to have been set on the paving by petition on May Street between Trade Street and Southern Avenue. However, the City Engineer informed Council that the one block of May Street in the petition is solely owned by Mr. J.P. Holland who request approval by Council of his paving the street under his own contract to city specifications and that the city reimburse him after completion of the paving. The City Engineer recommended approval of the request.

Mr. George then offered motion to authorize the paving of May Street and city participation according to its policy. Motion seconded by Mr. Plummer.

Following some further discussion, Mr. George amended his motion that May Street will be paved to a width of 29 feet with city participation in 1/3 of the cost according to the policy. Motion seconded by Mrs. Beard and carried unanimously.

Mayor Finch then called for vote on the main motion as amended and it carried unanimously.

PLANNING BOARD MATTERS

Council gave reconsideration of an amendment to the Feeder Street plan for the City of Fayetteville as continued from the January 26 meeting. Planning Board recommended conditional approval. Planner Mitchell represented this matter and presented a sketch map of the proposed amendment which was the same as was presented before and showed the extension of Cheselka Street to connect to Purdue Drive the change in Alden Street the change in Cardiff Street the deletion of Fordham Drive and the proposal not to realign Bryn Mawr with Marlborough.

Following brief discussion, Mr. Satsky offered motion to adopt the amended Feeder Street Plan as presented and recommended by the Planning Board. Motion seconded by Mr. Dawkins and carried unanimously.

Council next reconsidered Briarwood, Section 10 Subdivision-preliminary and final review located on Village Drive at Bryn Mawr Drive. This matter also continued from the January 26 meeting and Planning Board again recommended conditional approval. Planner Mitchell also presented this matter and stated that approval was recommended in accordance with the memorandum dated January 21 to City Council from the Joint Planning Board. He reminded Council the proposal is to approve this section 10 of Briarwood as originally proposed with no realignment of Bryn Mawr and Marlborough and the subdivision approved as originally requested with no change in the lots.

Following brief discussion, Mr. Dawkins offered motion for approval of Briarwood, Section 10 subdivision preliminary and final review as recommended by the Planning Board. Motion seconded by Mr. Shields and carried unanimously.

PUBLIC WORKS COMMISSION MATTERS

Council recognized Commissioner Robert H. Butler who requested approval of a bid received by PWC for the purchase of three 3,950 pound GVW pickup trucks.

Upon motion by Mr. Satsky, seconded by Mr. George and carried unanimously, the low bid by Patrick Ford, INC. in the amount of \$10,605.00 for the three 3,950 pound GVW pickup trucks for PWC was unanimously approved.

Councilmen Plummer made a request of PWC to relight the Market House for the Bicentennial Celebration inasmuch as the flood lights have been turned off. PWC Manager Muench replied that these lights were a part of the internal electrical system of the Market House and not part of the PWC system and that he was not aware of the reason why they were turned off.

City Manager Smith stated by way of explanation that Mr. Muench was correct, that the flood lights were still on the Market House and were still operable but had been turned off some months ago for electric power conservation purposes. He stated in compliance with Council's request though that they will be turned back on.

Mr. Satsky asked for a report from PWC on the additional high intensity lighting requested for Gillespie Street and PWC Manager Muench stated that the net cost would be approximately \$4,000.00 and stated that new ceramalux lamps would be installed at the least cost.

Council next recognized Dr. Charles Lyons of Fayetteville State University and former Mayor Jackson F. Lee of the Board of Trustees for Fayetteville State, on a request for endorsement of the upcoming State Bond Referendum for the Capital Bond Issue.

Mr. Lee was recognize first and stated that the higher education capital bond issue scheduled to be voted on March 23 in the amount of \$43,267,000.00 included \$4,380,000.00 for a new science building for FSU. He requested Council's endorsement of the issue. Dr. Lyons was also recognized and presented additional information concerning the matter and informed Council that the Cumberland

County Commissioners have already endorsed this issue.

Following brief discussion, Mr. Satisfsky offered motion that the City Council endorse the higher educational capital bond issue to be voted on March 23 as requested by Dr. Lyons and Board Member Lee. Motion seconded by Mr. Plummer and carried unanimously.

Council next gave consideration to an ordinance and report on substandard conditions at 402 Dick Street (the owner had been given a 90 day extension to correct the substandard conditions at the Nov. 10, 1975 meeting). Chief Housing Inspector Maccy stated in a letter to the City Manager that on November 10 Council granted an extension of 90 days to demolish the structure at 402 Dick Street and to have the lot cleared. In compliance with Council's request, the following remark is submitted for information. The dwelling has been demolished but considerable debris has not been removed from the premises.

The City Manager stated that it is the recommendation of the Housing Inspector and himself in view of the fact that considerable debris still remains on the lot that the ordinance be adopted.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE AND ALL DEBRIS PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY AT 402 DICK STREET OWNED BY MR. HAROLD DOUGLAS HOLMES. ORD. NO. NS-1976-14.

Mr. Plummer introduced the foregoing ordinance and moved its adoption ordering the removal of the remaining debris from the lot. Motion seconded by Mr. Satisfsky and carried unanimously. A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book NS-1976.

Council next gave consideration to a proposed contract between the Fayetteville Redevelopment Commission and the City of Fayetteville. Mr. Ron Hickman, Executive Director of the Commission, was recognized and explained that the contract made the following provisions. The Commission has no salaried staff to administer the existing Urban Renewal programs in the city and the city has designated its office of Community Development (Staff) to administer its Community Development program under the housing and Community Development Act of 1974 and the staff will provide those functions related to Urban Renewal activities and the commission wishes to contract with the city for the city's office of Community Development to administer the Urban Renewal programs of the city.

Therefore, the commission designated the office of Community Development as the agency for the commission to administer the programs approved by the commission and outlined the responsibilities of the staff which include overall administration and direction of the program including maintaining the required records and accounting systems, purchase and sale of properties as required, demolition as required, develop an information system which would generate reports to the Commission the City Manager's office, Mayor and Members of the Fayetteville City Council as required. Another provision of this contract, Mr. Hickman stated, was that the city would be reimbursed under this contract for staff services. A copy of the allegation of administrative cost was attached to the proposed contract.

Following brief discussion, Mr. Satisfsky offered motion, seconded by Mr. Dawkins for approval of the foregoing contract as requested by the Fayetteville Redevelopment Commission and that the Mayor and City Clerk be and they hereby are authorized and directed to sign said contract in behalf of the city. Motion carried unanimously. A copy of the contract is on file in the City Clerk's office in the Current contract file.

Council next gave consideration to a proposed increase in Cemetery grave opening and closing fees at the city's Northside Cemetery.

In a memorandum to the City Council from Assistant City Manager William G. Thomas, III, he stated that for the past twenty or more years grave openings and closings at Northside Cemetery have been accomplished for a flat fee of \$18.00 regardless the day of the week.

The City Cemetery Superintendent has requested that the \$18.00 fee at Northside Cemetery be increased to \$20.00. The increase of \$2.00 or approximately 10% is requested to partially offset the rise in the cost of living since the present fee was established in July 1973. The new fee is commensurate with the minimum fees charged in other parts of Cumberland County.

Following brief discussion, Mr. Dawkins offered motion to follow the foregoing recommendation of the Assistant City Manager and increase the grave opening and closing fee at Northside Cemetery from \$18.00 to \$20.00 Motion seconded by Mr. Plummer and carried unanimously.

Council next gave consideration to the award of bids. The City Manager presented these bids and recommended approval as outlined in the memorandums.

Upon motion by Mr. Plummer, seconded by Mr. Dawkins and carried unanimously, the low bid meeting specifications in the amount of \$10,815.34 from Zimmerman Evans, Inc. for sirens for the Civil Preparedness Agency Sirens warning system was approved.

Upon motion by Mr. Plummer, seconded by Mr. Dawkins and carried unanimously, the low bid meeting specifications Miracle Recreation Equipment Company in the amount of \$3,680.00 for bleachers for the Recreation Dept. was approved.

Upon motion by Mrs. Beard, seconded by Mr. Shields and carried unanimously, the low bid meeting specifications of True-Temper of Cleveland, Ohio in the amount of \$11,785.44 for Railroad crossing material for two railroad tracks that of Jasper Street and South Broad Street was approved. (The City Engineer stated that this was a new concept in railroad crossing material consisting of a modular design rubber-like material with an almost indefinite life-time.) He stated that the Seaboard Coastline Railroad has agreed to install the materials but not to participate in the cost.

A brief discussion was then held by the Council concerning the various other railroad crossings in the city which required attention and the City Manager was requested to remind Mayor Finch to write another letter to the Seaboard Coastline Railroad with regard to the McLamb Drive crossing.

Council next gave consideration to the awarding of the contract for street construction work in the Murchison Road Redevelopment Area, Southeast Fayetteville and Beverly Drive. The City Engineer presented this matter and recommended approval of the low bidder meeting specifications Triple A Construction Company for both section one and section two; section one being the redevelopment projects and section two being Beverly Drive for their bid of \$174,423.50 for redevelopment projects and \$24,005.00 for Beverly Drive.

Following brief discussion, Mr. Plummer offered motion for approval of the low bidder Triple A Construction Company on the foregoing matter as recommended by the City Engineer. Motion seconded by Mr. Satsky and carried unanimously.

Council next gave consideration to approval of a request for city participation in new street construction in several subdivisions. The City Manager presented this matter and stated that in a memorandum from the City Engineer the subject being City Participation in Subdivision Streets and a letter from Moorman & Little to the City Manager dated January 19, 1976, that tabulated were the various sections of subdivisions the city is being asked to participate in pursuant to city policy. (1) Green Valley, Section 3, Part 1 - \$997.53; (2) Green Valley, Section 3, Part 2 - \$1,318.17; (3) Green Valley, Section 4, Part 1 - \$1,664.02; (4) Green Valley, Section 4, Part 2 - \$1,344.14; (5) Hillendale West, Section 1 - \$4,669.37; (6) Clairway, Section 5 - \$3,492.17; (7) Broadell Subdivision, Section 2 - \$3,611.03. Work has been completed in the subdivisions and it was recommended that the request be approved.

Following brief discussion, Mr. Plummer offered motion for approval of the payment by the city of the foregoing as recommended, motion seconded by Mr. Shields and carried unanimously.

Council next gave consideration to an ordinance prohibiting parking on both sides of Hull Road, 400 feet south from Ft. Bragg Road. The City Manager presented this matter and stated that the City Engineer has received complaints and has observed congestion with vehicles are parked at this location. Fayetteville Technical Institute generates some high volume of traffic in the early morning and afternoons and parking at this location prohibits the free flow of traffic. We believe the answer is to prohibit parking for 400 feet from the curb line of Ft. Bragg Road.

Following brief discussion, Mr. Shields offered motion for adoption of the ordinance said ordinance to be amended to include a tow away provision to be redrawn by the City Attorney. Motion seconded by Mr. Plummer and carried unanimously.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, N.C. SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE #11 "PARKING PROHIBITED ON HULL ROAD BOTH SIDES BEGINNING AT THE SOUTHERN CURB LINE OF FT. BRAGG ROAD SOUTHWARDLY FOR 400 FEET. ORD. NO. NS-1976-15.

A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book NS-1976.

Council next gave consideration to a resolution establishing street improvement policies for the City of Fayetteville. (These policies were established informally at a conference meeting on January 19)

The City Manager presented this matter and stated that in compliance with Council's request, he had prepared a resolution for Council's consideration establishing the new street improvement policies of the City of Fayetteville and incorporating the provision that changes the policy of the city from that of no participation in street paving to 1/3 participation on all existing streets up to 41 feet in width with property owners participating 2/3 up to 41 feet and that the city pay the difference plus intersections. The resolution also contains the new policy regarding resurfacing of streets with existing asphalt curbs and strip paving of streets.

There was brief discussion of the policy regarding new streets and following brief discussion Mr. George offered motion to continue this matter to the next regular meeting of the Council on March 8 and meanwhile Council will communicate with the City Attorney. Motion seconded by Mr. Shields and carried unanimously.

Council next gave consideration to an ordinance amending Chapter 21 of the City Code entitled "Offenses". The City Attorney presented this matter and stated that the ordinance amends section 21-39 - prostitution - by striking out the existing 21-39 and redefining prostitution and the attendant activities of same. He stated the new ordinance would make it (1) unlawful to transport a person into or without the city limits for such purpose, (2) unlawful to receive any person into a building or motor vehicle, (3) unlawful to provide money or anything of value

for inducing a person to receive another for this purpose, (4) unlawful for a person to be present in a public place for the purpose of inducing, soliciting another for this purpose, (5) definitions and meanings and the like.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 21 "OFFENSES" - PROSTITUTION.
ORD. NO. S-1976-8.

Following brief discussion, Mr. Satsky offered motion that the foregoing ordinance be adopted, seconded by Mrs. Beard and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book S-1976.

Council next considered for information only at this time a request by Mr. Albert E. Williams, Executive Secretary of the Cumberland County Civil Military Commission on Alcoholism and Drug Abuse, for three additional appointments to the commission which would give the commission a more rounded membership and help promote an active posture in the area of law enforcement and the school systems, he stated in a letter to Mayor Finch. The three appointments would be (1) from Law Enforcement representing the Sheriff's office and the city-county bureau of narcotics and one each from the city and county school boards.

Following brief discussion of this request, Mr. Plummer offered motion, seconded by Mr. Dawkins to receive this request for consideration and to ask for clarification of the request from Mr. Williams. Motion carried unanimously.

No delegations responded to the invitation for recognition extended by Mayor Finch.

CITY MANAGER REPORTS

The City Manager stated that he was happy to report to the City Council that the present rating of the City of Fayetteville with Standard and Poors had been raised from A to A+. He stated that the city had held an A rating for approximately the past 20 years. He stated that City Finance George McCarthy had visited the offices of Standard and Poor in New York City recently and provided them with information which resulted in the A+ rating. The City Manager stated that the A+ rating would be worth from 10 to 12½ points on the bond market and would result from \$225 to \$275,000.00 savings to the tax payers of the city. Council expressed pleasure at the city's new rating and extended thanks to City Finance Director George McCarthy for his efforts.

Council then recognized City Attorney Clark who presented a resolution authorizing the sale of \$10,000,000.00 electric bonds series A for the PWC. City Attorney Clark requested Council's consideration and passage of this resolution.

RESOLUTION PROVIDING FOR THE ISSUANCE OF \$10,000,000.00 ELECTRIC BONDS SERIES A. RES. NO. R-1976-8.

Mr. Plummer then introduced the foregoing resolution and moved its adoption, seconded by Mr. Satsky and carried unanimously. A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R-1976.

Council then recognized City Engineer Bob Bennett who displayed maps showing the airport interchange as proposed by the Dept. of Transportation and the interchange as proposed and drawn by himself and Planning Board Director Cliff Strassenburg. City Engineer Bennett stated that he and Planning Director Strassenburg had studied the DOT plan and had made several changes which in their opinion has several greater advantages over the DOT plan and which would make the airport more accessible from the proposed interstate 95 from all directions. He stated that in their opinion their access plan streamlines that proposed by DOT in that it provides access to the airport more easily and with less driving distance involved. The City Engineer also stated that their plan proposes to be a natural link up with an extension of Owen Drive Expressway should it be extended eastwardly to connect with I-95. City Engineer Bennett concluded by stating that the Cumberland County Commissioners had approved and adopted this plan proposed by himself and Planner Strassenburg.

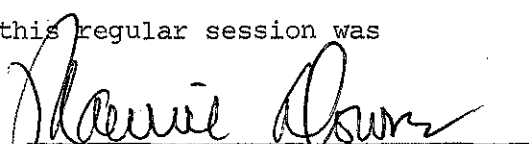
Following brief discussion, Mrs. Beard offered motion for the adoption of a resolution (below) endorsing the airport interchange plan proposed by City Engineer Bennett and Planner Strassenburg and identical with the one adopted by Cumberland County Commissioners and that a copy of this proposed plan be forwarded to DOT. Motion seconded by Mr. Plummer and carried unanimously. (A copy of this plan and map are on file in the City Engineer's Office.) Resolution Title:
RESOLUTION SUPPORTING THE PROPOSED AIRPORT INTERCHANGE ON I-95. Res. No. R1976-8A. A copy is on file in the Clerk's Office in Res. Book R1976.

MATTERS OF INTEREST TO THE CITY COUNCIL

Mr. George offered motion that the Council have a joint meeting with the Civil Service Commission within the next 40 days to discuss several points. Motion seconded by Mr. Satsky and approved without objection.

Mayor Finch reminded the Council members of the Mayor's and City Council School at the Institute of Government in Chapel Hill on February 23, 24, 25 and asked for action concerning the next regular meeting of the Council which occurs on February 23. Mr. Plummer offered motion to delete the February 23 regular meeting in view of the school in Chapel Hill. Motion seconded by Mr. Shields and carried unanimously.

Thereafter, all matter of business having been completed, this regular session was adjourned at 10:30 P.M. upon motion made and duly seconded.


Maurice Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MARCH 8, 1976
8:00 P.M.,

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L.Dawkins, Gene Plummer, Marion George, Vincent Shields, Steve Satisfsky

Others Present: Mr. Guy Smith, City Manager
Mr. William Clark, City Attorney
Mr. Joe Stowe, PWC

Mayor Finch called the meeting to order and Mrs. Louise Peterson of Wesley Heights United Methodist Church, offered the invocation. Mayor Finch then led the assembly in the Pledge of the Allegiance to the Flag.

Mayor Finch then presented Service Award Pins to the following City Employees:

THIRTY YEAR SERVICE

Thurman C. Bishop, Fire Chief, Fire Dept.

TWENTY FIVE YEAR SERVICE

Alfred Autry, Fire Dept.
Hiram Hall, Fire Dept.

TWENTY YEAR SERVICE

John F. Autry, Street Dept.

FIFTEEN YEAR SERVICE

Arch O. Cox, Fire Dept.

TEN YEAR SERVICE

Emory Albritton, Inspection Dept.

FIVE YEAR SERVICE

J. Guy Smith, City Manager

Mayor Finch recognized Fayetteville Youth Council Representatives present in the audience to observe Council proceedings.

Upon motion by Mr. Plummer, seconded by Mr. Satisfsky and carried unanimously, Minutes of the Regular Meeting of February 9, 1976 were approved as submitted by the Clerk.

Council then gave reconsideration to a resolution establishing street improvement policies of the City of Fayetteville. (Policies were established informally at a conference meeting and this matter was continued from the February 9 meeting.)

The City Attorney represented this matter and the City Engineer displayed a street map showing the various classifications of streets and their inter relation to the powell bill funds received by the city from the state.

Following some discussion, Mr. George introduced the following resolution read the street paving-assessment policy for existing city streets only from said resolution and moved its adoption for existing streets only. Motion seconded by Mrs. Beard.

Mr. Plummer offered substitute motion to continue this matter until March 22 and City Manager furnish copies to the City Council. Motion seconded by Mr. Dawkins. Motion failed to carry by the following vote. FOR: MR. Plummer, Mr. Dawkins; AGAINST: Mr. Satisfsky, Mr. Shields, Mr. George and Mrs. Beard. Mayor Finch then called for vote on the original motion and it carried as follows: FOR: Mr. Satisfsky, Mr. Shields, Mr. George and Mrs. Beard; AGAINST: Mr. Plummer, Mr. Dawkins.

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE ESTABLISHING STREET IMPROVEMENT POLICIES OF THE CITY OF FAYETTEVILLE. RES. NO. R-1976-8B.

Following some further discussion, Mr. Satisfsky offered motion for the adoption of Sections 1,3,4 of the street improvement policies covering new streets, resurfacing of city streets with existing asphalt curbs and strip paving of streets respectively. Motion seconded by Mr. George.

Mr. George then offered an amendment to Section 4, item 1, strip paving of streets that following the word drainage the wording "as determined by the City Engineer" be deleted and the following substituted therefor: "in accordance with city standards". Motion seconded by Mrs. Beard and the amendment carried by the following vote: FOR: Mr. Satisfsky, Mr. Shields, Mr. George and Mrs. Beard- AGAINST: Mr. Plummer and Mr. Dawkins. Mrs. Finch then called for vote on the amended motion and it

carried by the following vote: FOR: Mr. Satisfsky, Mr. Shields, Mr. George, Mrs. Beard; AGAINST: Mr. Plummer and Mr. Dawkins. A copy of the resolution appears below.

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE ESTABLISHING
STREET IMPROVEMENT POLICIES OF THE CITY OF FAYETTEVILLE

I. Street Paving-Assessment Policy for Existing City Streets Only:

A. That city neighborhood streets shall generally be paved to a width of 37 feet, provided specially, THAT where right-of-way problems, including physical barriers, cause it to be difficult to secure adequate right-of-way for a 37 foot street or where the present and future traffic demands will not justify paving a street to a width of 37 feet, the City Council may, in its unrestricted discretion, construct and pave a street to a width of 29 feet or less.

B. That the city shall participate in the cost of improving, constructing and paving a 37 or 29 foot street or a street of any width up to and including 37 feet, in the amount of 1/3 of the cost thereof plus the entire cost of intersections, with the ^{remaining} re 2/3 of the cost being divided equally and assessed to benefited abutting property owner or owners on both sides of the street; PROVIDED HOWEVER, that when the city elects to construct a street wider than 37 feet, the benefited abutting property owners on each side of the street shall be assessed their ~~afcsaid~~ share of the cost of paving the street to a width of 37 feet, but not more, and the city shall pay all remaining costs including the full costs of intersections.

C. That street in residential areas shall generally be constructed with rolled curbing, PROVIDED SPECIALLY, that when present or future applicable factors cause it to reasonable appear to the council that vertical curbing will best serve the public interest without constituting a substantial burden on present or future benefited abutting property owners, the City Council may, in its unrestricted discretion, construct vertical curbing.

II. Street Paving-Assessment Policy for New City Streets Only:

A. The abutting or benefiting property owners on each side of new streets shall equally bear the entire expense of the construction to City Standards of streets twenty-nine (29) feet in width from curb to curb and the city assuming the full responsibility of intersections. If the City Council shall authorize a width greater than twenty-nine (29) feet then the city shall bear the expense of street improvements in excess of twenty-nine (29) feet.

III. Resurfacing of City Streets with Existing Asphalt Curb

Paved streets with asphalt curbs will qualify for resurfacing by the city upon determination by the City Council of the following:

1. At least 80% of the linear footage of the asphalt curbs are intact or effective as determined by the City Engineer.
2. The street has adequate subbase and adequate drainage as determined by the City Engineer.

IV. Strip Paving of City Streets

Strip paved streets will qualify for resurfacing by the city upon determination by the City Council of the following:

1. The street has an adequate subbase and adequate drainage in accordance with city standards.
2. Total development has taken place on less than 25% of the abutting property. Development of property is defined as any parcel under the ownership of one company, individual or group of individuals, on which any structure exists or permanent equipment has been installed.
3. The City Council is of the opinion that further development is not likely to take place within seven (7) years.

A copy of the foregoing resolution is also on file in the Clerk's Office in Res. Book R-1976.

Council next gave reconsideration of the rezoning from P2 Professional District to C1 Local Business District or to a higher classification of an area located at 1309 Ft. Bragg Road. This matter had been continued from the December 22, 1975 meeting at which the Planning Board recommended denial. Planning Board also recommended that this matter be continued to the March 22 meeting as this area was being readvertised for hearing at that time.

Mr. Dawkins offered motion, seconded by Mr. Plummer that the foregoing zoning matter be continued to the March 22 meeting. Motion carried unanimously.

Council next gave reconsideration to the Turnpike Road Community Development Program which was continued from the February 9 meeting to this date and hour.

Council recognized Community Development Dept. Director Ron Hickman who stated that he had held two public hearings in the Turnpike Road neighborhood on Feb. 17 and Feb. 19 to explain to the residents and property owners therein the purpose of this program. He again displayed a sketch of the area and of the program planned for the area including the senior citizens high rise complex.

A Mr. Thomas P. Whitmire, a retired Army Chaplain, was recognized in favor of the senior citizens high rise apartments as was Mrs. Louise Saunders and Colonel retired Ed DeGutis.

Mrs. Maggie Brewington, Mr. Marvin Morrison, Mary Mallory, and Maurice Carter, residents or property owners in the area and approximately 100 persons in the audience were recognized in opposition to the plan and to the proposed relocation of citizens out of the area and to the construction of the high rise apartments.

Following a lengthy discussion, Mr. Satsky offered motion that we do not accept the Turnpike Road Community Development Program and that Director Hickman continue to seek a new site for the elderly and if unsuccessful City Council will appoint a commission to assist in this matter. Motion seconded by Mr. George and carried unanimously.

Without objection from Council, Mayor Finch skipped to Agenda item number 8 a matter related to the foregoing matter which was a request by Mr. Kermit R. Branch for his property not to be included in the acquisition of land for a Recreation Park - Community Development Project near Savoy Heights in the Turnpike Road area. (This park was approved in the community development project budget for the fiscal year 1975-1976).

Mr. Hickman displayed a sketch map of the area of the park and Mr. Branch's property and recommended the acquisition of either a 75 foot frontage or a 100 Foot frontage on Weiss Avenue for access to the park.

Mr. Branch was recognized in his own behalf presented a detailed commentary concerning the matter and concluded by stating that he was not willing to sell any of his property for the foregoing purpose.

Following some discussion, Mr. Plummer offered motion that the Branch property be deleted from the Recreation site but that Mr. Branch be approached and requested to indicate his willingness to negotiate for a tip end of his property on Rochester Drive for access to the park. Motion seconded by Mrs. Beard and carried unanimously. Following this action, Mr. Branch indicated to Council that he would be willing to discuss the matter further as to the Rochester Drive access.

A public hearing had been published for this date and hour on the ordering of street improvements (paving curbs and gutters) without a petition on Turnpike Road from Branson Street to Commerce Street, Cain Road from Bragg Blvd. to Pamalee Drive, and Rosehill Road from Ramsey Street to U.S. 401 By-Pass.

Council first considered Turnpike Road. Mayor Finch read a certificate from the Clerk that all property owners had received due and proper notice of this hearing on these three roads.

A Mr. Norman Collins was recognized with a question on the paving of the lower part of Turnpike Road beyond Commerce Street and was informed that this was being considered. There was no opposition present.

FINAL RESOLUTION REQUIRING THE PAVING WITHOUT A PETITION OF TURNPIKE ROAD FROM BRANSON STREET TO COMMERCE STREET. RES. NO. R-1976-9

Mr. Plummer introduced the foregoing resolution and moved its adoption, motion seconded by Mr. Dawkins and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book R-1976.

Council next gave consideration to the improvement of Cain Road (paving and curbs and gutters) from Bragg Blvd. to Pamalee Drive. The City Manager presented this matter and stated that several letters and petitions of objection had been received by the city on this proposed project.

Attorney John Talley was recognized for opposing property owners and presented an additional petition of opposition and a request that the Dept. of Transportation be contacted about this road. City Manager Smith stated that the Dept. of Transportation had been contacted on several occasions and indicated that they would not take Cain Road back into the State Highway System.

A Mr. Jerry Royal, a property owner, was recognized on a question of assessment procedure.

A Mrs. Nancy Bruns, an area property owner, was also recognized in opposition to the proposed project and stated that she agreed with the others that there was no need to four lane Cain Road to be used for commercial traffic and to the detriment of the property in the area.

Following brief discussion, Mrs. Beard offered motion to resurface Cain Road leave it as a two lane travel way and use Powell bill funds for that purpose. Motion seconded by Mr. Shields.

Mr. Plummer offered substitute motion that no action be taken on Cain Road at this time. Motion seconded by Mr. Dawkins. Mr. Satsky requested and received permission to abstain from voting on this matter due to the fact that he was on the Board of Directors of Fayetteville Technical Institute and FTI owned property on Cain Road. Mayor Finch then called for a vote on the substitute motion and it carried as follows: For: Mr. Shields, Mr. George, Mr. Plummer and Mr. Dawkins AGAINST: Mrs. Beard and abstaining Council member Satsky.

Council next considered the improvement of Rosehill Road (paving curbs and gutters) from Ramsey Street to U.S. 401 By-Pass.

The City Manager again presented this matter for Council's consideration.

Attorney Arther L. Lane, representing owners along Rosehill Road was recognized in opposition to this proposed project and presented a petition signed by several property owners opposed.

Attorney Duane Gilliam was also recognized representing Mr. & Mrs. George Henry King and Amy Carter, property owners, in the area in opposition to this project. A letter of opposition had also been received from a Colonel W.W. Cutler, an area property owner.

Following brief discussion, Mr. George offered motion that no action be taken on the improvement of Rosehill Road as proposed at this time. Motion seconded by Mr. Plummer and carried unanimously.

A public hearing had been published for this date and hour on the confirmation of the paving assessment rolls for Olive Road from Ft. Bragg Road to Morganton Road and Temple Avenue from Murchison Road to the western margin of lot 161. Mayor Finch read a certificate from the Clerk that all property owners in the areas had been given due legal notice of this public hearing.

Following brief discussion, Mr. Plummer introduced the following ordinance confirming the assessment roll for Olive Road as presented under the 1/3 - 2/3 policy and moved its adoption. Motion seconded by Mr. Satisfy and carried unanimously.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF OLIVE ROAD FROM FT. BRAGG ROAD TO MORGANTON ROAD. ORD. NO. NS-1976-16.

A copy of the foregoing ordinance is on file in the City Clerk's office in Ord. Book NS-1976.

Council recognized a Mr. John Wright, a property owner, on the end of Temple Avenue who stated that since the paving had been completed pipe and other debris had been left on his property by the city's contractor and that due to improper drainage storm run off water was backing up on to his lot.

Following brief discussion, Mr. George offered motion to continue the hearing on the Temple Avenue assessment until later this week in order that Mr. Wright's complaint and lots could be checked by city administration and all debris removed and the work completed. Motion seconded by Mr. Shields and carried unanimously.

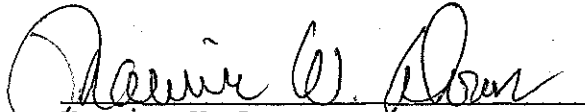
On the setting of several public hearings, Mr. George offered motion, seconded by Mr. Dawkins and carried unanimously that twenty public hearings be set on annexation, rezoning, sidewalk extension, Mass Transit Grant Application and Community Development Application for March 22, 24 and April 12 respectively as shown on the agenda.

The public hearing on item 4R on the agenda the extension of a sidewalk along Jasper Street abutting the property of Evelyn Durham pursuant to sole owner petition was set by the adoption of the following resolution.

PRELIMINARY RESOLUTION REQUIRING THE LAYING OF SIDEWALKS PURSUANT TO PETITION ON JASPER STREET-SEABROOK ROAD FROM THE END OF EXISTING SIDEWALK NORTH AND WESTWARDLY ALONG JASPER STREET TO THE WESTERN PROPERTY LINE OF LOT 9, BLOCK B, PLAT BOOK 22, PAGE 16. RES. NO. R-1976-10.

A copy of the foregoing resolution is on file in the office of the City Clerk in Res. Book R-1976.

Mayor Finch then stated that due to the lateness of the hour, Council may wish to adjourn this meeting until a later time to consider the balance of the agenda items which as she noted were considerable and Mr. Plummer offered motion that this meeting be and the same is hereby adjourned and recessed at 11:30 P.M. and continued to 3:00 P.M. tomorrow, Tuesday, March 9, 1976 in the Council Chamber in the City Hall. Motion seconded by Mr. George and carried unanimously and Mayor Finch declared this meeting adjourned and continued until the aforementioned date and hour.


Maurice W. Downs
City Clerk

ADJOURNED MEETING
CITY HALL COUNCIL CHAMBER
TUESDAY, MARCH 9, 1976
3:00 P. M.

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Gene Plummer, Marion George, Vincent Shields, Steve Satisfsky

Others Present: Mr. Guy Smith, City Manager
Mr. Billy Clark, City Attorney
Mr. Ray Muench, PWC

Mayor Finch called this adjourned meeting to order to continue with the business originally set for March 8, 1976.

PLANNING BOARD MATTERS

Council considered Cedar Woods Gas Station Commercial Area - ClP Revision review located at the intersection of Treetop Drive and Ramsey Street. Planning Board recommended conditional approval with only the northern most drive allowed off Ramsey Street and without an additional driveway.

Attorney Rudolph Singleton was recognized for the developer and requested the additional driveway on Ramsey Street.

Following some discussion, Mr. Plummer offered motion for approval of the foregoing and allowing the second driveway on Ramsey Street, motion seconded by Mr. Dawkins and carried unanimously.

Upon motion by Mr. Plummer, seconded by Mrs. Beard and carried unanimously, approval was given to Lake in the Pines - preliminary and final group development review located on Rosehill Road as recommended conditionally by the Planning Board.

Upon motion by Mr. Dawkins, seconded by Mrs. Beard and carried Mr. Plummer voting against, conditional approval was given as recommended by the Planning Board to Hill's Commercial Area preliminary ClP review located on U.S. 401 north beyond Cedar Falls Road.

Upon motion by Mr. Satisfsky, seconded by Mr. George and carried unanimously, conditional approval was given as recommended by the Planning Board to ClP addition review - Fayetteville Mall Shopping Center Cardinal Theater located on Raeferd Road. (This was an addition to the present theater building.)

Council heard recommendation for conditional approval by Public Works Commission and Planning Board to a request for water and sanitary sewer extensions to serve eleven (11) lots in Evergreen South Subdivision. Mr. J.W. Pate was recognized for the petitioner.

Following brief discussion, Mr. Plummer offered motion for approval of the foregoing as recommended by the Planning Board, motion seconded by Mr. Dawkins and carried unanimously.

On a final planning board matter, Mr. Plummer offered motion, seconded by Mrs. Beard and carried unanimously to follow the recommendation of the Planning Board and PWC and give conditional approval to a request for approximately 1800 feet of water main to serve Breezewood Acres Subdivision, Section IV.

PUBLIC WORKS COMMISSION MATTERS

Council recognized Mr. Joe Stowe for PWC. Council heard recommendation from PWC for approval of the low qualified bid submitted by Pittsburgh-Des Moines Steel Company in the amount of \$108,300.00 for the construction of two fuel storage tanks for the peak shaving electric generation project. Mr. Stowe explained the low bid did not meet specifications.

Mrs. Beard offered motion to accept the foregoing low qualified bid as recommended by PWC, motion seconded by Mr. Plummer and carried unanimously.

Council recognized a Mrs. Betty Mainor from area B in southeast Fayetteville representing citizens from East Collier Drive, Greer Avenue and New Bern Street on a request for drainage in their area due to vermin, mosquitoes and odor. PWC Manager Ray Muench informed Council that this area can be served sanitary sewer either by petition from the property owners or by order of the City Council.

Following some discussion of this matter, Mr. George suggested that water and sanitary sewer be extended into Southeast Fayetteville and Mr. Muench suggested that the city Attorney draw the necessary resolutions to initiate the procedures. This matter was to be discussed again at the March 22 meeting.

Council next gave consideration of the approval of the Community Development proposed budget for the fiscal year 1976-1977. (Tentative approval was given by the Community Development Agency at a conference meeting held on February 19, 1976.) Mr. Hickman presented the budget and gave Council details. Mr. Hickman pointed out that one change had been made in the budget presented

from February 19 and the one presented today for approval and that was program area 3 the Turnpike Road Redevelopment plan which Council had disapproved on March 8 in the amount of \$411,828.00. Mr. Hickman pointed out that these funds had been included in the new budget in program area 1 Massey Hill Redevelopment plan which now reflects the increased amount of \$379,786.00. The total proposed program amounts to \$1,444,000.00. Mr. Hickman stated the total proposed program for 1976-1977 was as follows: Program Area 1 Massey Hill Redevelopment Plan - \$379,786.00; Program Area 2 Wilmington Road NDP \$570,508.00; Program Area 3 Housing Site for the elderly \$126,782.00; Program Area 4 Land Acquisition-Urban Renewal \$268,000.00; Program Area 5 Administrative Budget \$140,924.00.

Following a lengthy discussion, Mr. Plummer offered motion for approval of the Community Development Budget for 1976-1977 as presented. Motion seconded by Mr. Dawkins and carried unanimously.

There was some further discussion of the Turnpike Road Community Development program and specifically of the extension of Broadfoot Avenue into Commerce and of the possible necessity of relocating some residential structures to accomplish this. The City Engineer was asked if the proposed location of Broadfoot Avenue extension could be altered so as not to disturb any residential structures, the City Engineer replied that this was a possibility.

Following some further discussion, Mr. George offered motion that no further action be taken on Commerce Street until alternations have been brought back to and approved by City Council. Motion seconded by Mr. Shields and carried unanimously.

Council next gave consideration to a resolution executing the State Aid to Airports Grant Agreement which would provide funds in the amount of \$1,515.00 to install security fencing in the airport terminal area with two automatic gates.

Council recognized Airport Manager Earl Dennis who presented this matter and stated that the Airport Commission requests approval of this formal application to the Dept. of Transportation for State financial aid for airport development and improvement.

Following some discussion of the request, Mr. Plummer introduced the following resolution authorizing the filing of the application and authorizing and directing the Mayor and City Clerk to execute the contract as recommended by the Airport Commission. Motion seconded by Mr. Shields and carried unanimously.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL AUTHORIZING THE FORMAL APPLICATION TO THE DEPT. OF TRANSPORTATION FOR STATE FINANCIAL AID FOR AIRPORT DEVELOPMENT AND IMPROVEMENT. RES. NO. R-1976-11.

A copy of the foregoing resolution is on file in the office of the City Clerk in Res. Book R-1976.

Council next gave consideration of two bids received by the Airport Commission. The first was the award of bids for Airport insurance and Mr. Dennis stated that bids had been received and the Airport Commission recommends that Robertson Ellis & Callahan be awarded the insurance contract for a three year period in the amount of \$4,156.00 annually less any dividends.

Following brief discussion, Mrs. Beard offered motion, seconded by Mr. Shields to follow the foregoing recommendation of the Airport Commission and award the insurance contract to Robertson Ellis & Callahan for their bid of \$4,156.00. Motion carried unanimously.

The second bid was for testing and evaluation of existing pavement and extension of Runway 3-21 and Mr. Dennis stated that Talbot Cox & Associates and Soils and Materials Engineers be awarded the contracts in the total amount of \$4,725.00. He stated further this is the first step in determining the pavement length and strength required to accommodate air line service for longer stage length and larger air craft to improve the air line service to the Fayetteville Municipal Airport.

Following brief discussion, Mr. Plummer offered motion to follow the foregoing recommendation of the Airport Commission and award the bid to Talbot Cox & Associates and Soils and Materials Engineers for their bid of \$4,725.00. Motion seconded by Mr. Dawkins and carried Mr. Satisfsky voting no.

Council next considered the award of a bid for lighting systems at Glenville and Woodrow Street Parks.

Upon motion by Mr. Plummer, seconded by Mr. Satisfsky and carried unanimously bid for the foregoing was awarded to low bidder F&P Electric for both projects for \$12,835.00 for Glenville Park and \$3,375.68 for Woodrow Street Park as recommended by the Assistant City Manager William G. Thomas, III.

On another bid item the City Manager stated that bids had been received for a storm water pump in southeast Fayetteville's Drainage System. The low bidder was Georgia Supply Company for a bid of \$28,225.00 and was the bid recommended. Mr. Satisfsky moved for approval of the low bidder as recommended, seconded by Mr. Shields and carried unanimously.

Council next gave consideration to the execution of an agreement with the North Carolina Dept. of Transportation which would obligate the city to pay 10% of all costs in the upgrading of railroad crossings signals at four locations in the city these locations being Moore Street, Cumberland Street, Maiden Lane near Ray Avenue and Hay Street. The City Manager presented this matter and stated that the Federal Highway Administration has a project to upgrade signals at

street and highway railroad crossings if the crossings meet certain conditions. North Carolina Dept. of Transportation administers this project and the city has become eligible for four improvements for signals only, no surface improvements are eligible. The formula used being based on past accidents and the potential for accidents and the condition of existing signals.

North Carolina Dept. of Transportation will ask the city to execute an agreement which obligates the city to pay ten percent of all costs. The estimated total cost of all four locations is \$120,000.00 and the city would be expected to pay approximately \$12,000.00. Also, under the agreement the city would pay 50% of maintenance costs to the railroad. This maintenance cost is unknown at present but we do not believe it will be significant. The City Manager recommended the city enter into this agreement.

Following brief discussion, Mr. Satsky offered motion that the city enter into the foregoing agreement with N.C. D.O.T. and that the Mayor and Clerk are hereby authorized and directed to execute said agreement for the city. Motion seconded by Mr. George and carried unanimously.

Council next gave consideration to a request by Broadwell Construction Company for city participation in the cost of construction of five new subdivision streets according to policy. The City Engineer stated the streets are as follows: (1) Scotty Hills, Section 2 - \$601.74; (2) Clairway, Section 3 - \$654.19; (3) Clairway, Section 4 - \$506.53; (4) Briarwood Hills, Section 7 - \$4,014.08; (5) Briarwood Hills, Section 8, Part I - \$2,512.76 a total of \$8,289.30. The City Engineer stated that construction of these streets is now complete and Mr. Broadwell's request is pursuant to existing city participation policy and approval is recommended.

Mr. Plummer offered motion for approval of participation by the city and the cost of construction of the foregoing streets in the amount of \$8,289.30 as recommended by the City Engineer. Motion seconded by Mr. Dawkins and carried unanimously.

Council next considered the passage of several ordinances which would amend the city code.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, N.C. AMENDING CHAPTER 20 "MOTOR VEHICLES AND TRAFFIC" TOWING AWAY AND STORAGE OF VEHICLES PARKED IN VIOLATION OF THIS ARTICLE. ORD. NO. S-1976-9

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Dawkins and carried unanimously.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, N.C. AMENDING CHAPTER 20 "MOTOR VEHICLES AND TRAFFIC" PENALTY FOR STOPPING OR PARKING IN "NO PARKING" "PARKING PROHIBITED" OR "RESTRICTED PARKING" AREAS. ORD. NO. S-1976-10.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, motion seconded by Mr. Dawkins and carried unanimously.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, N.C. AMENDING CHAPTER 14 of the CITY CODE "GARBAGE, TRASH AND WEEDS". ORD. NO. S-1976-11.

Following brief discussion, Mr. Plummer offered motion that Section 14-10.1 (a) (2) be amended to read from 36 inches to 24 inches. Motion seconded by Mr. Dawkins and carried Mr. George voting no.

Mr. Plummer then moved for adoption of the ordinance as amended. Motion seconded by Mr. Satsky and carried unanimously.

Copies of all of the foregoing ordinances are on file in the office of the City Clerk in Ord. Book S-1976.

Council next gave consideration to a proposed ordinance requiring the building inspector to correct conditions on property located at 123 Hinsdale Avenue owned by Mr. Roland L. Kelly, Jr.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. ORD. NO. NS-1976-17.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Beard and carried unanimously. A copy of the foregoing ordinance is on file in the Clerk's office in Ord. Book NS-1976.

Council next gave consideration to proposed ordinances effecting liens against the real property for the demolition cost incurred:

AN ORDINANCE OF THE CITY COUNCIL ASSESSING A LIEN IN THE AMOUNT OF \$300.00 AGAINST PROPERTY LOCATED AT 1804 NEWARK AVENUE OWNED BY DR. G.W. ALLEN AND WIFE PURSUANT TO THE DWELLINGS AND BUILDINGS CODE OF THE CITY. ORD. NO. NS-1976-18.

AN ORDINANCE OF THE CITY COUNCIL ASSESSING A LIEN IN THE AMOUNT OF \$375.00 AGAINST PROPERTY LOCATED AT 1806 NEWARK STREET OWNED BY DR. G.W. ALLEN AND WIFE PURSUANT TO THE DWELLINGS AND BUILDINGS CODE OF THE CITY. ORD. NO. NS-1976-19.

AN ORDINANCE OF THE CITY COUNCIL ASSESSING A LIEN IN THE AMOUNT OF \$275.00 AGAINST PROPERTY LOCATED AT 1808 NEWARK STREET OWNED BY DR. G.W. ALLEN AND WIFE PURSUANT TO THE DWELLINGS AND BUILDINGS CODE OF THE CITY. ORD. NO. NS-1976-20.

AN ORDINANCE OF THE CITY COUNCIL ASSESSING A LIEN IN THE AMOUNT OF \$150.00 AGAINST PROPERTY LOCATED AT 904 EAST COLLIER DRIVE OWNED BY MRS. LILLIAN TAYLOR "HEIRS" PURSUANT TO THE DWELLINGS AND BUILDINGS CODE OF THE CITY. ORD. NO. NS-1976-21

AN ORDINANCE OF THE CITY COUNCIL ASSESSING A LIEN IN THE AMOUNT OF \$100.00 AGAINST PROPERTY LOCATED AT 906 EAST COLLIER DRIVE OWNED BY MRS. CLAUDIA BELL "HEIRS" PURSUANT TO THE DWELLINGS AND BUILDINGS CODE OF THE CITY. ORD. NO. NS-1976-22.

AN ORDINANCE OF THE CITY COUNCIL ASSESSING A LIEN IN THE AMOUNT OF \$100.00 AGAINST PROPERTY LOCATED AT 9 WEST COLLIER DRIVE OWNED BY MISS JENNIE BUTLER PURSUANT TO THE DWELLINGS AND BUILDINGS CODE OF THE CITY. ORD. NO. NS-1976-23.

AN ORDINANCE OF THE CITY COUNCIL ASSESSING A LIEN IN THE AMOUNT OF \$100.00 AGAINST PROPERTY LOCATED AT 612 GREER AVENUE OWNED BY MRS. ARMETTA GILMORE "HEIRS" PURSUANT TO THE DWELLINGS AND BUILDINGS CODE OF THE CITY. ORD. NO. NS-1976-24.

AN ORDINANCE OF THE CITY COUNCIL ASSESSING A LIEN IN THE AMOUNT OF \$200.00 AGAINST PROPERTY LOCATED AT 522 DURHAM STREET OWNED BY MR. BONNIE MELVIN AND WIFE PURSUANT TO THE DWELLINGS AND BUILDINGS CODE OF THE CITY. ORD. NO. NS-1976-25.

AN ORDINANCE OF THE CITY COUNCIL ASSESSING A LIEN IN THE AMOUNT OF \$300.00 AGAINST PROPERTY LOCATED AT 432 GREENSBORO STREET OWNED BY MR. BOYD HARRIS AND WIFE PURSUANT TO THE DWELLINGS AND BUILDINGS CODE OF THE CITY. ORD. NO. NS-1976-26.

Mr. Plummer introduced the foregoing 9 ordinances and moved their adoption at 5:45 P.M. motion seconded by Mr. Satisfsky and carried unanimously. Copies of the foregoing 9 ordinances are on file in the office of the City Clerk in Ord. Book NS-1976.

Council recognized a Mr. Curtis Ridgen on a request that Cross Street, a narrow unpaved street, located at end of West Oak Street be accepted by city for maintenance. Mr. Ridgen stated that he had been before the prior Council with this same request for some relief due to the fact that during periods of heavy rainfall the south end of the street becomes a virtual mud hole. Mr. Ridgen stated that he owned both tracts of land abutting the street on the west side and that he was willing to give right-of-way to widen the street to 29 feet but that one property owner on the east side refuses to give any right-of-way and the other property owner on the east side does not have the right-of-way to give. Mr. Ridgen requested the Council to give him whatever relief it could afford. The City Manager stated that the street dept. is now and has been maintaining the street for a number of years but it is not a dedicated accepted city street. The City Manager informed Council that although he was sympathetic to Mr. Ridgen's problem, the particular circumstances surrounding this street made it virtually impossible for the city to do anything more than it is now doing.

Following some brief discussion, Mr. Plummer offered motion that no action be taken on Mr. Ridgen's request. Motion seconded by Mr. Dawkins and carried by the following vote: FOR: Mr. Shields, Mr. George, Mr. Plummer and Mr. Dawkins; AGAINST: Mr. Satisfsky and Mrs. Beard.

Council next considered taxi driver permits. The City Manager presented this matter.

Upon motion by Mr. Plummer, seconded by Mr. Dawkins and carried unanimously, taxi cab driver permits were approved for the following named as recommended by the Taxi Cab Inspector, Acting Chief of Police and City Manager: JAMES EDWARD FISHER, WILLIAM EDWIN CAMPBELL, JR., SUNDAY BARNES, JAMES COLEMAN MCLEAN.

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

No delegations responded to the invitation by Mayor Finch for recognition.

CITY MANAGER REPORTS

The City Manager stated several candidates had been certified by the Civil Service Commission for appointment to the Police Dept. pending satisfactory completion of their physical exams.

Upon motion by Mr. Plummer, seconded by Mr. Shields and carried unanimously, the following named were appointed to the Police Dept. as certified by the Civil Service Commission and as recommended by the Acting Chief of Police and City Manager: VERA L. BELL, CATHERINE H. PETTI, GARLAND A. BULLOCK, WAYNE L. ALSUP, JAMESENA BROWN, ANGELITA M. MARABLE, JACK J. LAURIE, VERNON HARRELL, RICHARD PORTER, ROBERT PAIT, GARY BAIN, ROGER NEWMAN, HAROLD YONTS, JR., LARRY WILLIAMS, KENNETH MCDANIEL.

The City Manager reported the resignation of the following named from the Police Dept.: MATTHEW KRUKOWSKI. Council noted the resignation.

The City Manager reported that the Junior Service League requests a free license to hold a rummage sale to be held on two weekends in April in the downtown area.

Following brief discussion, Mrs. Beard offered motion to approve the foregoing request. Motion seconded by Mr. Dawkins and carried unanimously.

The City Manager informed Council that he was in receipt of a resolution from a group identifying themselves as the Friends of the Bridge. The resolution stated that this group

believes there is a need to join the eastern part of the county with the western part north of Fayetteville and a hardship is being created due to the lack of a bridge between the City of Fayetteville and the Town of Linden. They requested that Council endorse their efforts to get such a bridge constructed. The resolution was signed by John Kinlaw, Jack Hill and 200 others.

RESOLUTION REQUESTING THE NORTH CAROLINA DEPT. OF TRANSPORTATION TO CONSTRUCT A BRIDGE BETWEEN THE CITY OF FAYETTEVILLE AND THE TOWN OF LINDEN. RES. NO. R-1976-12.

Following brief discussion, Mr. Plummer offered motion for the adoption of the foregoing resolution in conjunction with the Board of Commissioners for Cumberland County. Motion seconded by Mr. Dawkins and carried unanimously.

The City Manager informed Council that the Civil Service Commission was requesting a Joint Meeting with the Council and a tentative meeting date was set for 7:30 P.M., Monday, March 29, 1976 in the Council Room in the Kyle House.

Council recognized City Attorney Clark on a proposed ordinance amending the code dealing with vehicle license plates. Attorney Clark informed Council that the proposed ordinance set forth the manner in which a city vehicle license plate is to be displayed and the display of such after expiration is prohibited. The ordinance provides for license plate to be attached to the front or rear bumper of a vehicle.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, N.C. AMENDING CHAPTER 20 "MOTOR VEHICLES AND TRAFFIC" VEHICLE LICENSE PLATE-TO BE DISPLAYED - DISPLAY AFTER EXPIRATION PROHIBITED. ORD. NO. S-1976-12.

Following brief discussion, Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Satsky and carried unanimously. A copy of the foregoing ordinance is on file in the City Clerk's office in Ord. Book S-1976.

MATTERS OF INTEREST TO THE CITY COUNCIL

Mr. George informed Council that an unsightly open ditch now existed at the end of Jasper Street and Topeka Street but that this situation may be corrected in the near future by the submission of a petition for paving. Mr. George distributed photographs to the Council Members for their information.

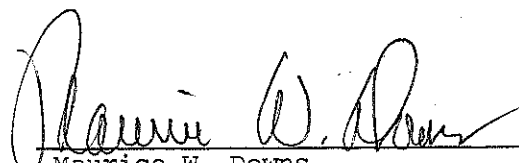
Mayor Finch reminded Council Members of the Oscar P. Breece Bridge dedication ceremony to be held at 11:00 tomorrow morning, Wednesday, March 10 and of the luncheon for Council members to be held afterward.

Council again considered the confirmation of the assessment roll for the paving and improvement of Temple Avenue from Murchison Road to the western lot line of lot 160. This public hearing had been advertised for March 8 and continued over until this time pending city administration's check of an allegation by property owner John Wright that debris from this paving had been left on his property and storm water draining on to his lot. The City Manager reported that Mr. Wright's complaint had been checked out and everything found to be in order and that Council may proceed if it desires with the confirmation of the assessment roll at this time.

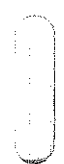
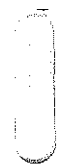
AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF TEMPLE AVENUE FROM MURCHISON ROAD TO THE WESTERN LOT LINE OF LOT 160. ord. no. NS-1976-27.

Following brief discussion, Mr. Plummer introduced the foregoing ordinance confirming the assessment roll for Temple Avenue and moved its adoption at 6:12 P.M. Motion seconded by Mr. Dawkins and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book NS-1976.

Thereafter, all matters of business having been completed, this meeting was adjourned at 6:15 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

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REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MARCH 22, 1976
8:00 P.M.

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Gene Plummer, Marion George, Vincent Shields, Steve Satsky

Others Present: Mr. Guy Smith, City Manager
Mr. Billy Clark, City Attorney
Mr. Joe Stowe, PWC

Mayor Finch called the meeting to order and the invocation was offered by Mrs. Kay Bundy, Haymount United Methodist Church. Mayor Finch led the assembly in the Pledge of the Allegiance to the Flag.

Mayor Finch recognized members of the Fayetteville Youth Council present in the audience to observe Council proceedings.

Upon motion by Mr. Satsky, seconded by Mr. Plummer and carried unanimously, Minutes of the Regular Meeting of March 8 and the adjourned meeting of March 9 of the City Council were approved as submitted by the Clerk.

Council reconsidered the rezoning from P2 Professional District to C1 Local Business District or to a higher classification of an area located at 1309 Ft. Bragg Road. Planning Board recommended denial. (This item continued from December 22, 1975 meeting and March 8, 1976 meetings and prior meetings.) Planner Mitchell informed Council that the petitioner had amended his petition from C1 to C1A on this matter and a public hearing was no longer necessary. The amended petition would be the next item presented. Council then proceeded to hear the amended petition next.

A public hearing had been published for this date and hour on the rezoning from P2 Professional District to C1A Commercial District or to a more restrictive zoning classification of an area located at 1309 Ft. Bragg Road. Planning Board recommended denial.

Dr. Lawrence Paschal, the petitioner, was recognized and requested permission to withdraw his petition for this rezoning.

Following brief discussion, Mr. Plummer offered motion, seconded by Mr. George to accept the foregoing withdrawal by the petitioner.

Mr. Mason Hicks, a resident property owner at 1415 Summit Avenue, was recognized and requested Council vote to deny this petitioned rezoning as recommended by the Planning Board inasmuch as the petitioner could return at a later date with another petition for rezoning. The City Attorney ruled that the petitioner could do this and in response to question from Mayor Finch, Dr. Paschal stated that it was his intention to do this but not right away.

Following some brief discussion, Mayor Finch called for vote on the motion to accept withdrawal and it carried unanimously.

A public hearing had been published for this date and hour on the rezoning from R6 Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located on the west side of Ramsey Street between Circle Court and Northwest Avenue. Planning Board recommended denial. There was no opposition present.

Following brief discussion, Mr. Satsky offered motion, seconded by Mr. Plummer to follow the recommendation of the Planning Board and deny this requested rezoning. Motion carried unanimously.

A public hearing had been published for this date and hour on the rezoning from R5 Residential District to M2 Heavy Industrial District or to a more restrictive zoning classification of an area located on the south side of Weiss Street at the corner of Commerce and Weiss Streets. Planning Board recommended denial.

A Mr. John D. McKinnon, Mary Tennell, Francis Porter and Louise Hill and approximately 75 other persons present in the audience were recognized in opposition to this proposed rezoning.

Following brief discussion, Mr. George offered motion to follow the recommendation of the Planning Board and deny this proposed rezoning. Motion seconded by Mr. Dawkins and carried unanimously.

A public hearing had been ordered published for this date and hour on the annexation of the Manna Church Property located on the corner of Cliffdale Road and Glensford Drive pursuant to G.S. 160A-31. The Annexation Technical Review Committee recommended approval.

Attorney Richard Lewis was recognized, representing the Church, sole petitioner for the annexation, and stated that if the area is annexed the church plans to sell one-half acre on the western side of the tract to a 7-11 Store.

A Rev. Douglas Davis, representing the Berean Baptist Church and Christian School, and approximately 35 persons present opposed to the annexation due to the sale of beer and wine

and objectionable literature by the 7-11 store if the property is annexed. A Mr. J.D. Brown was also recognized in opposition. The question of initial zoning of this area was then discussed and Planner Mitchell, in response to question, stated that the Planning Board when considering initial zoning would recommend to Council the zoning desired by the residents of the area and according to best zoning practices.

Attorney Lewis was again recognized and stated he was of the opinion that initial zoning would follow the present County zoning and following a brief conference with his client requested annexation of the area as petitioned.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE THE MANNA CHURCH PROPERTY. ANNEX. #165.

Following brief discussion, Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Dawkins and carried Mrs. Beard voting against.

A public hearing had been published for this date and hour on the proposed annexation of the England property located at 869 Stoneykirk Drive pursuant to G.S. 160A-31. The Annexation Technical Review Committee recommended approval. There was no opposition present.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE PROPERTY AT 869 STONEYKIRK DRIVE. ANNEX. #166.

Following brief discussion, Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Shields and carried unanimously.

A public hearing had been published for this date and hour on the proposed annexation of the Bethune Property located at 602 Law Road pursuant to G.S. 160A-31. The Annexation Technical Review Committee recommended approval. There was no opposition present.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE PROPERTY AT 602 LAW ROAD. ANNEX. #167.

Following brief discussion, Mr. Dawkins 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 proposed annexation of the Hutchinson property located at 1076 Powell Street pursuant to G.S. 160A-31. The Annexation Technical Review Committee recommended approval. There was no opposition present.

A N ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE PROPERTY LOCATED AT 1076 POWELL STREET. ANNEX. #168.

Following brief discussion, Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Satsky and carried unanimously.

A public hearing had been ordered published for this date and hour on the proposed annexation of the Darden property located adjacent to the existing satellite annexation of the Jack Hill property on U.S. 401 North pursuant to G.S. 160A-58 et. seq. The Annexation Technical Review Committee recommended approval. There was no opposition present.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE THE DARDEN PROPERTY. ANNEX. #169.

Following brief discussion, Mrs. Beard 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 proposed annexation of the Daughtry property located near the intersection of U.S. 401 north and Carvers Fall Road pursuant to G.S. 160A-58 et. seq. The Annexation Technical Review Committee recommended approval. There was no opposition present.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE THE DAUGHTRY PROPERTY. ANNEX. #170.

Following brief discussion, Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Satsky and carried unanimously.

Copies of all of the foregoing annexation ordinances are on file in the Clerk's office in Annexation Book No. 1976.

A public hearing had been published for this date and hour on the rezoning from R5A Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located at 2310 and 2312 Murchison Road. Planning Board recommended approval. There was no opposition present. However, the question of spot zoning was raised and discussed by the Council.

Following brief discussion, Mr. Plummer offered motion to deny this rezoning. Motion seconded by Mrs. Beard.

Following some further discussion, Mr. George offered substitute motion to approve the rezoning request, motion seconded by Mr. Satisky and Mayor Finch called for vote on the motion and the vote was as follows: FOR: Mr. George, Mr. Satisky, Mr. Shields; AGAINST: Mr. Plummer, Mr. Dawkins, Mrs. Beard. Mayor Finch declared a tie vote, cast her vote against the substitute motion, and declared it lost.

Mayor Finch then called for vote on the original motion to deny the rezoning and it carried by the following vote: FOR: Mr. Shields, Mr. Plummer, Mr. Dawkins, Mrs. Beard; AGAINST: Mr. George and Mr. Satisky.

A public hearing had been published for this date and hour on the rezoning from R5 Residential District to P2 Professional District or to a more restrictive zoning classification of an area located at 114 Hale Street. Planning Board recommended approval.

Council recognized former Mayor Jackson F. Lee, the petitioner, who indicated that this request for professional zoning use would promote the historical preservation of the structure (his residence and the former residence of Judge Robert Strange who also served in the U.S. Senate from 1836 to 1840) which is located on this site. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R5 RESIDENTIAL DISTRICT TO P2 PROFESSIONAL DISTRICT AN AREA LOCATED AT 114 HALE STREET. ORD. NO. NS-1976-28.

Mr. Satisky introduced the foregoing ordinance and moved its adoption, seconded by Mr. Dawkins 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 more restrictive classification of an area located at 406 and 408 B Street. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE BY REZONING FROM R5 RESIDENTIAL DISTRICT TO C1 LOCAL BUSINESS DISTRICT AN AREA LOCATED AT 406 AND 408 B STREET. ORD. NO. NS-1976-29.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Shields and carried unanimously.

A PUBLIC hearing had been published for this date and hour on the rezoning from R5 Residential District to P2 Professional District or to a more restrictive zoning classification of an area located at 1310 Ft. Bragg Road. Planning Board recommended approval.

Council recognized Attorney John Blackwell, for the petitioner Mr. Tildon Downing. Attorney Blackwell stated that it is Mr. Downing's intention to tear down an old uninhabited house in this area and build a small office building.

Mr. Mason Hicks of 1415 Summit Avenue was recognized in opposition to this rezoning and asked the City Attorney if the "two corner" law is still in effect. City Attorney Clark stated that it was not and that it had been repealed by the N.C. General Assembly some years back. Dr. M.S. Suggs was also recognized in opposition to the rezoning.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE BY REZONING FROM R5 RESIDENTIAL DISTRICT TO P2 PROFESSIONAL DISTRICT AN AREA LOCATED AT 1310 FT. BRAGG ROAD. ORD. NO. NS-1976-30.

Following brief discussion of this matter, Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Shields and carried unanimously.

A public hearing had been published for this date and hour on a request for a special use permit for a Child Day Care Center in an R6 Residential District as provided for in the City of Fayetteville Zoning Ordinance, Section 32-24(3) located at 2039 Rosehill Road. Planning Board recommended approval.

Council recognized Dr. Ronald Tucker, the petitioner, who stated the proposed day care center would accommodate a maximum of 30 children and included a fenced in play area of 3500 square feet. He stated further off-street parking and driveways would be provided and the plan that all the state and federal standards and regulations for day care centers. He stated further that there was a definite need for this facility in this area. There was no opposition present.

Following brief discussion, Mr. George offered motion for approval of the request for the special use permit for the day care center as requested and as recommended by the Planning Board. Motion seconded by Mr. Dawkins and carried unanimously.

A public hearing had been published for this date and hour on the rezoning from R5 Residential District to P1 Professional District or to a more restrictive zoning classification of an area located at 3425 Melrose Road. Planning Board recommended approval.

Attorney Dougald Clark was recognized representing the petitioner and requested approval of the rezoning. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R5A RESIDENTIAL DISTRICT TO P1 PROFESSIONAL DISTRICT. AN AREA LOCATED AT 3425 MELROSE ROAD. ORD. NO. NS-1976-31.

Following brief discussion, Mr. Dawkins introduced the foregoing ordinance and moved its adoption as recommended by the Planning Board. Motion seconded by Mr. Plummer and carried unanimously.

Copies of all of the rezoning ordinances are on file in the Clerk's office in Ordinance Book NS-1976.

A public hearing had been published for this date and hour on extending the sidewalk along Jasper Street abutting the property of Evelyn Durham, widow, pursuant to her petition. The City Manager presented this matter and stated that although this is a 100% sole owner petition by the property owner this action was advertised as a public hearing in view of the fact that Mrs. Durham wishes to pay the assessment for the construction of this sidewalk over a period of five years as with a normal assessment. There was no opposition present.

FINAL RESOLUTION REQUIRING THE LAYING OF SIDEWALKS PURSUANT TO PETITION ON JASPER STREET RES. NO. R-1976-13.

Following brief discussion, Mr. George introduced the foregoing resolution and moved its adoption and that the sidewalk be constructed subject to city policy. Motion seconded by Mrs. Plummer and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book R-1976.

Upon motion by Mr. George, seconded by Mr. Plummer and carried unanimously, public hearings were set for April 26, 1976 on four zoning matters listed on the agenda as items 3 A.B.C.D.

Two additional hearing matters were set as follows: (1) The extension of water and/or sewer extensions without petition in the East Collier Drive area and the South East Wilmington area. The City Attorney presented this matter and Mr. Stowe representing PWC was recognized and asked Council what streets they wished the utilities install in in these areas. Mr. Stowe stated that the cost for sanitary sewer would be \$376,000.00. Mr. Stowe displayed the streets involved on a map.

Following some discussion, Mr. George offered motion for the adoption of the following resolution setting a public hearing for April 26 on the installation of water and/or sanitary sewer utilities in all streets in the area namely East Collier Drive, West Collier Drive, New Bern Avenue, Greer Street, Penny Street, Pear Street, Old Wilmington Road, Wilmington Road, Dean Street, Belt Blvd. and extensions to Belt Blvd. with the privilege of Council deleting certain streets which it considers unnecessary for the extension of utilities in to at the time of the public hearing. Motion seconded by Mr. Shields and carried Mr. Plummer voting no.

PRELIMINARY RESOLUTION ORDERING THE EXTENSION OF WATER AND/OR SEWER EXTENSIONS WITHOUT PETITION IN CERTAIN STREETS IN SOUTHEAST FAYETTEVILLE. RES. NO. R-1976-13A.

Council next considered the setting of a public hearing on the paving by order of Council of streets funded in the Community Development 1975-1976 Budget. The streets recommended were Cowan Street from Orlando Street to Ira, Broadfoot Avenue from Branson Street to Turnpike Road, Turnpike Road from Commerce Street to Isley Street, Rochester Drive from Isley Street to Pierce Street, Elliotte Street from Carver Street to Essex Place, University Avenue from Murchison Road to McDougald Street and Kirkland Drive from Ramsey Street to Sherrerd Avenue.

Following some discussion, Mr. George offered motion, seconded by Mrs. Beard to delete Broadfoot Avenue from Branson Street to Turnpike Road from the list of streets tabulated for funding and paving in the Community Development Program for 1975-76 budget and that the others be included and that a public hearing be set for April 12, 1976 by the adoption of the following resolution.

PRELIMINARY RESOLUTION ORDERING THE PAVING BY ORDER OF THE CITY COUNCIL (WITHOUT A PETITION) OF THE FOLLOWING NAMED STREETS: COWAN STREET, TURNPIKE ROAD, ROCHESTER DRIVE, ELLIOTTE STREET UNIVERSITY AVENUE AND KIRKLAND DRIVE. RES. NO. R-1976-13B.

Copies of the two foregoing resolutions are on file in the Clerk's office in Resolution Book R-1976.

PLANNING BOARD MATTERS

Planner Mitchell presented the Planning Board Matters.

The first was Burger King Restaurant preliminary and final ClP review located on McPherson Church Road. Planning Board recommended conditional approval as outlined in their memo of March 17, 1976.

Following brief discussion, Mr. Plummer offered motion for approval of the foregoing as recommended by the Planning Board and subject to the conditions. Motion seconded by Mrs. Beard and carried unanimously.

Council next considered Boardwalk Shopping Center preliminary and final ClP review located on Village Drive. Planning Board recommended conditional approval as outlined in their memo of March 17, 1976.

After brief discussion, Mrs. Beard offered motion for approval of the foregoing as recommended by the Planning Board and subject to the conditions outlined by them. Motion seconded by Mr. Shields and carried unanimously.

PUBLIC WORKS COMMISSION MATTERS

Council recognized PWC representative Joe Stowe.

Council first considered a resolution for the condemnation of an easement of property owned by N.H. McGeachy, Jr. and wife Mildred K. and Katheryn McGeachy Ward, widow, between Legion Road and Camden Road at the proposed site of an electric transmission line.

RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF EASEMENT FOR ELECTRIC TRANSMISSION LINE OVER CERTAIN OWNED BY N.H. MCGEACHY, JR. AND WIFE MILDRED K. MCGEACHY AND KATHERYN MCGEACHY WARD, WIDOW. RES. NO. R-1976-14.

Following brief discussion, Mr. Plummer introduced the foregoing resolution and moved its adoption as recommended by PWC. Motion seconded by Mr. Dawkins and carried unanimously. A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R-1976.

Council next gave consideration to applications for outside city water and/or sanitary sewer connections.

Upon motion by Mr. Plummer, seconded by Mr. Dawkins and carried unanimously, one 4-inch sanitary sewer connection to serve an existing residence at 1910 Glenwick Avenue owned by Angela K. Moore was approved.

Upon motion by Mr. Plummer, seconded by Mr. Dawkins and carried unanimously, one 4-inch sanitary sewer connection to serve an existing service station at the northwest corner of Highway 401 south and West Hudson Street by Gulf Oil Company was approved. (Mayor Finch asked that it be noted for the record that she had no interest in this matter.)

Upon motion by Mr. Plummer, seconded by Mr. Dawkins and carried unanimously, one 1-inch water connection to serve an existing residence on Legion Road owned by Jarvis D. and Deborah Hudson was approved.

Upon motion by Mr. Plummer, seconded by Mr. Dawkins and carried unanimously, one 4-inch sanitary sewer connection at 401 By-Pass and Raeford Road owned by McMillan-Shuler Oil Company was approved all by recommendation of the Public Works Commission.

Upon motion by Mr. Satisfsky, seconded by Mr. Plummer and carried unanimously, Council voted to accept the low bid of Carolina Crane Corporation in the amount of \$169,392.00 for the erection of four general electric frame 5 gas turbine generators as recommended by PWC and that the Mayor and Clerk be and they hereby are authorized and directed to execute contract documents for the city for same.

On an extra matter, Council recognized a Mr. Eugene England of Boone Trail who voiced a complaint and a strenuous objection to the construction by PWC of an electric substation behind Bordeaux Shopping Center and on his property. Mr. England stated that he nor his neighbors want this electric substation installed on or near their property due to the danger of lighting which it would attract, the noise and disturbance which it would create and the danger for the children in the neighborhood.

Mayor Finch asked the City Attorney if the Council has any authority in saying where PWC places their substations. City Attorney Clark stated that Council did not have such authority. PWC representative Stowe stated that PWC is now negotiating with Bordeaux Shopping Center for a site to install this substation and may have to come back to Council for approval if condemnation proceedings are necessary.

The City Manager suggested that possibly PWC would be willing to look for an alternate site or sites for this substation.

Following brief discussion, Mr. Satisfsky offered motion that PWC be requested to look for alternate sites for this electric substation and meanwhile all survey work be stopped at the present location in Bordeaux and PWC make a report back to City Council at the earliest possible meeting. Motion seconded by Mr. Shields and carried Mr. Plummer voting no.

Council next heard a report from the City Attorney pursuant to G.S. 160-47 on the proposed annexation of Cambridge Arms apartments on North McPherson Church Road. (A public hearing date is scheduled for April 12, 1976 on this matter.) The City Attorney stated that a report on a study pursuant to G.S. 160-47 and Fayetteville City Code Section 2-2 considering the annexation of an additional area known as Cambridge Arms Apartments to the corporate limits of the city of Fayetteville. This report including maps and plans for municipal services to the area was prepared by the Annexation Technical Review Committee.

Mr. Clark stated that pursuant to the authority vested in the Council by Part 3, Article 4A Chapter 160A of the General Statutes of N.C., a resolution of intent to consider annexation of this area covered by this report was adopted by City Council at the regular meeting of March 8, 1976. A notice of public hearing is to be held on the 12th day of April, 1976 preceded by public notice in accordance with legal requirements. As a prerequisite to annexation, the City

is required by law to prepare a report setting forth plans for the extension of each major city service to the area proposed to be annexed. The report included : (1) A statement showing that the area proposed to be annexed meets the legislative standards prescribed by G.S. 160A-48; (2) A statement setting forth plans for extending to the area proposed to be annexed each major municipal service performed within the city at the time of annexation and their method of financing; (3) Map showing the general location of the area; (4) A map showing the present city boundaries; (5) A map showing the proposed city boundaries; (6) A map showing the present major trunk water mains sewer interceptors and outfalls; (7) A map showing the general land use pattern in the area proposed to be annexed and (8) information required by Section 2-2- of the Fayetteville City Code. Mr. Clark concluded by saying that this report had been prepared in compliance with the foregoing requirements and is available for public inspection at the office of the City Clerk.

Following brief discussion, Mr. Plummer offered motion for approval and acceptance of the foregoing report by the City Attorney. Motion seconded by Mr. Satsky and carried unanimously.

Council next gave consideration to a request for permission to stage a Pyrotechnics Display on or about June 30, 1976 behind Bordeaux Motor Inn and Bordeaux Shopping Center.

The City Manager presented this matter and stated that a request had been received from Mr. Glen Sledge, the Bordeaux Merchant's Association, for permission to stage a fireworks display at approximately 9 P.M. On Wednesday, June 30, weather permitting. The event is to be held upon the large field behind the Bordeaux Motor Inn which provides both ample room for a large gathering and safety precautions. This celebration is being staged in observance of the Country's 200th birthday anniversary by the Merchants of Bordeaux Shopping Center with the co-operation of the Bordeaux Motor Inn and Bordeaux Entertainment Center.

The display will be staged by a professional pyrotechnician whose contract includes a \$300,000.00 liability insurance policy.

Following brief discussion, Mr. Satsky offered motion for approval of the foregoing request for the fireworks display as requested. Motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to the condemnation of several parcels of land in the Wilmington Road Neighborhood Development Program and the Turnpike Road street paving program. It was recommended by Mr. Ron Hickman, Executive Director of the Community Development Dept., that five parcels in the Wilmington Road Neighborhood Development area be condemned and two parcels in the Turnpike Road Street Paving area.

Following brief discussion of this matter, Mr. George offered motion to continue this item to be next regular meeting of the Council on April 12 and that maps and outlines concerning these parcels to be condemned be furnished to the Council by Mr. Hickman. Motion seconded by Mr. Shields and carried unanimously.

Council next gave consideration to a bid by Beulah Melchor for the purchase of a lot on Minurva Drive. The City Attorney presented this matter and stated that Mrs. Melchor had submitted a bid of \$200.00 for the purchase of this lot.

Following brief discussion, Mr. George offered motion, seconded by Mr. Dawkins that the foregoing bid of \$200.00 be accepted. Motion carried unanimously.

Council next gave consideration to an ordinance amending Chapter 20 Motor Vehicles and Traffic of the City Code.

The City Attorney presented this matter and stated that the proposed ordinance amends Section 20-97 of the code regarding penalties, fees, defaults and arrests for parking tickets Section 20-100 Funds - Collections Section 20-136 (b) regarding method of payment Section 20-136 (c) regarding delinquent rental charge.

The City Attorney reminded Council that this matter had been presented back in January but had been referred back for study. City Attorney recommended adoption of the ordinance.

AN ORDINANCE AMENDING CHAPTER 20 "MOTOR VEHICLES AND TRAFFIC" OF THE CITY CODE PERTAINING TO TRAFFIC TICKETS AND MATTERS RELATED TO SAME. ORD. NO. S-1976-13.

Following brief discussion, Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Dawkins and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book S-1976.

Council next gave consideration to two ordinances revising traffic schedule no. 6 Stop Intersections and Traffic No. 14 Yield Right-of-Way.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NC. SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 6 STOP INTERSECTIONS RESCINDING HILLIARD DRIVE AND ADDING BANBURY DRIVE, BLOOMFIELD DRIVE AND OTHERS. ORD. NO. NS-1976-32

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, N.C. SCHEDULE 20-106 OF THE CITY CODE TRAFFIC SCHEDULE 14 YIELD RIGHT-OF-WAY - MIRROR LAKE DRIVE. ORD. NO. NS-1976-33

Following brief discussion, Mr. Plummer introduced the foregoing ordinances and moved their adoption as recommended by the City Engineer. Motion seconded by Mr. Dawkins and carried unanimously. Copies of the two foregoing ordinances are on file in the City Clerk's office in Ordinance Book NS-1976.

Council next gave consideration to a request for city participation in the cost of street construction in Ascot Subdivision, Section II.

The City Engineer presented this matter and stated that Moorman & Little, Inc. Engineers, has requested on behalf of the developer, Mr. J.W. Pate, Jr., that the city approve participation in paving of streets in the foregoing subdivision pursuant to the usual city policy. This participation is for the extra width of the entrance drive and intersections as shown on the map on file in the City Engineer's Office. The total participation cost is \$10,374.58. Recommendation is approved.

Following brief discussion, Mr. George offered motion for approval of the foregoing participation in the amount of \$10,374.58 as recommended, motion seconded by Mr. Shields and carried unanimously.

Council next gave consideration to a proposed resolution requesting the N.C. Dept. of Transportation to improve traffic signals and railroad crossings on Russell Street and railroad crossings on Robeson Street.

The City Engineer presented this matter, gave a brief explanation of the work to be performed at each location and recommended adoption of the resolution to be forwarded on to D.O.T.

RESOLUTION OF THE CITY COUNCIL REQUESTING DEPT. OF TRANSPORTATION TO ACCOMPLISH IMPROVEMENTS TO TWO STREETS: (1) ROBESON STREET AND RUSSELL STREET. RES. NO. R-1976-15.

Following brief discussion, Mr. Plummer introduced the foregoing resolution and moved its adoption, seconded by Mr. George and carried unanimously. A copy of the foregoing resolution is on file in the City Clerk's office in Res. Book R-1976

Council next gave consideration as to whether or not to require vertical curbs or roll type curbs on the following streets: May Street and Turnpike Road from Branson Street to the western margin of the Seven-Eleven Store property.

The City Engineer presented this matter and stated that the City Council recently approved May Street paving between Southern Avenue and Trade Street with the owner property owner to engage his own contractor and to use city's specifications. Turnpike Road paving was approved by Council on March 8. The City Engineer stated that it was his understanding the recently adopted city paving policy provides for roll type curb and that the Council may review each case for unusual circumstances. Property abutting May Street on the north side is zoned C1 and is now occupied by a convenience food mart. The roll type curb will provide for continuous driveways thereby allowing cars to back out into the flow of traffic along this street. This creates a dangerous situation and we believe in this case that vertical curbs should be used.

Turnpike Road serves mostly residential property; however there is a commercial zone near Branson Street occupied by a 7-11 store and a commercial zone near Ellis street. It was suggested that vertical curbs be used abutting these commercial zones and otherwise the roll type curb be used. The reason vertical curbs are needed is still the same as stated above for May Street. The City Engineer indicated that a second section along Turnpike Road at its intersection with Bryan Street and recommended vertical curbing at this location also.

Following brief discussion, Mr. George offered motion, seconded by Mr. Shields for approval of the foregoing vertical curb installations as recommended by the City Engineer. Motion carried unanimously.

Council next gave consideration to the award of several bids. The City Manager presented these matters.

Upon motion by Mr. Satisfsky, seconded by Mr. George and carried unanimously, the low bid submitted by American Uniform Company in the amount of \$8,490.34 for Police summer uniforms and the low bid submitted by Castle Uniform Company in the amount of \$2,995.30 for fire summer uniforms was approved.

Upon motion by Mr. Plummer, seconded by Mr. George and carried unanimously, the following bids were approved as recommended by the Airport Commission for the airport maintenance building and security fence for their bids: (1) Steel Building - Burriss Construction \$15,282.00 (2) Plumbing - Dixie Water Service \$1,637.00; (3) Electrical - Bruce Electric Company \$2,128.00; (4) Fence - Acme Fence Company - \$2,695.40 a total of \$21,742.40. The airport commission recommended the following be added to the foregoing contracts (1) restroom \$1,804.00 (2) Site clearing \$500.00 total \$1,504.00 or a grand total of \$23,246.40. The \$1,504.00 addition was included in the foregoing motion and total.

Upon motion by Mrs. Beard, seconded by Mr. Dawkins and carried unanimously, the sole bid of Cobb Paving Company in the amount of \$2,702.40 was approved for the construction of the three all-purpose playing courts for the Recreation and Parks Dept. for one play court each for General Lee Park, Woodrow Street Park and Massey Hill Park as recommended by Mr. W.G. Thomas, the Assistant City Manager and the Recreation and Parks Director Jimmy Tyre.

Council next gave consideration to proposed ordinances requiring the Building Inspector to correct substandard conditions at several locations in the City. (These are demolition ordinances.)

Upon motion by Mr. George, seconded by Mr. Satsky and carried unanimously, the following ordinances were adopted.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO CITY CODE LOCATED AT 346 ADAMS STREET AND OWNED BY LILLIE D. SIMMONS. ORD. NO. NS-1976-34.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO CITY CODE LOCATED AT 346 ADAMS STREET APARTMENT 1 AND 2 OWNED BY MRS. LILLIE D. SIMMONS. ORD. NO. NS-1976-35.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO CITY CODE LOCATED AT 346 ADAMS STREET APARTMENT NO. 3 AND OWNED BY MRS. LILLIE D. SIMMONS. ORD. NO. NS-1976-36.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO CITY CODE LOCATED AT 348 ADAMS STREET APARTMENT NO. #3 AND OWNED BY MRS. LILLIE D. SIMMONS. ORD. NO. NS-1976-37.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE CITY CODE LOCATED AT 348 ADAMS APARTMENT NO. 4 OWNED BY MRS. LILLIE D. SIMMONS. ORD. NO. NS-1976-38.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE CITY CODE LOCATED AT 132 CHANCE STREET OWNED BY JOSHUA WRIGHT, JR. ORD. NO. NS-1976-39.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE CITY CODE LOCATED AT 432 ADAMS STREET OWNED BY W.W. AND B.B. DAVIS, HEIRS. ORD. NO. NS-1976-40

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE CITY CODE LOCATED AT 715 ASHLEY STREET OWNED BY CLAYTON PARKER AND J.D. HART. ORD. NO. NS-1976-41

Copies of all of the foregoing ordinances are on file in the office of the City Clerk in Ordinance book NS-1976.

Council next considered several appointments. Four appointments to the Human Relations Advisory Commission were deferred until the next meeting in order that the incumbents be contacted to determine if they would serve if re-elected.

Upon motion by Mr. George, seconded by Mr. Plummer and carried unanimously, Mr. Louis Fulcher, a PWC employee, was appointed to the Public Works Commission Retirement Plan Board of Trustee to complete the term of office of Mr. L.V. Beard, retiring on April 1, 1976, said term to run to June 1978.

Delegations.

Council recognized a Mrs. Joan Godwin of 211 Dunn Road, who voiced a complaint before Council about the dangerous intersection at Dunn Road and Grove Street extended. Mrs. Godwin stated that several accidents had already happened at this intersection and that the lives of children and adults as well as property of the residents along here were in extreme danger. Mrs. Godwin requested Council to have a traffic signal installed. Mrs. Finch thanked Mrs. Godwin for her expression and request and assured her that the matter would be checked thoroughly by City Administration and the traffic light installed if possible.

CITY MANAGER REPORTS

The City Manager reported that Stephen B. Engleke had been certified by the Civil Service Commission for appointment to the Police Dept. The appointment was also recommended by the Acting Chief of Police and City Manager.

Mr. Plummer offered motion for appointment of Mr. Engleke to the Police Dept. Motion seconded by Mr. Satsky and carried unanimously.

The City Manager called on the City Attorney for an additional final item. City Attorney Clark informed Council that a hearing would be necessary shortly on the revocation of three massage parlor licenses for cause. He suggested the date of April 26 for these hearings.

Mr. Plummer offered motion, seconded by Mr. Satsky that a public hearing be held on the foregoing license revocations on April 26, ~~the next~~ regular meeting as recommended.

MATTERS OF INTEREST TO THE CITY COUNCIL

Mr. Dawkins stated that the Cumberland County Hospital System Board of Trustees has requested

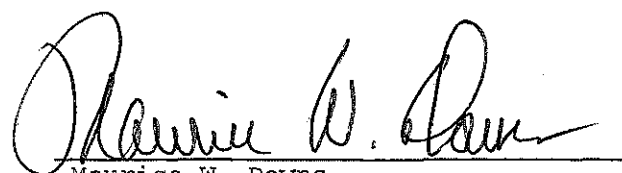
that the Council endorse constitution amendment no. 1 coming up for vote on the 23rd which authorizes revenue bonds for hospital improvements and modernization.

Mr. Dawkins then offered motion that Council endorse the foregoing constitutional amendment no. 1 for hospital improvements and modernization. Motion seconded by Mr. Plummer. and carried unanimously.

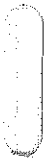
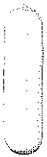
Mayor Finch reminded everyone to get out and vote tomorrow in the Presidential Primary and on the various constitutional amendments.

Mayor Finch informed Council members that Mr. Frank Arch, the City Buildings Maintenance Supervisor, desires Council members to come by City Hall to tour the 3rd floor, the old jail section, to view the deteriorating condition of same.

Thereafter, all matters of business having been completed, the meeting was adjourned at 11:30 P.M. upon motion made and duly seconded.



Maurice W. Downs
City Clerk



SPECIAL CALLED SESSION
FAYETTEVILLE CITY COUNCIL
WEDNESDAY, MARCH 24, 1976
CITY HALL COUNCIL CHAMBER
8:00 P.M.

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Marion George, Vincent Shields, Steve Satisfsky

Council Member Absent: Gene Plummer

Others Present: Mr. Guy Smith, City Manager
Mr. Billy Clark, City Attorney
Mr. Ron Hickman, Community Development Executive Director
Assistant City Engineer, Mr. Milton Bluhm

Mayor Finch called this special session of the Fayetteville City Council to order and announced its purpose was to hold a public hearing and then act officially on the Community Development Application and Budget for Fiscal Year 1976-1977.

Mayor Finch stated she would present the various program and then recognize persons from the floor with comments, if any.

PROGRAM AREA 1 MASSEY HILL REDEVELOPMENT PLAN

- A. Rehabilitation
- B. Acquisition of right of way for unpaved streets

PROGRAM AREA 2 WILMINGTON ROAD N.D.P.

- A. Redevelopment plans, acquisition of property and acquisition and demolition of substandard structures.

PROGRAM AREA 3 HOUSING SITE FOR THE ELDERLY

- A. Acquisition of site only, but not construction

PROGRAM AREA 4 LAND ACQUISITION - URBAN RENEWAL

PROGRAM AREA 5 ADMINISTRATIVE BUDGET

- A. Administration

Mayor Finch then recognized persons from the audience with comments:

PROGRAM AREA 1

A Mr. William Virgil was recognized and asked if a plan had been drawn for this area. Mayor Finch replied in the affirmative and stated the plan was available for viewing in the Office of Community Development.

PROGRAM AREA 2

A Mr. Jesse Council was recognized and requested sanitary sewer. Mayor Finch replied that a public hearing is scheduled for April 26, 1976 to decide this issue.

A Mr. Edward Devonish was recognized and asked about fund approval. Mayor Finch replied this would be decided at the same public hearing on April 26.

A Mrs. Council was recognized and asked the delay in installation of utilities. Mayor Finch explained about the restructuring of funds and repeated this issue would be decided at the public hearing on April 26.

A Mrs. Betty Mainor was recognized and asked when water and sanitary sewer would be available on the west side of U.S. 301. She was advised to contact Public Works Commission on this matter.

PROGRAM AREA 3

A Mr. Edward Devonish was again recognized and asked where, when and how about the site for the elderly. Mayor Finch replied that she could not give a definite answer at this moment, but it was being investigated by Community Development now, and suggestions as to a location that would qualify and otherwise be suitable would be welcomed by the City from Mr. Devonish.

PROGRAM AREA 4

No one requested recognition on this program.

PROGRAM AREA 5

No one requested recognition on this program.

Mayor Finch then provided the following funding information on the various programs:

MASSEY Hill Redevelopment Plan	\$379,786.
Wilmington Road N.D.P.	528,508.
Housing Site for Elderly	126,782.
Land Acquisition-Urban Renewal	268,000.
Administrative Budget	140,924.
	<u>\$1,444,000.</u>

Mayor Finch then recognized a Mr. Coleman who asked about water and sanitary sewer in SE Fayetteville area. Mayor Finch replied that arrangements are being made.

A Mrs. Culbreth, Taft Street off Whitfield Road, was recognized with request for city services. Mayor Finch restated the public hearing to be held was on April 26.

A Mr. Percy Jones, Weiss Ave., was recognized with question on paving Weiss Avenue and the Savoy Heights area. Mayor Finch replied that the city would need a valid petition on this issue.

Mayor Finch then asked if there were other requests or suggestions from the audience.

Mr. Virgil was recognized again on Turnpike Road area on request for funds for rehabilitation of homes in the area. Mayor Finch stated that Community Development funds cannot be/for rehabilitation alone, but must be in conjunction with other improvements such as utilities and paving of streets. Mr. Virgil asked about the funds originally designated for Commerce Street extension be used for rehabilitation in this area. Mr. Hickman informed Council that he had talked to HUD Greensboro Office today by telephone and got a more definitive answer on the use of funds for rehabilitation.

A Ms Olivia McCormick, Community Action Program Office, was recognized and asked for utilities for SE Fayetteville. Mayor Finch reiterated the public hearing would be on April 26.

A Mr. Marvin Morrison was recognized from Turnpike Road area and asked about the parcels of land to be condemned. He stated that they did not want this, but wants the improvements. Mayor Finch suggested they submit petitions for consideration.

Mayor Finch then invited all in the audience to come and tell their friends to come to Mayor's office, City Council Members offices, and City Manager's office with their problems, and if help can be given it will be done, if possible.

Mayor Finch then declared this meeting in official session to take action on the matter before the Council.

Councilman Satsky then offered motion to approve the Community Development Application for 1976-1977; and to put notch at intersection of Wilmington Road and Vanstory Street back in renewal area if possible, within this budget. Motion seconded by Mr. Dawkins and upon being put to vote carried unanimously.

Mr. Hickman then suggested to Council that they officially adopt the resolution in the application, and authorize the Mayor to sign same for the city.

Councilman Dawkins then moved for adoption of the following resolution pertaining to funds under the program (in application) and authorize the Mayor to sign same for the City. Motion seconded by Mrs. Beard and upon being put to vote carried unanimously. The resolution title and number appear below:

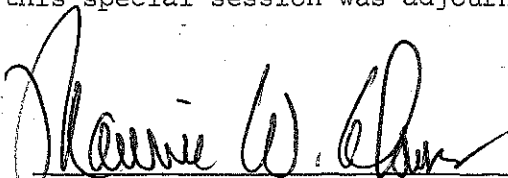
RESOLUTION OF CITY OF FAYETTEVILLE PERTAINING TO FUNDING UNDER COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM. RES. NO. R-1976-16.

A copy of the foregoing resolution is on file in the Clerk's office in Resolution Book R-1976.

Councilman George then offered motion that City Council give assistance to the residents of Weiss Avenue and top priority to the paving of Weiss Avenue. Motion seconded by Mrs. Beard and upon being put to vote carried unanimously.

Councilman George then offered motion to cancel the joint City Council-Civil Service Commission meeting scheduled for Monday, March 29, 1976 due to the illness and hospitalization of Civil Service Commission Secretary Ted Rhodes and reschedule said meeting for a later date. Motion seconded by Mrs. Beard and upon being put to vote carried unanimously.

All matters of business then having been completed, this special session was adjourned at 9:45 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
APRIL 12, 1976
8:00 P.M.

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Gene Plummer, Marion George, Vincent Shields, Steve Satsky

Others Present: Mr. Guy Smith, City Manager
Mr. Billy Clark, City Attorney
Mr. Robert Butler, PWC
Mr. Ray Muench, PWC

Mayor Finch called this meeting to order, offered the invocation and led the assembly in the Pledge of the Allegiance to the Flag.

Mayor Finch then recognized Mrs. Ruby Murchison, National Teacher of the Year, and Mrs. Lena Belle Parsons, North Carolina Educational Secretary of the Year, and presented these two ladies with mementos and commended them for their service to their professions and for the honor they have brought to the Community of Fayetteville.

Mayor Finch also recognized Mr. Raymond Floyd, winner of the Masters Golf Tournament.

Mayor Finch also recognized young Johnny Dawkins, son of City Councilman J.L. Dawkins, who was elected Governor of the Key Clubs of North and South Carolina.

Mayor Finch then recognized members of the Fayetteville Youth Council present in the audience to observe Council proceedings.

The first order of business was the approval of minutes.

Upon motion by Mr. Satsky, seconded by Mrs. Beard and carried unanimously, Minutes of the Regular Meeting of the Council of March 22, 1976 were approved as submitted by the Clerk.

Upon motion by Mr. Plummer, seconded by Mr. Dawkins and carried unanimously, Minutes of a Special Meeting of the City Council of March 24, 1976 were approved as submitted by the Clerk.

A public hearing had been published for this date and hour on consideration of the paving by order of the Council of streets funded in the Community Development 1975-1976 budget these streets being Cowan Street, Turnpike Road, Rochester Drive, Elliotte Street, University Avenue and Kirkland Drive. The City Clerk certified in writing that all property owners on these streets had been mailed due and proper notice of this public hearing.

Council recognized Mr. George Jeffries, a Cowan Street property owner, for his tenants who stated that they could not pay the assessments for such paving. A Rev. A.C. Smith was recognized for Mr. & Mrs. Jernigan on Cowan Street and stated they could not pay the assessment cost. Council recognized Mr. Charlie Wiggins, Cowan Street resident, who stated he could not pay the assessment. Council recognized Rev. John Mitchell of Victory United Methodist Church speaking of Cowan Street residents who stated they could not pay the assessment.

Council George then gave a brief explanation concerning the use of Community Development Funds for this paving and stated that normally instead of a proposed \$6.00 per foot assessment the normal paving charge would be from \$12 to \$15 per foot.

Attorney Herb Thorp, representing a Mr. Wellons on Kirkland Drive, was recognized in opposition to the proposed paving. Mrs. Finch also read a letter of opposition from Mr. Wellons.

A Mrs. Annie Mae Green of University Avenue was recognized in favor of the paving. Attorney Jerome Clark, representing Mr. Winfred Green, on Quality Drive for himself and others was recognized in opposition to the proposed paving if assessed.

Following some discussion, Mr. George offered motion to proceed to pave all of the named streets with no assessments to be funded with Community Development Funds. Motion seconded by Mrs. Beard.

Following further discussion, Mr. George offered substitute motion to pave all of the named streets and assess at the rate of \$3.00 per front foot.

Mayor Finch then called for vote on the substitute motion and the vote was as follows. FOR: Mr. Shields, Mr. George and Mrs. Beard; AGAINST: Mr. Satsky, Mr. Plummer and Mr. Dawkins. Mayor Finch declared a tie vote, cast her vote against the substitute motion, and declared it defeated.

Mayor Finch then called for vote on the main motion to pave all named streets with no assessments and funded by the Community Development Funds and the vote was as follows. FOR: Mr. Shields, Mr. George and Mrs. Beard; AGAINST: Mr. Satsky, Mr. Plummer and Mr. Dawkins. Mayor Finch again declared a tie vote, cast her vote against the motion, and declared it lost.

Following some further discussion, Mr. George offered motion to assess not to exceed \$4.00 per foot and to exclude Kirkland Drive from this order by the adoption of a resolution. Motion seconded by Mr. Satisfsky and carried by the following vote: FOR: Mr. Satisfsky, Mr. Shields, Mr. George and Mrs. Beard; AGAINST: Mr. Plummer and Mr. Dawkins.

FINAL RESOLUTION REQUIRING THE PAVING BY ORDER OF CITY COUNCIL OF COWAN STREET, TURNPIKE ROAD, ROCHESTER DRIVE, ELLIOTTE STREET AND UNIVERSITY AVENUE. RES. NO. R-1976-17.

A copy of the foregoing resolution is on file in the Clerk's office in Resolution Book R-1976.

Council next gave consideration revised mass transit grant application to enable the city to be funded 80% of the cost to acquire Cape Fear Valley Coach Company property and equipment during the first part of 1976-1977. (Upon completion of the TDP study after April 15th, the new equipment grant application will be revised.)

The City Manager presented this matter and gave a brief explanation of the program of projects. He then called on Administrative Assistant Jim Gray who introduced Mr. Louis Graham and Mr. Keith Kellow of Barton-Ashman Associates, Planning Consultants, who presented statistics and sketch maps for the benefit of Council.

Following this presentation, Mayor Finch stated that this was a public hearing and that she would recognize persons from the audience.

Mr. Edward Devenish, a local Senior Citizen, was recognized and requested City Council to acquire the bus system for the benefit of the elderly and the needy since the statistics clearly indicated that these persons were the ones who most needed the bus service. Also a Mrs. Louise Jenkins was recognized and requested Council to provide bus service transportation for the needy. There was no opposition present.

Following some discussion, Mr. Satisfsky offered motion that Council adopt the revised mass transit grant application approving the grant application which includes 80% participation of the Federal Government on the capital grant, 50% on the operating cost and authorize and direct the Mayor and City Clerk to sign the application in behalf of the city. Motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a report of the proposed annexation of the Cambridge Arms Apartments property located on McPherson Church Road pursuant to G.S. 160A-45. The Annexation Technical Review Committee recommends approval. The City Attorney presented the report which provided information as required by general statutes on the provision of utility service, police protection, sanitation, electricity and water and other city services for the area.

Attorney Herb Thorp was recognized, representing the owners of Cambridge Arms Apartments Mr. J.P. Riddle and Mr. Thomas Wood and residents of the area in opposition to annexation. He suggested to Council that it defer taking action on this matter or he will advise his clients to submit a petition of opposition and then request a restraining order of the court, if necessary, to prevent annexation.

The City Attorney informed Council that this was a public hearing to receive the report on the area and that they should take no action on this matter tonight other than to accept the report if it was satisfactory and the matter must come back before Council for action on May 10, 1976.

Following brief discussion, Mr. Plummer offered motion to accept the report for further action on May 10, 1976. Motion seconded by Mr. Satisfsky and carried unanimously.

A public hearing had been published for this date and hour on the proposed annexation of the College Lakes Shopping Center located off Ramsey Street near College Lakes pursuant to G.S. 160A-24 et. seq. The Annexation Technical Review Committee recommended approval. There was no opposition present.

AN ORDINANCE EXTENDING THE CITY LIMITS OF THE CITY OF FAYETTEVILLE TO INCLUDE COLLEGE LAKES SHOPPING CENTER LOCATED OFF RAMSEY STREET NEAR COLLEGE LAKES. ANNEX. #171.

Mr. Satisfsky 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 City Clerk's office in Annexation Ordinance Book 1976.

Upon motion by Mr. Plummer, seconded by Mr. Dawkins and carried unanimously, a public hearing was set for April 26 on consideration of the implementation of the west side Traffic Circulation System, elimination of parking on the north side of Cashwell Street and south side of Franklin Street, and changing parking on the south side of Hay Street in the 500 Block. Mr. Dawkins requested that written notice and personal contact be given to the various business houses on the streets involved and Mrs. Beard suggested that publicity be given in the newspapers also. The City Manager stated that this would be done.

PLANNING BOARD MATTERS

Council gave consideration to a request for the extension of an eight inch sanitary sewer main along West Hudson Street outside the city to serve an existing service at 411 West Hudson Street. Planning Board recommended approval with the applicant assuming the total cost.

Mr. Plummer offered motion for approval of the foregoing extension as recommended by the Planning Board. Motion seconded by Mr. Shields and carried unanimously.

Council next gave consideration to a request for the extension of an eight inch water main on Raeford Road to serve the proposed Raeford Road Food World outside the city. Planning Board recommended approval and the applicant will assume total cost.

Mr. Plummer offered motion for approval of the foregoing extension as recommended by the Planning Board. Motion seconded by Mr. Dawkins and carried unanimously.

PUBLIC WORKS COMMISSION MATTERS

Commissioner Butler was recognized.

Commissioner Butler first presented some bids for approval. Upon motion by Mrs. Beard, seconded by Mr. Shields and carried unanimously, the low bid meeting specifications by Ditch-Witch of North Carolina for one medium duty trenching machine in the amount of \$11,954.74 was approved.

Upon motion by Mr. Plummer, seconded by Mr. Dawkins and carried unanimously, the low bid by North Carolina Equipment Company in the amount of \$12,491.28 for one medium sized tractor backhoe was approved.

Upon motion by Mr. Plummer, seconded by Mr. Shields and carried unanimously, the proposed purchase of 1,400,000 gallons of #2 distillate oil from Exxon Company at 31 cents per gallon for a total of \$434,000.00 was approved as recommended by PWC. Commissioner Butler stated that this oil is for the peak shaving generation of electricity.

Council heard recommendation from the Commission for the approval of the purchase by PWC of .71 acre of property from Cumberland County for \$12,000.00. This property is located such north of Village Drive and west of Roxie Avenue stubout. This site is recommended for purchase for Bordeaux electric distribution substation. The Board of Cumberland County Commissioners during the regular meeting on Monday morning April 5, 1976 unanimously approved selling this property to the City of Fayetteville.

Council recognized a property owner from the area who requested the construction of a brick wall around this substation which will be in close proximity to his residence to eliminate the noise which will emanate from the substation and to improve the aesthetic appearance of same since it will be directly in view of the picture window from the den of his residence.

Following brief discussion, Mr. Plummer offered motion to follow the foregoing recommendation of PWC and approve the purchase of the foregoing property and provide proper screening to prevent noise and improve appearance and authorize the advertisement for annexation of the tract into the city. Motion seconded by Mr. Shields and carried unanimously.

Council next gave consideration to the request for approval of an application by Mr. Clarence Goins for a water connection to existing water main on Dillon Street to serve existing mobile home park immediately east of Dillon Street and north of Redstone Drive. Mr. Goins has petitioned for annexation into the city but cannot secure the easements requested by the city as a condition of annexation. Mr. Goins is not interested in sanitary sewer service at this time. PWC recommended approval of an outside city water connection provided Mr. Goins executes an annexation agreement.

Following brief discussion, Mr. Plummer offered motion to follow the foregoing recommendation of the PWC and approve the water connection for Mr. Goins. Motion seconded by Mr. Satsky and carried unanimously.

Council next gave consideration to a report of availability of water and sewer extensions on West Street and consideration of setting a public hearing ordering the extensions. In a memorandum to the City Manager, the City Engineer Bennett stated Mr. Jim Freeman, PWC Water and Sewer Engineer, had advised him that the most economical way to serve West Street with city water is from an existing main along Whitfield Road. This proposed main would utilize the 30 foot wide West Street right-of-way along the D.R. Allen property. The sanitary sewer service would have to be provided along two different outfall lines that would run northwardly from an existing sanitary sewer outfall line along Blount's Creek. The City Engineer reminded Council that

West Street has an unopened portion at its eastern end where it connects with Whitfield Drive but that the city owns an easement through this tract and that West Street runs eastwardly from Whitfield Street to South Street. Mr. Bennett displayed a map for Council's benefit.

Following some discussion, Mr. George offered motion to continue this matter to the next regular meeting. Motion seconded by Mr. Shields and carried unanimously.

Council next gave reconsideration to the condemnation of parcels in the Wilmington Road Neighborhood Development Program and the Turnpike Road Street paving program. (This matter continued from the March 22, 1976 meeting for additional information from Community Development.)

Mr. Ron Hickman presented this matter and stated that in the Wilmington Road area there were some 17 tracts to be condemned primarily because the owners would not accept the amounts offered in payment. In response to question, Mr. Hickman stated that all tracts had been appraised twice and said appraisals reviewed once. A copy of the list of these condemnation parcels are on file in the City Clerk's office.

Following some discussion, Mr. Plummer offered motion, seconded by Mr. Satisfsky that the condemnation procedures be allowed to continue on the Wilmington Road Neighborhood Development Program parcels as presented by Mr. Hickman. Motion carried unanimously.

Mr. Hickman stated that there two parcels in the Turnpike Road area for condemnation and stated that the property owners owning these parcels refused to sell due to opposition to the program. He requested Council's approval of the condemnation procedure.

Following brief discussion, Mr. Satisfsky offered motion, seconded by Mr. Plummer and carried unanimously to proceed with condemnation of the two parcels in the Turnpike Road area as recommended. A copy of the list of these two parcels is on also on file in the City Clerk's Office.

Council next gave consideration to an agreement between the Cumberland Redevelopment Commission and the City of Fayetteville providing for staff service to be furnished to the Cumberland Redevelopment Commission. Mr. Hickman presented this matter and stated that this agreement was similar to the one presently in effect between the City of Fayetteville and the Fayetteville Redevelopment Commission and provides among other things that the Community Development Department provide staff services to the Cumberland Redevelopment Commission and would in fact reimburse the city \$28,790.86 for the period July 1, 1975 to June 30, 1976.

Following some discussion of this proposed agreement, Mr. George offered motion that the agreement presented not be approved and that the County be requested to communicate with the city concerning payment of funds for services rendered. Motion seconded by Mrs. Beard.

Following some further discussion, Mr. Plummer offered substitute motion to continue this matter to April 26 and that the minutes be checked of previous meetings of the City Council and County Commissioners and the Community Development Advisory Commission. Motion seconded by Mr. Shields and carried unanimously.

(Mayor Finch directed the City Clerk to check the minutes of the previous meetings and provide her with copies prior to the next meeting.)

Council next gave consideration of purchasing recreation sites as a part of the Community Development program for the fiscal year 1975-1976. Mr. Hickman presented this matter and displayed a map on the overhead projector of an area on Enterprise Avenue consisting of two tracts of land. Mr. Hickman provided the name of the owner and the background and the purchase price of this property.

Following brief discussion, Mr. Plummer offered motion that no action be taken. Motion seconded by Mr. Dawkins.

Following some further discussion, Mr. George offered substitute motion to continue this matter to the next regular meeting. Motion seconded by Mrs. Beard and carried unanimously.

Mr. Hickman then presented another recreation site consisting of two tracts located between Turnpike Road and Rochester Drive. Mr. Hickman reminded Council that Mr. Branch who owned property in this area had indicated that he did not wish to sell his property for this park purposes but that he may agree to sell a portion for the extension of Rochester Drive. Mr. Hickman requested Council's indication as to if it wished him to purchase the small Smith tract or the larger tract to the north for recreation purposes.

Following some discussion, Mr. Dawkins offered motion that Mr. Hickman proceed to investigate the acquisition of the larger tract to the north of the Smith tract for recreation purposes and report back to Council at a later date. Motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to an ordinance adding Chapter 33 entitled Civil Preparedness to the City Code. The City Attorney presented this matter and stated this ordinance would under N.C. General Statutes authorize the Municipality to establish a local organization for civil preparedness, require such organizations to perform civil preparedness functions within the territory limits of the municipality, and direct that a county civil preparedness director shall co-ordinate all civil preparedness activities within the county including the activities of the municipality.

Following brief discussion of this proposed ordinance, Councilman George offered motion to continue this matter to the next meeting. Motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to a request for Council permission to close certain streets for Sunday on the Square, May 9th. The request came from the Board of Directors Arts Council of Fayetteville, INC. and stated that May 9th is to be designated Sunday on the Square '76 and requested that the 100 blocks of Hay, Gillespie, Green and Person Streets be closed to motorize traffic during the hours of 11 a.m. until 8 P.M. and open to the public from noon until 7 P.M. under the supervision of the Arts Council and Cumberland County Bicentennial Commission for the presentation, display and celebration of Fayetteville's Cultural Resources.

Mr. Plummer offered motion for approval of the foregoing request; seconded by Mr. Dawkins and carried unanimously.

Council next gave reconsideration to the removal of the jail equipment from the 3rd floor of City Hall. The City Manager presented this matter and stated that back in January he

requested that administration be authorized to have the jail cells removed from the 3rd floor of City Hall. He stated that it was not anticipated at that time to have any work done except repair broken windows and leak stoppages. Once the 3rd floor has been cleared then plans for future use of the area can be presented to Council for consideration. He stated that at that time the recommendation was for the approval of jail cells be done by Cohen and Green at no cost to the city and that he would still try to negotiate for the removal under the same basis.

Following brief discussion, Mr. Plummer offered motion to follow the foregoing recommendation of the City Manager and have the jail equipment removed from the 3rd floor of city hall and if any cost to the city is involved that Council will be advised. Motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to city participation in street construction cost at Cambridge Subdivision, Section V and Longview Acres, Section II. The City Engineer presented this matter and stated that P & B Development Corporation has requested the usual city participation in Cambridge Subdivision, Section V. The cost to the City is \$2,830.05. Approval is recommended. The second area is in Longview Acres, Section II and the cost of participation to the city is \$1,987.55. Approval is also recommended for this pursuant to city policy.

Following brief discussion, Mr. Plummer offered motion to follow the foregoing recommendation of the City Engineer and approve city participation in street construction in Cambridge Subdivision Section V and Longview Acres Section II for the cost stated. Motion seconded by Mr. Dawkins and carried unanimously.

Council next heard a report by the City Engineer requesting the N.C. Department of Transportation to place a traffic light at the intersection of Dunn Road and Grove Street Extension. The City Engineer stated that he had relayed Council's and Mrs. Godwin's request for a blinker light or traffic signal at subject location to Mr. Jim Stamp of the Department of Transportation Area Traffic Engineer. He responded that Dept. of Transportation realized there is a problem at this location and are investigating to determine what should be done. He stated he will report his findings to the city as soon as his study is complete.

There was brief discussion of the City Engineer's report and he was requested to recontact the Dept. of Transportation and request that a regular traffic light be installed at this location.

Council next gave consideration to the approval of bids for Turnpike Road paving from Branson Street to Commerce Street. The City Engineer presented this matter and stated that bids had been received for this paving the first part of April and the base bid was for a sand-clay base material to be furnished by the contractor. The alternate bid is for the sand and clay material to be excavated by the contractor from a tract of land owned by the city located on the east end of Davis Court. He recommended awarding the contract to Herring, INC. to include his alternate bid in the amount of \$69,899.25.

Following brief discussion, Mr. Plummer offered motion to follow the foregoing recommendation of the City Engineer and award the contract to Herring, Inc. for his alternate bid of \$69,899.25. Motion seconded by Mr. Satsky and carried unanimously.

Council next gave consideration to the type of curbs to be used on Purdue Drive in the Clairway Subdivision. The City Engineer presented this matter and stated that the city had recently approved a preliminary plat of Clairway Subdivision that provides for the extension of Purdue Drive. The City also took action recently with the concurrence of the developer, Mr. Don Broadwell, to include this section of Purdue as a feeder street. Mr. Broadwell and the City Engineer recommended to the Council that vertical curbs be used along Purdue Drive rather than the roll type since it is a feeder street and will now carry much more traffic than most residential streets. The remaining streets in this subdivision of course will be the roll type curb.

Following brief discussion, Mr. Plummer offered motion to follow the foregoing recommendation of the City Engineer and approve vertical curbs for Purdue Drive. Motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to the approval of ordinances assessing liens against real property for the removal of substandard structures from such property. The City Manager presented this matter for the Inspection Dept. and stated that there were seven locations involved and that the City Inspection Dept. recommends approval of all of the ordinances assessing such liens.

Following brief discussion, Mr. Satsky introduced the following seven ordinances establishing liens and moved their adoption at 11:25 P.M. Motion seconded by Mr. Plummer and carried unanimously. The ordinance titles and numbers appear below.

AN ORDINANCE OF THE CITY COUNCIL ASSESSING A LIEN IN THE AMOUNT OF \$175.00 AGAINST PROPERTY LOCATED AT 529 MECHANIC STREET AND OWNED BY CALVIN J. McDONALD AND WIFE NETTIE B. McDONALD "HEIRS" ORD. NO. NS-1976-42.

AN ORDINANCE OF THE CITY COUNCIL ASSESSING A LIEN IN THE AMOUNT OF \$175.00 AGAINST PROPERTY LOCATED AT 619 MECHANIC STREET AND OWNED BY JESSE MCINTIRE "HEIRS". ORD. NO. NS-1976-43.

AN ORDINANCE OF THE CITY COUNCIL ASSESSING A LIEN IN THE AMOUNT OF \$100.00 AGAINST PROPERTY LOCATED AT 911 WATERLESS STREET AND OWNED BY MR. THOMAS WOOD AND WIFE EDITH WOOD. ORD. NO. NS-1976-44

AN ORDINANCE OF THE CITY COUNCIL ASSESSING A LIEN IN THE AMOUNT OF \$100.00 AGAINST PROPERTY LOCATED AT 913 WATERLESS STREET AND OWNED BY MR. WILLIE GADDY AND WIFE ELOISE GADDY. ORD. NO. NS-1976-45.

AN ORDINANCE OF THE CITY COUNCIL ASSESSING A LIEN IN THE AMOUNT OF \$125.00 AGAINST PROPERTY LOCATED AT LOTS 85,86,87 PROVIDENCE STREET AND OWNED BY DAVID MCLAMB AND WIFE JOYCE MCLAMB. ORD. NO. NS-1976-46.

AN ORDINANCE OF THE CITY COUNCIL ASSESSING A LIEN IN THE AMOUNT OF \$125.00 AGAINST PROPERTY LOCATED AT 203 JASPER STREET AND OWNED BY HARRY LEWIS BRAYBOY AND WIFE ANNIE DORIS BRAYBOY. ORD. NO. NS-1976-47.

AN ORDINANCE OF THE CITY COUNCIL ASSESSING A LIEN IN THE AMOUNT OF \$225.00 AGAINST PROPERTY LOCATED AT 1009 NORTH STREET EXTENSION AND OWNED BY HENRY BROWN. ORD. NO. NS-1976-48.

Copies of the all of the foregoing ordinances are on file in the city Clerk's office in Ordinance Book NS-1976.

Council next gave consideration to several applications for taxi cab driver permits.

Following brief discussion, Mr. Plummer offered motion, seconded by Mr. Satisfsky and carried unanimously to approve taxi cab driver applications for the following named persons as recommended by the Taxi Cab Inspector, the acting Chief of Police and City Manager: JOHN E. DUDLEY, GARY D. HALL, EDWARD L. PLEASANTS, WILFORD B. SHELLY, GILBERT W. HERRING, JR, DANIEL GOTHA, FRANK Devico, JOHNNY MCCOY, JERRY ROWLAND

Council next gave consideration to the awarding of two taxi cab franchise certificates. Sgt. P.D. Warner, City Taxi Cab Inspector, was recognized and stated that on February 25, 1976 Mr. H.C Cummings owner of three taxi cab certificates returned two of these to the Taxi Inspector for reassignment by the Council. Notification of the availability of these certificates was publicized by letter and by publication in the local newspaper and a public hearing was held on April 2, 1976 at 9:00 a.m. in the Law Enforcement Center all pursuant to city ordinance.

Seven applicants met the requirements prescribed in the code for award of these two certificates.

Sgt. Warner recommended that one certificate be awarded to Mrs. Juanita Cashwell, Terminal Taxi and one to Mr. Carlton Stewart, Terminal Taxi based on the following qualifications: (1) to maintain the strength that the company has affected (Terminal Taxi is the company facing the loss of the two cabs at this time), (2) the persons involved in the taxi business it was his feeling that no one could better qualify or recommend a person than his fellow workers and (3) the applicants background and standing in the community along with his capability and providing the service and equipment needed.

Following brief discussion, Mr. George moved to continue this matter to the next meeting. Motion seconded by Mrs. Beard and carried unanimously.

Council next considered four appointments to the Human Relations Advisory Commission.

The following four names were placed in nomination: MR. SOL CHERRY, MRS. VONCYLE DAVIS, REV. EMMETT MULLINS AND MR. ERNEST J. MORINE.

Mr. Dawkins offered motion, seconded by Mr. Plummer and carried unanimously that nominations be closed and that Mr. Sol Cherry be elected and that Mrs. Voncycle Davis Rev. Emmett Mullins and Mr. Ernest J. Morine be reelected to the Human Relations Advisory Commission for two year terms of office each said terms to expire in March 1978.

No delegations responded to the invitation by Mayor Finch for recognition.

CITY MANAGER REPORTS

The City Manager reported that LEAA will fund in the Police Dept. a sub grant application in the amount of \$32,547.00 federal, \$1,874 state and \$3,474.00 city for breaking and entering and burglary funds, a 15 months grant, with the total cost to the city being \$3,474.00. The City Manager recommended approval of this application.

Following brief discussion, Mr. Dawkins offered motion to follow the foregoing recommendation of the City Manager and authorize the signing of the application. Motion seconded by Mr. Shields and carried unanimously.

MATTERS OF INTEREST TO THE CITY COUNCIL

Mr. Satisfsky informed the Council that Mr. Rick Tapscott, formerly a reporter and journalist with the Fayetteville Times, had relocated his residence to Oklahoma from Fayetteville and terminated his employment with the Times. Mr. Satisfsky extended thanks to Mr. Tapscott for his competent coverage of the city council meetings while he was here as well as his coverage of

other topics and wished him well in his new endeavor. Meanwhile, Mr. John Fulton will replace Mr. Tapscott.

Mr. Satsky brought to Council's attention an open ditch which existed on Topeka Street which was a health hazard and a menace and the residents were requesting that it be closed.

Mr. George mentioned that this was the same situation that he had brought before Council at an earlier meeting several weeks ago at which time he reported an annexation petition was being considered.

The City Manager recommended against the closing of this ditch due to the hazard and drainage problems.

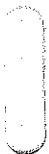
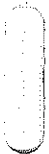
Following brief discussion, Mr. Satsky offered motion that Council have this ditch closed. Motion seconded by Mrs. Beard.

Mr. Plummer offered substitute motion to continue this matter to the next regular meeting. Motion seconded by Mr. Dawkins but failed by the following vote: FOR: Mr. Plummer, Mr. Dawkins AGAINST: Mr. George, Mrs. Beard, Mr. Shields and Mr. Satsky. Mayor Finch then called for vote on the original motion to close the ditch and it carried by the following vote: FOR: Mr. George, Mrs. Beard, Mr. Satsky and Mr. Shields; AGAINST: Mr. Dawkins and Mr. Plummer.

Mayor Finch stated that there were now 137 applications on hand for the office of Chief of Police and that the closing date for the receiving of additional applications would be 5:00 P.M. on Thursday, April 15, 1976 and Council would be provided additional information following review of the applications.

Thereafter, all matters of business having been completed, this meeting was adjourned at 11:45 P.M. upon motion made and duly seconded.

Maurice W. Downs
 Maurice W. Downs
 City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
APRIL 26, 1976
8:00 P.M.

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Gene Plummer, Marion George, Vincent Shields, Steve Satsky

Others Present: Mr. Guy Smith, City Manager
Mr. Billy Clark, City Attorney
Mr. Ray Muench, PWC
Mr. Joe Stowe, PWC

Mayor Finch called the meeting to order. The invocation was offered by the Rev. Gardner H. Altman, Calvary Assembly Church. Thomas Hooper of the Fayetteville Youth Council led the Pledge of the Allegiance to the Flag.

Mayor Finch then recognized the following Fayetteville Youth Council representatives and introduced them as Youth Week City Government Officials as follows: Mark Braswell - Mayor; George Irizarry - City Manager; Johnny Dawkins - Assistant City Manager; and Thomas Hooper, John Sternlicht, David Sappenfield, Tom Piner, Kenny Fleishman and Chris McDonald as Council Members.

Mayor Finch then recognized young Johnny Dawkins, son of Councilman J.L. Dawkins, recently appointed Governor of the North and South Carolina Key Clubs and presented him with a key to the city to take to the assembly as a symbol of our hospitality.

Council next considered approval of the Minutes of the Regular Meeting of April 12, 1976. Mayor Finch stated that a correction should be made on page 2(276) paragraph 6 next to the last line dealing with Council's action on the mass transit grant. Mayor Finch stated that in the last line of paragraph the word "application" should be corrected to read "resolution". Mr. Dawkins then offered motion for approval of the foregoing minutes as corrected. Motion seconded by Mr. Plummer and carried unanimously.

A public hearing had been published for this date and hour on the rezoning from R10 Residential District to C1P Shopping Center District or to a more restrictive zoning classification of an area located on the west side of Village Drive near the intersection of Village Drive and Robeson Street. Planning Board recommended approval.

Attorney Stacy Weaver was recognized for the petitioners, William E. Clark and others. Attorney Weaver stated that this parcel was recently purchased by his clients and since the adjacent C1P shopping center district was also under their ownership they desired to have the entire tract zoned the same way. Mr. Weaver additionally that the C1P shopping center district existing was an odd shape and that rezoning the requested parcel would make the site more adequate for planned development. Planning Board recommended approval of the rezoning and there was no opposition present.

Following brief discussion, Mr. Dawkins introduced the following ordinance and moved its adoption as recommended by the Planning Board. Motion seconded by Mr. Satsky and carried unanimously.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R10 RESIDENTIAL DISTRICT TO C1P SHOPPING CENTER DISTRICT AN AREA LOCATED ON THE WEST SIDE OF VILLAGE DRIVE NEAR THE INTERSECTION OF VILLAGE DRIVE AND ROBESON STREET. ORD.NO. NS-1976-49.

A public hearing had been published for this date and hour on the rezoning from R6 Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located at 1019 Hillsboro Street. Planning Board recommended denial based on the following: (1) that the land development plan provides for high density residential development in the area; (2) that the rezoning would constitute an encroachment of commercial uses into an established residential area and (3) that the request would constitute spot zoning and that it would allow a more intense use of one property not allowed on similarly located properties with similar characteristics.

Mr. Max Ruppe was recognized representing the petitioners, Mr. & Mrs. Luby Fowler. Attorney Ruppe stated that this rezoning was desired for the purpose of locating a gift shop on the property and that this business would provide income for a handicapped blind person and that the residents in the area were questioned about the request and did not object. He stated there was a manufacturing zoning district across the street and a non conforming grocery store facing Hillsboro Street. Mr. Ruppe presented the letter of no opposition signed by 6 persons in the neighborhood. Mrs. Fowler was also recognized in her behalf. There was no opposition present.

Following brief discussion, Mr. Dawkins offered motion to follow the foregoing recommendation of the Planning Board and deny this requested rezoning. Motion seconded by Mrs. Beard and carried unanimously.

A public hearing had been published for this date and hour on the initial zoning to R6

Residential District and C3 Heavy Commercial District or to a more restrictive zoning classification of an area located at the intersection of U.S. 301 (Eastern Blvd.) and Gillespie Street. Planner Mitchell stated that this was a recently annexed area into the city and Planning Board recommends approval of the initial zoning. There was no opposition present.

Following brief discussion, Mr. Plummer introduced the foregoing ordinance and moved its adoption as recommended by the Planning Board. Motion seconded by Mr. Satisfsky and carried unanimously.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY TO C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED AT THE INTERSECTION OF U.S. 301 (EASTERN BLVD.) AND GILLESPIE STREET. ORD. NO. NS-1976-50.

A public hearing had been published for this date and hour on the initial zoning to C3 Heavy Commercial District or to a more restrictive zoning classification of an area located at the southeast corner of Cumberland Road and West Hudson Street. Planner Mitchell stated that this was a recent annexation to the city and Planning Board recommended approval of the proposed initial zoning. There was no opposition present.

Following brief discussion, Mr. Satisfsky introduced the following ordinance and moved its adoption as recommended by the Planning Board. Motion seconded by Mr. Shields and carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED AT THE SOUTHEAST CORNER OF CUMBERLAND ROAD AND WEST HUDSON STREET. ORD. NO. NS-1976-51.

Copies of all of the foregoing ordinances are on file in the office of the City Clerk in Ordinance Book NS-1976.

A public hearing had been published for this date and hour on ordering the extension of water and/or sanitary sewer extensions without petition into the East Collier Drive area and the Southeast Wilmington Road area and specifically along the following streets: (1) Wilmington Road (2) Old Wilmington Road (3) Pear Street (4) Penny Street (5) Newbern Street (6) Collier Drive (7) Belt Blvd. and extensions (8) Burt Street (9) Greer Street and (10) Dean Street. PWC Manager Ray Muench presented this matter and displayed a map showing the proposed locations of the proposed utilities extensions and gave cost figures for such extensions. He stated that the property owners would be assessed two-thirds of the cost for such extensions and that said cost would run between \$12 and \$15 per foot. The total cost of the project would be approximately \$470,000.00 and notices were mailed to the approximate 170 property owners informing them of this public hearing this evening.

Mr. Muench stated that this concluded his presentation in brief and that he would attempt to answer any questions posed by the Council or those persons present.

Mayor Finch then recognized persons from the audience on this matter.

A Mr. Garfield Davis, a resident property owner, was recognized and requested Council's consideration on the assessment rate. He stated that he nor any of the other residents could afford to pay for the utilities at this proposed rate.

A Mrs. Lillie Robertson, 616 Greer Ave., was recognized with questions on sanitary sewer to serve her area.

A Mr. Jesse Council was recognized on a request for sanitary sewer extension to his area.

M Mrs. Mamie Thompson was recognized on a request for sanitary sewer to her area.

Mr. Matthew Smith, a local business man, with a warehouse situated in southeast Fayetteville was recognized and urged Council to extend utility services to this area as economically as possible to the residents.

Following considerable discussion, Mr. George offered motion that the Council order water and sewer extended into this area by order of the Council. The motion failed for lack of a second.

Mr. Plummer then offered motion that PWC assist property owners in the area to obtain valid petitions for the extension of utilities into the area and that the Planning Board and Community Development Dept. investigate the areas for the possibility of obtaining funds for the extension of utilities. Motion seconded by Mr. Dawkins.

Following some further considerable discussion, Mr. George offered substitute motion that the City Council encourage the Community Development Dept. and staff and City Administration to investigate the total area to determine its qualifications for public assistance funds for the extension of utilities. Motion seconded by Mrs. Beard and carried by the following vote: FOR: Mr. Shields, Mr. Satisfsky, Mr. George and Mrs. Beard; AGAINST: Mr. Plummer, Mr. Dawkins.

Mr. Satisfsky then offered motion that PWC contact the property owners in the area able to be found and instruct them in the submission of a petition for the extension of utilities. Motion seconded by Mrs. Beard and carried by the following vote: FOR: Mr. Satisfsky, Mr. Shields, Mr. George and Mrs. Beard; AGAINST: Mr. Plummer and Mr. Dawkins.

Council next gave consideration to the implementation of a portion of the Downtown Circulation Plan. The City Engineer presented this matter and displayed maps of the proposed implementation changes and in a memorandum to the City Manager dated April 21, 1976 set forth specifically the implementation plan as follows.

By previous agreement between the City of Fayetteville and N.C. DOT dated May 11, 1975, the City is committed to establish one-way streets and prohibit parking along the following streets or portions of streets within the West Side Circulation Plan.

A. Traffic Operation is to be as follows:

1. One-Way Operation

A. Bragg Blvd - Robeson Street from Cross Creek Connector to Rankin Cross Links at least three (3) travel lanes south bound.

B. Winslow Street - Hillsboro Street from Rankin Cross Link to Walter Street at least three (3) travel lanes north bound.

C. Cross Creek Connector from Hillsboro Street to Bragg Blvd. at least two (2) travel lanes south bound.

D. Rankin Cross Link from Robeson Street to Winslow Street at least three (3) travel lanes east bound.

E. Franklin Street Connector from Hay Street to Winslow Street three (3) lanes east bound.

F. Cashwell Street Connector from Hay Street to Bragg Blvd. three (3) lanes west bound.

2. Two-Way Operation

A. Bragg Blvd. from West Rowan Street to Walter Street at least two (2) travel lanes each direction.

B. West Rowan Street from Bragg Blvd. to Hillsboro Street at least two (2) travel lanes each direction.

C. Hillsboro Street from West Rowan Street to Cross Creek Connector at least two (2) lanes each direction.

B. Parking to be prohibited at any time on the streets listed below:

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
1. Rankin Street	Robeson Street	Winslow Street
2. Winslow Street	Southernmost intersection of Rankin St.	Hay Street
3. Hillsboro Street	Hay Street	West Rowan Street
4. West Rowan Street	Hillsboro Street	Bragg Blvd.
5. Bragg Blvd.	West Rowan Street	Hay Street
6. Cashwell Street	Bragg Blvd.	Hay Street
7. Franklin Street	Hay Street	Winslow Street
8. Cross Creek Connection	Hillsboro Street	Bragg Blvd.
9. Walter Street	Bragg Blvd.	Hillsboro St.
10. Russell Street	McIver Street	A point 200 feet east of Winslow St.
11. McIver Street	Russell Street	German Street

II. In addition to those items covered by the Agreement, the Highway Department has asked the city to implement the following:

- 1 A. Prohibit parking along the south side of Franklin Street from Winslow Street to a point 300 feet east of Winslow Street.
- B. Prohibit parking on the north side of Cashwell Street from Bragg Blvd. to Hillsboro St.
- C. Change the existing diagonal parking to parallel parking along the south side of Hay Street from Bragg Blvd. eastwardly to a point 75 feet east of the curb line of Winslow Street.

III. Also, it is suggested that the city consider prohibiting parking along the south side of Franklin Street from Winslow Street to Gillespie Street and implement the one-way east bound operation between Winslow and Gillespie Streets.

It is suggested that all of these ordinances be adopted with effective date as of May 16, 1976.

Planner Mitchell submitted to the Council extracts of minutes of a meeting of the Fayetteville Technical Advisory Committee endorsing the proposed plan.

Mayor Finch stated that this was a public hearing and that all persons interested pro or con would now be given an opportunity to speak. She recognized first the following persons with comments in favor of the proposed plan.

Mr. Bill Watson, N.C. DOT, who concurred in all of the recommendations.

Council recognized Mr. Joe Maloney Jr. and Mr. Tommy McCoy, partners and co-owners of M & O Chevrolet Company, located on Franklin Street. Mr. Maloney stated that their firm had been in business at this location for more than 40 years and that they fully endorsed the implementation of the plan.

Mr. Jim Howey, a business operator on Franklin Street, was recognized in favor.

A Mr. Wayne Howard with N.C. DOT was recognized in favor with a full and detailed explanation on the reason for the elimination of parking along certain streets. Mr. N.H. (Heck) McGeachy, a local attorney and former senator to the State Legislature, was recognized and stated that the Downtown Fayetteville Association endorses the plan. A Mrs. Pat Lahey was recognized in favor of the plan. Dr. Charles Speegle and Mr. Hamilton Underwood, a veterinarian and pharmacist, respectively were recognized in favor of the plan.

Mayor Finch then recognized the following persons who were in favor of parts of the plan but opposed to other sections and primarily the elimination of parking spaces.

Mr. Juluis Nelson, a business man in the 500 block of Hay Street, was recognized in opposition to the elimination of diagonal parking in the 500 block of Hay Street.

Mr. Robert Allen opposed to the elimination of parking on Hillsboro Street.

Mr. Ken Keaton opposed to the elimination diagonal parking on Hay Street.

Mr. Fred Deem, Owner of Hunter Brothers, INC. recognized and requested that parking be left on Winslow Street in front of his place of business.

Mr. Bill Owen of the Fayetteville Publishing Company was recognized in opposition to the elimination of parking on Cashwell Street.

Mr. Andy Knight, owner of K & M Office Supply on West Russell Street was recognized in opposition to the elimination of parking on West Russell Street in front of his place of business.

Mrs. Bernice Fleishman, a business property owner in the 500 block of Hay Street in opposition to the elimination of diagonal parking on Hay Street.

Mr. Mason Hicks, a local business man and architect, was recognized with comments and expressed opposition to the implementation of this plan formulated in 1963 and which in his opinion is now out dated.

Mr. Jesse Woodard, owner of a business at Hay and Robeson Street, was recognized in opposition to the elimination of parking in some of the areas.

Mr. Matthew M. Smith, a local business man, was recognized in opposition to the elimination of parking and to the change in parking to the north side of Franklin Street. Mr. Smith stated that the restriction of parallel parking to the north side of Franklin Street would create a safety hazard to the vehicular public. In response to questions, City Engineer Bennett replied that parking on the north side of Franklin Street was recommended for pedestrian safety also in that it would eliminate the necessity of crossing the street for those persons wishing to shop on Hay Street.

This concluded the hearing of persons from the audience and lengthy discussion was then held by the City Council.

Following this discussion, Mr. Satsky offered motion to adopt the plan except exclusion of no parking on the north side of Cashwell Street and the elimination of diagonal parking and implementation of parallel parking on the south side of the 500 block of Hay Street. Motion seconded by Mr. Shields.

Following some further discussion, Mr. Dawkins offered substitute motion for adoption of the plan as presented. Motion seconded by Mrs. Beard. Mayor Finch then called for vote on the substitute motion and it was as follows: FOR: Mrs. Beard, Mr. Dawkins, Mr. Plummer. AGAINST: Mr. George, Mr. Shields and Mr. Satsky. Mayor Finch declared a tie vote, cast her vote in favor of the substitute motion, and declared it carried on 1st reading. A second reading was set for a later date.

Mayor Finch, observing the lateness of the hour, asked Council members desires as to the continuation of this meeting.

Mr. Plummer offered motion, seconded by Mr. Shields that the Council hear item 13 on the agenda, which was consideration of a petition requesting construction of a new entrance to Clark's Park and a change of speed limit on Sherman Drive. Motion carried unanimously.

Mayor Finch then declared that Council would consider item 13 on the agenda and called on City Manager Smith to present this matter. The City Manager stated that a petition had been received from the residents of Sherman Drive requesting the City of Fayetteville to set a new speed limit of 25 m.p.h. along Sherman Drive and construct a new entrance into J. Bayard Clark Park along Hoffer Drive and an unmarked police car to patrol Sherman Drive and enforce the

ordinance on loud and noisy exhaust on cars and motorcycles. This petition was signed by 40 to 50 persons resident in the area.

Council then recognized a Mr. Carl White of Sherman Drive who stated that he represented residents along Sherman Drive, Blake Street Mimosa Lane and Dogwood Street and requested for these property owners the closing of J. Bayard Clark Park as a public nuisance. Mr. White stated that the ball park was being used as a race track by automobiles and motorcycles that he had observed drunkenness and immoral conduct on numerous occasions within the park as well as the sale and use of marijuana by persons in the park. Mr. White proposed a new entrance along Hoffer Drive or as an alternate an entrance along Hoffer Drive and an exit along Sherman Drive to provide additional ingress and egress to the park in the event that Council did not see fit to close it.

Mr. Milton Mazarick, Chairman of the City Recreation and Parks Commission, was recognized at this time and made a request that Council refer this matter back to Commission for study before closing the park.

A Mr. Cecil Barefoot of 412 Sherman Drive was recognized and stated that over the past two years his home had been broken into and he had been robbed on three different occasions. He stated that he had personally and on several occasions observed drunkenness and open sexual acts within the park. He concluded by urging Council to give residents of this area relief from this aggravating situation. Mr. Barefoot also stated that the traffic congestion along Sherman Drive was now unbelievable and that he had requested a traffic count be taken by the City Engineer Dept. to verify same.

City Engineer Bennett informed Council that in response to Mr. Barefoot's request, he had taken a traffic count during the period from Wednesday, April 14 thru Monday, April 19 and that over the 24 hour period of Easter Sunday 2,531 cars had been counted along Sherman Drive.

The Honorable Luther Packer, Chairman of the Board of Cumberland County Commissioners and a resident of Sherman Drive himself, was recognized and requested that Council reduce the speed limit on Sherman Drive to 25 m.p.h. establish an earlier closing time for the park and post park security guards within the park and an attempt to alleviate the situation.

Following some discussion, Mr. Plummer offered motion to close Clark Park at 8:00 P.M. and instruct the Fayetteville Police Dept. to saturate Sherman Drive and apprehend speeders in violation of the law. Motion seconded by Mr. Shields.

Mrs. Beard offered substitute motion to close the park completely until another entrance is made and security guards at posted. The motion failed for lack of a second.

Mayor Finch then called for vote on the main motion and it carried unanimously.

Mayor Finch then instructed Mr. Mazarick and the Recreation Parks Commission to give this matter a thorough and complete study and report the results of such study back to the Council. Mr. Mazarick acknowledged the request.

Council next gave consideration to item 14 on the agenda which was consideration of a petition requesting the paving of Duncan Street between Bixley Drive and Scampton Drive in the Cambridge Subdivision. The City Engineer presented this matter and stated that a petition signed by approximately 50 persons residents in the area, but not abutting the unpaved portion of Duncan Street. The City Engineer recalled for Council that this matter had come before them in November 1974 and at that time the City Manager had stated that the First Advent Christian Church owns the property abutting both sides of the unpaved street section and was not interested in signing a petition for street improvements; however, the surrounding neighbors did. The eastern one half of this block just west from Bixley Street was paved in recent years by the developer of the property adjacent to the west side of Bixley Street due to the recent development of the area more and more vehicular traffic now uses this street. At the November 74 meeting, the City Manager stated that he had talked with residents and property owners from the area and some wished the unpaved segment paved and some did not. The church owns the abutting property and desires the unpaved segment closed as a public street. Residents in the area stated that this unpaved segment was a nuisance causing a mud and dust situation in dry and wet weather. Council's action in November of 74 was that this segment of Duncan Street be cleaned up and a temporary barricade installed to prevent its use. In the ^{pave} petition submitted recently, the City Engineer stated the homeowners requests the city council this section of Duncan Street because the same situation still exist as did before and in addition residents of the neighborhood and specially of Bixley Street are having to drive approximately 1½ blocks further to reach their homes due to the barricade of this street.

Following brief discussion, Mrs. Beard offered motion to open this unpaved segment of Duncan Street and order it paved without petition by the adoption of the following resolution and of the setting of public hearing on this matter for May 10, 1976. Motion seconded by Mr. Plummer and carried unanimously.

PRELIMINARY RESOLUTION REQUIRING THE PAVING WITHOUT PETITION OF DUNCAN STREET. RES. NO. R 1976-18.

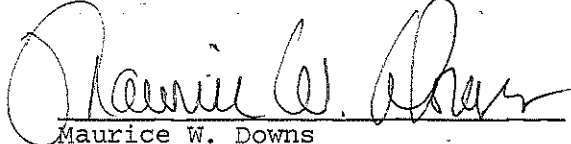
A copy of the foregoing resolution is on file in the City Clerk's Office in Resolution Book R-1976.

Upon motion by Mr. George, seconded by Mr. Plummer and carried unanimously, a public hearing was

set on a proposed annexation located on Roxie Avenue for use to the Public Works Commission as a substation site for May 10, 1976 and an amendment to the zoning ordinance regarding art galleries as permitted uses in the P2 district, two rezoning matters and five initial zoning matters were set for public hearing on May 24, 1976. (Agenda items 3 A-I)

Upon motion by Mrs. Beard, seconded by Mr. Dawkins and carried unanimously, item 12A, proposed ordinances amending traffic no. 8 Speed Control and traffic schedule no. 11 Parking Prohibited on McGougan Road, were stricken from the agenda and cancelled.

Thereafter at 11:50 P.M., Mr. Satsky offered motion that this meeting be recessed until 8:00 P.M. Monday, May 3, 1976 at this same location when all of the remaining items on the agenda would be considered. Motion seconded by Mr. Dawkins and carried unanimously.


Maurice W. Downs
City Clerk

ADJOURNED MEETING
CITY HALL COUNCIL CHAMBER
MAY 3, 1976
8:00 P.M.

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Gene Plummer, Marion George, Vincent Shields, Steve Satisfsky

Others Present: Mr. Guy Smith, City Manager
Mr. Billy Clark, City Attorney
Mr. Ray Muench, PWC
Mr. Joe Stowe, PWC
Mr. Ron Hickman, Executive Director of Community Development Department

Mayor Finch called this session to order and announced that it was an adjourned meeting from the April 26, 1976 regular meeting.

Mayor Finch stated that Council would begin business this evening by hearing Planning Board Matters.

Planner Mitchell presented conditional approval from the Planning Board of an Exxon Self Service Gasoline Station preliminary and final CIP review located on Morganton Road at McPherson Church Road. Planning Board recommended conditional approval as contained in their memo of April 21, 1976.

Following brief discussion, Mr. Plummer offered motion to follow the foregoing recommendation of the Planning Board and give conditional approval to the foregoing plat. Motion seconded by Mrs. Beard and carried unanimously.

Planner Mitchell stated that no action was necessary on item 4B under Planning Board Matters; consideration of a resolution by the Cumberland County Joint Planning Board endorsing the fiscal year 1977 program of projects for the City of Fayetteville (Transit Capital and Operating Programs) inasmuch as this item was approved at the last meeting.

PUBLIC WORKS COMMISSION MATTERS

PWC Manager Ray Muench was recognized and stated that bids had been received for the construction of fuel oil piping for the gas turbine generation project and PWC recommends acceptance of the low bid by J.J. Barnes, INC. in the amount of \$57,980.00.

Mr. Satisfsky offered motion, seconded by Mr. Dawkins for acceptance of the foregoing low bid of J.J. Barnes, Inc. as recommended. Motion carried unanimously.

Mr. Muench requested approval of an application by Lawrence West for one four inch sanitary sewer connection to serve an existing residence at 4736-A Cumberland Road outside the city. Mr. Muench stated that applicant will execute the necessary annexation agreement.

Mr. Plummer offered motion to follow the foregoing recommendation of the PWC and approve the sanitary sewer connection as requested. Motion seconded by Mr. Dawkins and carried unanimously.

Council next heard a report from PWC Manager Muench on the availability of water and sewer extensions on West Street and consideration of setting a public hearing ordering a public hearing on this matter. (This matter was first presented at the April 12 meeting and continued to this time.)

Mr. Muench displayed a map indicating the various courses and distances of the proposed extensions. He indicated the total cost would be \$47,000.00 and the assessment would be approximately \$16 to \$18 per front foot.

Raymond Coleman, a resident of West Street, was recognized and stated that the property owners had submitted a petition for these utilities some time ago. Mr. Muench stated that he had received no such petition. The City Engineer stated that the document received was not a petition for the extension of utilities but rather a right-of-way agreement.

Following some further discussion, Mr. George offered motion for the adoption of a resolution by City Council ordering the extension of water and sanitary sewer into West Street without a petition from the property owners and setting a public hearing on this matter for May 24, 1976. Motion seconded by Mr. Shields and carried Mr. Dawkins voting no.

PRELIMINARY RESOLUTION ORDERING AN EXTENSION OF THE WATER AND SANITARY SEWER COLLECTION SYSTEM OF THE CITY OF FAYETTEVILLE, N.C. WITHOUT PETITION INTO WEST STREET BETWEEN WHITFIELD ROAD AND SOUTH STREET. RES. NO. R-1976-19.

A copy of the foregoing resolution is on file in the City Clerk's Office in Res. Book R-1976.

Mr. Muench stated that an application had been received from a Mr. Sam D. Lybrand for one one inch water connection to an existing main to serve a location at 3435 Rosehill Road outside the city. Mr. Muench stated that Mr. Lybrand would sign an annexation agreement.

Following brief discussion, Mr. Plummer offered motion, seconded by Mrs. Beard to follow the foregoing recommendation of the PWC and approve the one inch water connection as requested upon receipt of the annexation agreement. Motion carried unanimously.

Council next gave consideration to the revocation of several massage parlor licenses. City Attorney Clark was recognized and informed Council that Attorney Snead High was not able to be present this evening nor due to a conflict would he be able to be present on May 10 and asked that this hearing be reset for May 24.

Mayor Finch reminded Council that there were approximately 12 public hearings already scheduled for May 24 and suggested that this massage parlor hearing be set for the date of June 14 and this was agreeable to the Council and so ordered.

Council next gave consideration to an agreement between the Cumberland Redevelopment Commission and the City of Fayetteville providing for staff service to be furnished to the Cumberland Redevelopment Commission. (This matter continued from the April 12 meeting.) City Attorney Clark presented this matter and recommended acceptance of this agreement.

Following some discussion of this matter, Mr. George offered motion to accept the agreement but amending paragraph 2 entitled Duration to read "Sixty days prior to the date of termination" in place of the wording as contained therein. Motion seconded by Mrs. Beard.

Following some further discussion, Mr. Dawkins offered substitute motion to accept the document as presented by the City Attorney. Motion seconded by Mr. Plummer.

Mayor Finch called for vote on the substitute motion and it failed by the following vote: FOR: Mr. Plummer and Mr. Dawkins; AGAINST: Mrs. Beard, Mr. George, Mr. Satisfsky, Mr. Shields.

Mayor Finch then called for vote on the main motion and it carried by the following vote: FOR: Mr. Satisfsky, Mr. Shields, Mr. George and Mrs. Beard, AGAINST: Mr. Plummer and Mr. Dawkins. A copy of the foregoing agreement will be placed on file in the City Clerk's Office.

Council next gave reconsideration to the purchasing of recreation sites as a part of the Community Development Program for the fiscal year 1975-1976. (This matter continued from the April 12 meeting.)

Council recognized Ron Hickman, Executive Director of the Community Development Dept., who represented this matter, displayed a map indicating the proposed locations on Enterprise Avenue owned by Mr. Robert McGinnis. Mr. Hickman stated that one tract inside the city contained 1.933 acres and another tract outside the city contained 4.425 acres a total of 6.358 acres and recommended purchase of the smaller tract inside the city. Mr. Hickman stated that fair market value of both tracts was 51,000.00.

Following some detailed discussion of this matter and of the limited use being made of the numerous other park sites in the community and of the need to take corrective measures concerning this, Mr. Plummer offered motion to decline the offer of the purchase of the foregoing park sites at this time. Motion seconded by Mr. Shields and carried unanimously.

Council next gave reconsideration to a proposed ordinance establishing Chapter 33 in the City Code entitled "Civil Preparedness". This continued from the April 12 meeting. City Attorney Clark presented this matter and stated that the passage of this ordinance was requested by Colonel H.C. Larsen, Director of the Civil Preparedness Agency, to give a broader range of civil preparedness in the community and also to make the agency qualify for federal funds for expansion of the program. The City Attorney recommended passage of the ordinance.

Following some discussion, Mr. Dawkins offered motion for adoption of the proposed ordinance entitled Civil Preparedness as presented by the City Attorney. Motion seconded by Mr. Plummer.

Following some further discussion, Mrs. Beard offered substitute motion that the City Council continue as we are and not approve the ordinance. Motion seconded by Mr. Shields.

Mayor Finch called for vote on the substitute motion and it carried by the following vote: FOR: Mr. Satisfsky, Mr. Shields, Mr. George and Mrs. Beard; AGAINST: Mr. Plummer and Mr. Dawkins.

Council next gave reconsideration to the approval of a taxi franchise. This matter continued from the April 12 meeting. At the meeting on April 12, Sgt. P.D. Warner, the City Taxi Cab Inspector, had recommended that two certificates which had been surrendered by Mr. H.C. Cummings be awarded to Mrs. Juanita M. Cashwell of Terminal Taxi and to Mr. Carlton Stewart, Terminal Taxi.

Following some discussion of this matter, Mr. George offered motion that City Council grant one taxi cab franchise to Mr. Joe Marshall. Motion seconded by Mr. Shields and carried by the following vote: FOR: Mr. Satisfsky, Mr. Shields, Mr. George and Mrs. Beard; AGAINST: Mr. Plummer and Mr. Dawkins.

Mr. Plummer then offered motion that the City Council grant one taxi cab franchise to Mrs. Juanita Cashwell. Motion seconded by Mr. Dawkins.

Mrs. Beard then offered substitute motion that the City Council grant the remaining taxi cab franchise to Willie A. Melvin. Motion seconded by Mr. George but failed by the following vote:

Mr. George and Mrs. Beard; AGAINST: Mr. Satisfsky, Mr. Shields, Mr. Plummer and Mr. Dawkins.

Mayor Finch then called for vote on the original motion to grant one taxi cab franchise to Mrs. Cashwell and it carried unanimously.

Council next gave consideration to several bids. The City Engineer presented these matters. The City Engineer stated that bids had been received for site construction for the new airport maintenance building at the Municipal Airport and the Airport Commission approves the low bid by Cobb Paving Company in the amount of \$2,828.40 and requests concurrence by the Council.

Mr. Satisfsky offered motion, seconded by Mr. George for approval of the foregoing low bid by Cobb Paving Company as recommended. Motion carried unanimously.

The City Engineer stated that bids had been received for the construction of the street, sanitation and garage building. The City Engineer recommended awarding the low bid for the building to Herring, Inc. in the amount of \$9,927.57 and the low electric bid to F & P Electric Company in the amount of \$1,378.20.

Mr. Plummer offered motion, seconded by Mr. Dawkins to follow the foregoing recommendation and award the low bids to Herring, INC. and F & P Electric Company as recommended. Motion carried unanimously.

Council next gave consideration to several proposed ordinances amending the traffic schedules.

Item 12A on the agenda amending traffic schedule 8 Speed Control and traffic schedule 11 Parking Prohibited on McGougan Road had been withdrawn and deleted for consideration at the request of Mrs. Beard at the meeting of April 26.

Council next gave consideration to a proposed ordinance amending traffic schedule 8 speed control for Oakridge Avenue as requested by Mrs. Beard. Mrs. Beard stated that Oakridge Avenue was an old narrow street and hazardous to vehicular traffic and that several accidents had occurred on this street and the residents had requested a reduction of the speed limit from 35 m.p.h. to 25 m.p.h.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 8 "SPEED CONTROL" DECLARING A 25 M.P.H. SPEED LIMIT ON OAKRIDGE AVENUE FROM HAY STREET FT. BRAGG ROAD TO WOODLAND DRIVE. ORD. NO. NS-1976-52.

Mrs. Beard introduced the foregoing ordinance and moved its adoption, motion seconded by Mr. Shields and carried by the following vote: FOR: Mr. Satisfsky, Mr. Shields, Mr. George and Mrs. Beard. AGAINST: Mr. Plummer and Mr. Dawkins. A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book NS-1976.

A proposed ordinance amending Section 20-106, Traffic Schedule No. 13 Parking Meters Hay Street was not considered tonight inasmuch as it was included in the downtown circulation plan action approved on first reading on April 26.

Item 13 on the agenda consideration of a petition requesting construction of a new entrance to Clark's Park and a change of speed limit on Sherman Drive and Item 14 consideration of a petition requesting the paving of Duncan Street between Bixley Drive and Scampton Drive in the Cambridge Subdivision were not considered tonight inasmuch as they were acted upon at the meeting of April 26.

Council next gave consideration to an ordinance imposing a lien on the real property located at 123 Hinsdale Avenue under the substandard structure provision of the city code.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$550.00 AGAINST PROPERTY LOCATED AT 123 HINSDALE AVENUE OWNED BY MR. ROWLAND L. KELLY, JR. FOR THE DEMOLITION AND REMOVAL OF A SUBSTANDARD STRUCTURE. ORD. NO. NS-1976-53.

Mr. Satisfsky introduced the foregoing ordinance and moved its adoption at 9:08 P.M. Motion seconded by Mr. George and carried unanimously. A copy of the foregoing ordinance is on file in the City Clerk's Office in Ordinance Book NS-1976.

Council next gave consideration to several ordinances requiring the building inspector to correct conditions of a substandard housing nature at several locations within the city.

Mr. William Dowd was recognized for a location at 911 Turnpike Road and requested an extension of 90 days to bring his structure up to standard and stated he would apply for a permit to do such work tomorrow A.M. should Council grant the extension.

Following brief discussion, Mr. George offered motion for approval of the foregoing request and that Mr. Dowd be granted the 90 day extension requested provided he apply for a permit from the City Building Inspector tomorrow morning and make such necessary corrections. Motion seconded by Mr. Shields and carried unanimously.

Mr. Plummer then offered motion for the adoption of the following ordinances on agenda items 16 A-J excepting D (Mr. Dowd's request) requiring the Building Inspector to correct conditions at the following locations. Motion seconded by Mr. Satisfsky and carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 1207 ELLIOTT STREET OWNED BY MS. EUGINIA J. SCOTT "HEIRS". ORD. NO. NS-1976-54

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 245 MCIVER STREET OWNED BY MR. DAVID MURPHY. ORD. NO. NS-1976-55.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 2406 SLATER AVENUE AND OWNED BY MR. ROBERT MACE AND WIFE JEAN F. MACE. ORD. NO. NS-1976-56.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 118 CHANCE STREET AND OWNED BY META WILLIAMS "HEIRS". ORD. NO. NS-1976-57.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED 396 HOLT WILLIAMSON STREET AND OWNED BY MS. THELMA T. MCNAIR AND ARCHIE THOMPSON. ORD. NO. NS-1976-58

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 398 HOLT WILLIAMSON STREET OWNED BY MS ANNIE THOMPSON "HEIRS". ORD. NO. NS-1976-59.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 400 HOLT WILLIAMSON STREET OWNED BY MS ANNIE THOMPSON "HEIRS". ORD. NO. NS-1976-60.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT LOT 130-131 PROVIDENCE STREET OWNED BY MRS. C.H. PHILLIPS. ORD. NO. NS-1976-61.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 2717-B PROVIDENCE STREET OWNED BY MRS. C.H. PHILLIPS. ORD. NO. NS-1976 62.

Copies of all of the foregoing ordinances are on file in the City Clerk's Office in Ordinance Book NS-1976.

Council next gave consideration to applications for taxi cab driver permits.

Upon motion by Mr. Plummer, seconded by Mr. Dawkins and carried unanimously, taxi cab driver permits were approved for the following as recommended by the City Manager, Taxi Cab Inspector and Chief of Police: JOE L. COVINGTON, BILLY BOY EVERETT, DANIEL ROBERT SULLIVAN, DENNIS HARVEY EDGE, IRA MAURICE ROBERTS, HARRY MCCREA CAPPS, ROBERT THOMAS SHAMBURG.

No delegations responded to the invitation issued by Mayor Finch for recognition at this time.

CITY MANAGER REPORTS

The City Manager informed Council that the preliminary budget for the fiscal year 1976-1977 had been prepared and presented to the Council. However, no action is required on this matter tonight.

MATTERS OF INTEREST TO THE CITY COUNCIL

Mr. Satsky asked about the possibility of the removal of shrubbery on the parking lot behind Bass Street in the 500 block of Hay Street for the safety of persons lives due to the number of altercations resulting in injury to various persons and to the recent fatal shooting of a person at this location. The City Attorney was requested to check the statutes on this matter.

Mr. Satsky commented on the letter received recently by members of the Council from Captain Truitt of the Fayetteville Police Dept. on the departments investigation and successful completion on several recent homicides. Mr. Satsky and the Council commended these officers for the jobs done on solving these homicides.

Mr. George requested an investigation of the conditions existing along Murchison Road in the vicinity of Mt. Sinai homes in which a fatal accident occurred recently and requested that City Administration investigate the installation of crosswalks, lights or whatever other protective measures are necessary to protect lives and property along this segment of Murchison Road.

Mr. Dawkins recognized representatives of the Fayetteville Youth Council present in the audience.

Mayor Finch recognized Fayetteville Youth Council Members: Mark Braswell - Youth Week Mayor; Thomas Hooper - Youth Week Council Member; George Irizarry - Youth Week City Manager, and Kenny Fleishman - Youth Week City Council Member.

Mayor Finch informed Council that they needed to set a conference meeting on Community Development Projects and grants and loans and E.D.A consultants sometime soon and Thursday, May 13 at 5:00 P.M. in the Kyle House was the date and hour and place decided upon for said meeting.

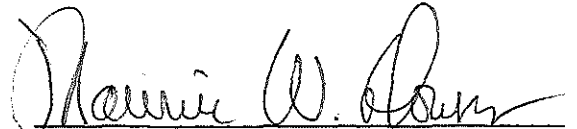
Mayor Finch informed Council that Community Development Dept. Director Ron Hickman had contacted her and stated that he was unable to locate a suitable site for housing for the elderly in place of the original site proposed on Broadfoot Avenue. Mayor Finch reminded Council that should Mr. Hickman be unable to find such a site this matter would be referred to a Council committee. Mayor Finch asked Mr. George if would chair such a committee and he declined.

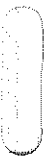
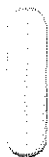
Mayor Finch then suggested and it was agreed upon that the Council would serve as a committee as a whole to act on this matter.

Mayor Finch then informed Council that it was desired to relocate the offices of the Community Development Dept. from the First Citizens Bank Building across from City Hall into the City Hall and the City Manager suggested that they be relocated in the old Police Dept. section in the last four offices past the stairway plus two more offices on the second floor. There was no opposition voiced to this proposal.

Mayor Finch reminded Council that it would be necessary to schedule budget discussions in the near future and to be prepared to decide upon the dates of such discussions at the next regular meeting on May 10.

Thereafter, all matters of business having been completed, this session was adjourned at 9:30 P.M., upon motion made and duly seconded.


Maurice W. Downs
City Clerk



SPECIAL MEETING
CITY HALL COUNCIL CHAMBER
MONDAY, MAY 3, 1976
9:30 P.M.

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Gene Plummer, Marion George, Vincent Shields, Steve Satisfsky

Others Present: Mr. Guy Smith, City Manager
Mr. Billy Clark, City Attorney
Mr. W.G. Thomas, Assistant City Manager
Mr. Robert M. Bennett, City Engineer

Mayor Finch called this special session to order and announced its purpose was to conduct a second reading and discussion on the implementation program of the downtown circulation plan phase I. (First reading was held and passed on this matter by Council at the public hearing held at the last regular meeting on April 26.)

Mayor Finch called on City Engineer Bennett to present this matter again and Mr. Bennett did so by displaying a map depicting the proposed changes and presented proposed ordinances for Council's consideration amending the city's various traffic schedules effective May 16, 1976 to effect the downtown circulation plan.

Following brief discussion, Mr. Dawkins offered motion, seconded by Mrs. Beard for adoption of the downtown circulation plan on second reading as presented and for adoption of the following ordinances amending the various traffic schedules as contained in the city code with an effective date of May 16, 1976 and the motion upon being put to vote by Mayor Finch carried unanimously.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 7 - ONE WAY STREETS WINSLOW STREET, RANKIN STREET, HILLSBORO STREET, CROSS CREEK CONNECTION, BRAGG BLVD., ROBESON STREET, CASHWELL STREET, FRANKLIN STREET. ORD. NO. NS-1976-63.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 11 - PARKING PROHIBITED ON RANKIN STREET. ORD. NO. NS-1976-64.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 11 - PARKING PROHIBITED ON WINSLOW STREET. ORD. NO. NS-1976-65.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 11 - PARKING PROHIBITED ON HILLSBORO STREET. ORD. NO. NS-1976-66.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 11 - PARKING PROHIBITED ALONG WEST ROWAN STREET. ORD. NO. NS-1976-67.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 11 - PARKING PROHIBITED ALONG CASHWELL STREET. ORD. NO. NS-1976-68.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 11 - PARKING PROHIBITED ALONG FRANKLIN STREET. ORD. NO. NS-1976-69.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 11 - PARKING PROHIBITED ALONG CROSS CREEK CONNECTION. ORD. NO. NS-1976-70.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 11 - PARKING PROHIBITED ALONG WALTER STREET. ORD. NO. NS-1976-71.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 11 - PARKING PROHIBITED ALONG WEST RUSSELL STREET. ORD. NO. NS-1976-72.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 11 - PARKING PROHIBITED ALONG MCIVER STREET. ORD. NO. NS-1976-73.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 11 - PARKING PROHIBITED ALONG ROBESON STREET. ORD. NO. NS-1976-74.

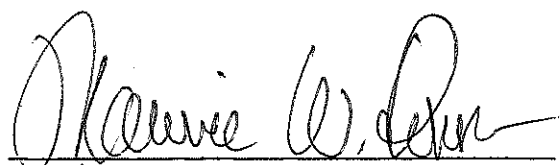
AN ORDINANCE OF THE CITY OF FAYETTEVILLE SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 10 - LOADING AND UNLOADING ZONES ON WEST RUSSELL STREET AND ON WILLIAMS STREET. WEST RUSSELL STREET. ORD. NO. NS-1976-75.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 10 - LOADING AND UNLOADING ZONES ALONG WINSLOW STREET (WEST SIDE) ORD. NO. NS-1976-76.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 13 - PARKING METERS ON HAY STREET (SOUTH SIDE). ORD. NO. NS-1976-77.

Copies of all of the foregoing ordinances are on file in the City Clerk's Office in Ordinance Book NS-1976.

Thereafter, this matter of business having been completed, this special session was adjourned at 9:35 P.M. upon motion made and duly seconded.



Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MAY 10, 1976
8:00 P.M.

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Gene Plummer, Marion George, Vincent Shields, Steve Satsky

Others Present: Mr. Guy Smith, City Manager
Mr. Billy Clark, City Attorney
Mr. Ray Muench, PWC
Mr. Joe Stowe, PWC

Mayor Finch called the meeting to order and the invocation was given by Bishop Clark T. Davis, Church of Jesus Christ of Latter Day Saints (Mormon) Following the invocation, Mayor Finch led the Pledge of the Allegiance to the Flag.

Mayor Finch then recognized Fayetteville Youth Council Representatives: John Sternlicht, Mark Braswell and George Irizarry and John read and presented to the Mayor a proclamation issued on behalf of the youth council in which the Council expressed its deep appreciation to all adult participants for their cooperation with the youth council during Youth Week 1976. The proclamation was signed by the Youth City Council. Following the proclamation reading, Mayor Finch thanked John, Mark and George for the presentation.

Upon motion by Mr. Satsky, seconded by Mr. George and carried unanimously, Minutes of the Regular Council Meeting of April 26 and Adjourned Council Meeting of May 3 were approved as submitted by the Clerk.

Councilman Dawkins was then recognized and extended a welcome to Mr. Bill McGougan and his Boy Scout Troop present in the audience this evening to observe Council proceedings.

Council then moved into public hearings.

A public hearing had been published for this date and hour on the consideration of a proposed annexation of a tract located on Roxie Avenue for use by the Public Works Commission as an electrical substation site. This annexation matter pursuant to N.C. G.S. 160A-31 - by petition.

Mr. Ray Muench, PWC Manager, was recognized for PWC and reminded Council that this site had recently been approved for the location of the proposed PWC electric substation and that now PWC was requesting that it be annexed into the city. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL EXTENDING THE CORPORATE LIMITS OF THE CITY TO INCLUDE A TRACT ON ROXIE AVENUE FOR THE NEW PWC ELECTRIC SUBSTATION SITE. ANNEX. ORD. NO. #172.

Following brief discussion, Mrs. Beard moved that the foregoing site be and the same is hereby annexed into the corporate limits of the city by the introduction and adoption of the foregoing ordinance. Motion seconded by Mr. Satsky and carried unanimously. A copy of the foregoing ordinance is on file in the City Clerk's Office in Annexation Ordinance Book 1976.

Council next gave consideration to the paving of a section of Duncan Street between Bixley Drive and Scampton Drive in the Cambridge Subdivision by order of the City Council and without petition from the property owner. The City Clerk certified that the property owner had been notified in writing of this public hearing by first class mail. The City Engineer presented this matter, gave a brief background as presented at the meeting of April 26 and stated that this request for paving had come from the various property owners in the area.

A Mr. Neil McAllister, a resident property owner in the area, was recognized in favor of the paving and stated that due to this small middle segment of Duncan Street which remained unpaved that residents in the area were experiencing difficulty in receiving goods and services. He cited as an example a floral bouquet ordered for delivery on Easter Sunday having been delivered on Mother's Day due to a mix up in the florist being unable to locate the 1200 block of Duncan Street.

A Mr. Mike Pleasants, 1707 Bixley Drive, who stated his father, Mr. Glen Pleasants, have developed this area and the original intention was to pave the entire length of Duncan Street. He cited a church's desire to obtain two lots fronting along the unpaved portion of Duncan Street as being the reason for the present problem. He stated that negotiations had been carried on with the church for several years but with no progress. Mr. Pleasants also cited as a reason for this segment of Duncan Street being paved, the vehicular hazard involved, the inconvenience to the motoring public and to the residents, the danger in not being able to have proper police and fire protection and concluded that stating that Duncan Street had been dedicated to the city as a public thoroughfare.

A Mr. Dale Wells, of 1709 Bixley Drive was recognized in favor of the paving. There was no opposition present.

Following brief discussion, Mr. Satsky offered motion that this section of Duncan Street be paved by order of the Council by the adoption of the following resolution. Motion seconded by Mr. Shields and carried unanimously.

FINAL RESOLUTION REQUIRING THE PAVING WITHOUT A PETITION OF DUNCAN STREET BETWEEN SCAMPTON DRIVE TO THE SOUTHEASTERN CORNER OF LOT #8, PLAT BOOK 32, PAGE 28 CUMBERLAND COUNTY REGISTRY. RES. NO. R-1976-20.

A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book R-1976.

Upon motion by Mr. George, seconded by Mr. Satisfsky and carried unanimously, a public hearing was set for June 28, 1976 on consideration of the rezoning from R6 residential district to C3 Heavy Commercial District or to a more restrictive zoning classification an area located at 2801 Ramsey Street and being the property of Billy V. Cain.

PUBLIC WORKS COMMISSION MATTERS

Council recognized the City Attorney on council's consideration of a resolution providing for the issuance of \$3,000,000 of electric bond anticipation notes. The City Attorney stated that PWC desires to sell an additional \$3,000,000 electric bond anticipation notes of the original \$18,000,000 electric bonds approved by Council on October 30, 1975 and by referendum on December 16, 1975.

RESOLUTION PROVIDING FOR THE ISSUANCE OF \$3,000,000 ELECTRIC BOND ANTICIPATION NOTES. RES. NO. R-1976-21.

Following brief discussion, Mr. Satisfsky introduced the foregoing resolution and moved its adoption as requested by PWC. Motion seconded by Mr. Shields and carried unanimously. A copy of the foregoing resolution is on file in the City Clerk's office in Res. Book R-1976.

PWC Manager Muench then presented an application for water and sanitary sewer connection to an existing main to serve an existing building on Natal Street outside the City. Mr. Muench stated that Parks Moving and Storage was the applicant that they had had to move by court order from their previous location and they needed utility service immediately in order to get sprinkler service and fire insurance protection. He stated that the PWC had approved this application subject to approval by the Council. He also stated that an annexation agreement would be executed if this connection is authorized.

Following brief discussion, Mr. Satisfsky offered motion to follow the recommendation of PWC and approve the foregoing application for utility service upon condition that an annexation agreement is received. Motion seconded by Mrs. Beard and carried unanimously.

PWC Manager Muench stated that an additional application for one 4-inch sanitary sewer connection to an existing main had been received from Mrs. Sarah B. Grainger in Bonnie Doone. PWC has approved this application subject to City Council approval and the applicant will sign the necessary annexation agreement.

Following brief discussion, Mrs. Beard offered motion for approval of the foregoing sanitary sewer connection as recommended by PWC. Motion seconded by Mr. George and carried unanimously.

Council next gave consideration to an ordinance extending the corporate limits of the City of Fayetteville pursuant to the authority granted by Part 3, Article 4A, Chapter 160A of the N.C. General Statutes to include the area known as Cambridge Arms Apartments located on north McPherson Church Road.

Attorney Herb Thorp was recognized for the owners who opposed annexation and who had submitted on May 5 a 26 signature petition of opposition to annexation. Mr. Thorp stated to the Council that an approval of this annexation by them would in his opinion be a violation of their oath of office inasmuch as they would be voting against an existing N.C. law. In response to inquiry from a member of the Council as to why the owners objected to being annexed to the city, Mr. Thorp replied that the objection was due to the payment of some \$47,000.00 in city taxes each year and of the necessity of passing on the cost of such taxes to the tenants in the area.

The City Attorney was recognized at this time and stated that in his opinion, Council would not be violating their oath of office by voting for this annexation and stated that the N.C. law was unconstitutional and that the Council would not desire to abide by that law. He reviewed for Council's consideration their recent annexation of the Morganton Road areas and Hillendale areas.

Following some considerable discussion of this matter, Mr. Plummer offered motion to follow the City Attorney's recommendation and extend the corporate limits of the city to include Cambridge Arms Apartments. However, the motion failed for lack of a second.

Following some further discussion, Mr. Shields offered a motion to postpone action on this matter tonight for at least 30 day to June 14, 1976. Motion seconded by Mr. Plummer and carried unanimously.

Council next gave consideration to a request by Mrs. Juanita Cashwell for a variance in Section 12-13 (a) of the Fayetteville Code to allow a wood frame structure in the primary fire district.

The City Manager was recognized on this matter and presented background for Council's benefit. He stated that a letter had been received from Mrs. Cashwell requesting permission to place a wood frame structure in the primary fire district whose location would be the Seaboard Coastline

Railroad property on Hay Street. This building would not exceed 25 square feet in area and would be used as a telephone booth for the existing taxi cab company. Mrs. Cashwell stated that it would be impossible for her to erect a permanent masonry type building on the property since the railroad would only permit temporary structures to be placed on the property and the lease agreement that she has is for a maximum of 30 days at a time. The City Building Inspector stated in a letter to the City Manager that Mrs. Cashwell had placed this building on the premises prior to obtaining a permit to do so on April 26, 1976. On April 27, a member of the Inspection Dept. contacted Mrs. Cashwell and told her that the building was wood frame and therefore not permitted in the fire district. She was also told that since the building was there, it could stay until her request for a variance had been submitted to the City Council and the Commission of Insurance for their approval or disapproval. The City Building Inspector stated additionally to the City Manager in a memo that since this structure will only be 25 square feet and utilized for a one man dispatcher shack and due to the building being located in a non built up area of the primary fire limits recommended approval of the property owners request for a placement permit.

Attorney Richard Wiggins was recognized for Mrs. Cashwell and requested that the variance be granted.

Following some discussion, Mr. Plummer offered motion to grant the request. Motion seconded by Mr. Dawkins.

Following some further discussion, Mrs. Beard offered substitute motion that the variance not be granted and that the structure be brought up to standard or removed. Motion seconded by Mr. Satisfsky and carried by the following vote: FOR: Mr. Satisfsky, Mr. Shields, Mr. George and Mrs. Beard, AGAINST: Mr. Plummer and Mr. Dawkins.

Council next gave consideration to a presentation by members of the Fayetteville Police Dept. of a proposed pay plan developed by them.

Council recognized Detective Nash who made some brief opening remarks concerning the pay of the Police Dept. cited the high training cost now being experienced by the department, gave some other salary statistics and related the departments difficulty in not only obtaining but keeping potentially good police officers on the department due to the low pay scale. Detective Nash then called on Officer Lex Watson who presented an outline of the proposed pay plan. Officer Watson stated that the purpose of the proposed pay plan was to create an organized system of advancement for an officer coming into the department for the first time. The plan would recognize seniority and merit advancement. The plan would create three ranks within the patrolman. The starting salary would be \$8620 per annum and after 6 months an automatic advance and after 12 months an automatic advance as indicated on the plan. After 24 months the patrolman will be eligible to take a test for further advancement such tests including such items as criminal law and other phases of penology. If the test is passed then advancement to the next level is accomplished with a maximum level reach for a patrolman at level 26.

After 5 years the patrolman would reach a salary level of \$10,872.00 per annum and eligible to take a second exam. The top salary for patrolman first class would be \$11,136 per annum and the patrolman eligible to take the 3rd exam. The plan also proposes the establishment of a corporal rank and stripes for officers and at 8 years level 26 step 7 would be reached with a salary of \$11,194.00 per annum.

For Sergeants, Lieutenants, Captains and Majors the present test would remain the same as administered by Civil Service Commission regulations. Level 28 would be the Sergeants level and would require three years to reach the maximum salary. Level 29 would be established for Lieutenant and would take three years to reach the maximum salary. The present level would remain for Captain and would require 5½ years of seniority to reach maximum. The present level would remain for Major and would require 6 years to reach the maximum level.

Detective Nash stated that this was a brief presentation of the pay plan proposed by the Police Dept.

Mayor Finch thanked Officers Nash and Watson for their presentation and request and assured them that their proposal would be given full consideration by the City Council during its budgetary deliberations.

Council next gave consideration to the acquisition of the Stephen Rodger's tract on the corner of Russell Street and Winslow Street for the Winslow Street right-of-way. This is a part of the Downtown Traffic Improvement Plan.

The City Manager and City Engineer presented this matter. The City Engineer presented a map projection indicating the location of the proposed property. In a memorandum to the City Manager, the City Engineer stated that as best he could determine all of the properties located within this block respect a 100 foot right-of-way with the exception of the Stephen Rodger's deed (over 40 years old) which juts out into Winslow Street about 10 feet farther than the other deeds. He recommended consideration of purchasing the Stephen Rodger's property in its entirety as follows: to straighten out the east margin of Winslow Street in this block. The full 50 foot width of Winslow Street is needed for street, utility and sidewalk purposes for additional municipal parking for the businesses in the area where parking is to be eliminated under the provisions of the Downtown Circulation Plan for the possible future Russell Street bridge over the Seaboard Coastline Railroad; if this project materializes this corner would be needed for construction of the overpass and turning movements from Russell Street onto Winslow Street. The elimination of the existing dilapidated wood structure now situated on this lot would improve the general appearance of the area and the property has been vacant and for sale for over a year now and we believe it is the

opportune time for the City to acquire the property at a fair price.

The City Manager requested authorization of the Council to negotiate for acquisition of the property at a reasonable cost.

Following some discussion, Mr. George offered motion to authorize the City Manager to proceed to acquire firm bids on this property. Motion seconded by Mr. Satsky and carried by the following vote: FOR: Mr. Satsky, Mr. Shields, Mr. George and Mrs. Beard; AGAINST: Mr. Plummer and Mr. Dawkins

Council next gave consideration to the award of bids for Glenville Park Parking Lot and Drainage System. The City Engineer presented this matter and stated that bids had been received for the Glenville Park Parking Lot and Drainage System and the Recreation Parks Director and himself recommended awarding the project to the low bidder, Herring, Inc. for their bid of \$9,062.50.

Following some discussion of this matter during which time it was observed that the drainage would only be piped as far as the swampy area beside the lake and adjacent to one corner of the athletic field, Mr. Plummer offered motion, seconded by Mrs. Beard to award the bid to Herring, Inc. as recommended and that an on site look be taken at the conditions as they existed after the pipe is installed. Motion carried unanimously.

Mayor Finch next recognized delegations from the audience and a Mr. Jesse Creasy who identified himself as an employee of the City Sanitation Dept. was recognized and asked Council if the Sanitation Dept. employees should submit a pay plan for Council's consideration in order for the Sanitation Dept. employees to get a pay raise. Mayor Finch thanked Mr. Creasy for his appearance and interest and suggested that he may contact the Council members individually for this information but assured him that the Council is considering in the present budget pay increases for City Employees and she invited him to attend the budget sessions to be held shortly.

Council next gave consideration to several Board of Appeals on Dwellings and Buildings appointments which expire in May and since this matter was presented merely for information this evening carried this item over to the next regular meeting of the Council.

CITY MANAGER REPORTS

The City Manager reported for the record the resignation from the Police Dept. of Henry J. Mascia. Council noted the resignation.

City Manager Smith stated that he had received a notice and request from the Shriners that during the week of May 22 the Shriners would hold a parade and convention for one week in the City and that they desired to place banners, bunting and flags on the various buildings downtown. The City Manager informed the Council that the code requirement was such that if they desired to do so they could grant permission to do this.

Following brief discussion, Mr. Plummer offered motion to grant permission to the Shriners to have bunting, flags and banners placed on the buildings in the downtown area during their convention. Motion seconded by Mr. Shields and carried unanimously.

The City Manager then informed Council that he had one other official act to perform this evening and that was to present to Mayor Finch her five year pin for her five years of service on the City Council. This he did and Mayor Finch expressed her pleasure at receiving it and of her pleasure in serving as a council member, mayor pro tem and now as Mayor over the past five years.

City Attorney Clark again requested recognition and stated that reconsidering item 5 on the agenda this evening the annexation of Cambridge Arms Apartments which was continued to June 14 informed Council that this date is beyond the sixty day statutory requirement from the original public hearing and recommended that this matter be held on May 24 in order to comply with the law.

Mr. Shields then offered motion to amend the original motion to change the public hearing date from June 14 to May 24. Motion seconded by Mrs. Beard and carried unanimously.

MATTERS OF INTEREST TO THE CITY COUNCIL

Mrs. Beard requested the City Manager to check for additional fringe benefits for City Employees and report back to the Council.

Mr. Plummer stated that he and several of the Council Members had taken a tour of Mr. Wilson Yarborough, Jr. property located at the corner of Raeford Road and Cheselka Street and felt that the action taken by Council on the rezoning matter dealt an injustice to Mr. Yarborough in the use of his property and requested the City Attorney to write an amendment to the C1 zoning code to allow used car lots in this area.

Mr. Plummer then offered motion, seconded by Mr. Shields that a public hearing be set for June 28 to consider such an amendment to the zoning ordinance. Motion carried unanimously.

Mr. George asked the City Manager if any solution to the problem existing on Murchison Road at the Mt. Sinai Apartments at which a fatal accident occurred some weeks ago. The City Manager replied that he had no information as yet but was studying the problem.

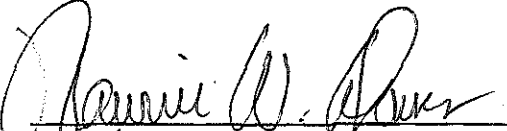
Mayor Finch reminded Council of the Conference Meeting in the Kyle House on Thursday, May 13

at 5:00 P.M. and of the Joint Meeting with the County Commissioners in the City Hall on the Downtown Revitalization Program at 7:30 P.M.

Mayor Finch also reminded Council that it was necessary to set the dates for budget sessions and the following dates were agreed upon. Monday and Tuesday May 17 and 18 at 7:00 P.M. in the Kyle House and Tuesday and Wednesday May 25 and 26 at 7:00 P.M. in the Kyle House.

Mayor Finch then reminded Council that on June 16 the N.C. League of Municipalities would hold its Legislative Meeting in Raleigh at the Royal Villa to set goals for the coming year for the league. It was strongly suggested that every Council Member attend this legislative meeting.

Thereafter, all matters of business having been completed, this meeting was adjourned at 10:15 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

SPECIAL MEETING
THURSDAY
MAY 13, 1976
5:45 P.M.
COUNCIL CHAMBER
KYLE HOUSE

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Gene Plummer, Marion George, Vincent Shields, Steve Satisfsky

Also Present: Cumberland County Commission Chairman Luther Packer

County Commissioners: W.E. Tyson, Tom Bradford, Billy D. Horne, E.J. Edge, Jr.

Also: County Manager Carter L. Twine, County Attorney Heman R. Clark

Also: Assistant City Manager William G. Thomas, Administrative Assistant James Gray, City Engineer Robert Bennett, City Attorney Billy Clark and Community Development Dept. Director Ron Hickman

Also Special Guests: Honorable Ferd Harrison, Mayor of Scotland Neck
Mr. David Brown, RECO (Resource Recovery) Engineer
Mr. Tim Brinn, RDI, East Carolina University

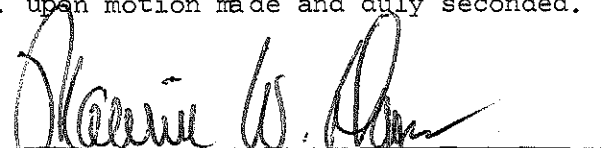
Mayor Finch called this special session to order by unanimous consent of the City Council at 5:45 P.M. following a presentation by Mayor Harrison, Mr. Brown, and Mr. Brinn introducing to the City and County Officials a new system for disposing of solid waste by a converter system process using a plasma torch and called Resource Recovery or RECO, which began at a Council Conference at 5:00 P.M. During the conference meeting Mayor Harrison and Mr. Brinn and Mr. Brown stated that a prototype of this system is now in operation in the City of Raleigh, and that some of the Council and Commissioners have seen this unit in operation. Mayor Harrison stated that this is actually a non-polluting type of converter which burns solid waste and converts it into gas and a slag-type waste.

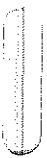
The cost of the feasibility study is \$80,000. and the unit can convert as much as 200 tons of waste per day. Mayor Harrison stated that RECO will contribute \$30,000. of the total cost leaving \$50,000. to be funded by the City and County. Of this \$50,000. the City and County may contribute office space, clerical help and the like in the amount of \$20,000. as an in-kind contribution to defray a part of their cost and then split the \$30,000. difference-\$15,000. each to the total cost of the feasibility study, to be completed at the request of the City and County by EDA. He recommended that the City file the application for the City and County for the funds. The deadline is May 18, however, this date is not altogether restrictive and may be extended. In response to inquiry, Mayor Harrison responded that the facility would require from 5 to 7 acres of land on which to construct.

Mayor Harrison and Mr. Brown both reiterated that the facility would generate no pollutants during the burning process, and that the by-product generated would be a slag-like material which could be used for road building material. A crew of 4-5 would be required to operate the facility per each 8 hour shift. The study would begin, if approved, approximately July 1 and completed in 6-8 months.

Mayor Finch then asked Council if they desired to take any action on the study tonight and following brief discussion, Mr. Satisfsky offered motion that we approve the study based on the contingency that the Cumberland County Commissioners also approve it and split the funding 50-50. Motion seconded by Mr. Plummer and upon being put to vote carried unanimously.

Thereafter, this special session was adjourned at 5:48 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MAY 24, 1976
8:00 P.M.

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Gene Plummer, Marion George, Vincent Shields, Steve Satsky

Others Present: Mr. Guy Smith, City Manager
Mr. Billy Clark, City Attorney
Mr. Joe Stowe, PWC

Mayor Finch called the meeting to order and the invocation was offered by the Rev. Charles E. Kirkpatrick, McPherson Presbyterian Church. Following the invocation, the Pledge of the Allegiance was led by Scout Phillip Alexander, Boy Scout Troop #771 sponsored by McPherson Presbyterian Church. Members of this troop were present with Rev. Kirkpatrick this evening to observe Council proceedings.

Mayor Finch recognized the following Fayetteville Youth Council representatives also present in the audience to observe Council proceedings. Steve West, Don Edwards and Robert Waitman

The first order of business was the approval of minutes.

Upon motion by Mrs. Beard, seconded by Mr. Satsky and carried unanimously, minutes of a Special Meeting of the Council of May 3 were approved as submitted by the Clerk.

Upon motion by Mr. Satsky, seconded by Mr. Shields and carried unanimously, minutes of a Regular Meeting of May 10 were approved as submitted by the Clerk.

Upon motion by Mr. Dawkins, seconded by Mr. George and carried unanimously, minutes of a Special Meeting of the Council of May 13 were approved as submitted by the Clerk.

A public hearing had been published for this date and hour on consideration of extending water and sanitary sewer utilities into West Street from Whitfield Street to South Street without petition from the property owners. The City Manager presented this matter and stated that although individual notices had not been sent to the property owners in the area some of the property owners were present in the audience. The City Manager suggested that since this public hearing had been published Council hold the hearing to hear any in favor or in opposition to this proposition and if Council should consider approval of the matter hold another public hearing at a later date with all property owners being notified by individual notice.

Mr. Raymond Coleman, 1037 Roberson Street and an area resident was recognized and requested that Council approve the extensions of the utility services into West Street without petition from the property owners. Mayor Finch asked Mr. Coleman if a petition could not be secured and submitted requesting these extensions and Mr. Coleman replied that several attempts had been made but a valid petition could not be secured for one reason and another. There was no opposition present. In response to a query by a member of the Council, PWC Assistant Manager Stowe stated that the cost of installing utilities would be approximately \$47,000.00 and the assessment rate would be approximately \$15.00 to \$17.00 per front foot or approximately \$900.00 per lot.

Following brief discussion, Mr. George offered motion that this matter be continued to the June 14 meeting. Motion seconded by Mr. Dawkins and carried unanimously.

A public hearing had been published for this date and hour on a proposed amendment to the City of Fayetteville Zoning Ordinance, Section 32-27 for P2 Professional District by adding Section 32-27, P2 Professional District (12) Art Galleries as a permitted use within the district. Planner Mitchell stated that the Planning Board recommended approval of this amendment. Attorney Stacey Weaver was recognized for the petitioner and requested approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE CITY OF FAYETTEVILLE ZONING ORDINANCE SECTION 32-27 FOR P2 PROFESSIONAL DISTRICT BY ADDING SECTION 32-27 P2 PROFESSIONAL DISTRICT (12) ART GALLERIES AS A PERMITTED USE WITHIN THIS DISTRICT. ORD. NO. S-1976-14.

Mr. George introduced the foregoing ordinance and moved its adoption as recommended by the Planning Board. Motion seconded by Mr. Satsky and carried unanimously. A copy of the foregoing ordinance is on file in the City Clerk's Office in Ordinance Book S-1976.

A public hearing had been published for this date and hour on the rezoning from R5 Residential District to P2 Professional District or to a more restrictive zoning classification of an area located at 226 Bradford Avenue. Planning Board recommended approval. Attorney Stacey Weaver was again recognized for the petitioner and stated that the property was presently being leased and used as an art gallery by several artists whose works were for sale. Mr. Weaver stated that Council's previous action in allowing art galleries as a permitted use in the P2 Professional District was the same location. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R5 RESIDENTIAL DISTRICT TO P2 PROFESSIONAL DISTRICT AN AREA LOCATED AT 226 BRADFORD AVE. ORD. NO. NS-1976-78.

Mrs. Beard introduced the foregoing ordinance and moved its adoption, seconded by Mr. Dawkins and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book NS-1976.

A public hearing had been published for this date and hour on the rezoning from R10 Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located at 322 Boone Trail. Planning Board recommended denial of C1 and approval of C1A.

A Mr. A.L. Jackson, the petitioner, was recognized and requested approval of the proposed rezoning and indicated that he desired to have his property zoned commercial since there was already an existing commercial building located on the property and the adjacent property to the south was now zoned commercial in the county. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R10 RESIDENTIAL DISTRICT TO C1A LOCAL BUSINESS DISTRICT AN AREA LOCATED AT 322 BOONE TRAIL. ORD. NO. NS-1976-79.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Dawkins and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book NS-1976.

A public hearing had been published for this date and hour on the initial zoning R10 Residential District or to a more restrictive zoning classification of an area located at 869 Stoneykirk Drive. Planning Board recommends approval. Planner Mitchell stated that this was a recent annexation to the city. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE TO R10 RESIDENTIAL DISTRICT AN AREA LOCATED AT 869 STONEYKIRK DRIVE. ORD. NO. NS-1976-80.

Mr. Satsky introduced the foregoing ordinance and moved its adoption, seconded by Mr. Shields and carried unanimously. A copy of the foregoing ordinance is on file in the City Clerk's Office in Ordinance Book NS-1976.

A public hearing had been published for this date and hour on the initial zoning to C1P Shopping Center District or to a more restrictive zoning classification of two tracts of land located near the intersection of U.S. 401 and Carvers Fall Road and within the existing satellite annexation area. Planner Mitchell stated that this was a recent annexation and that the Planning Board recommended approval of C1P.

Attorney Stacey Weaver was recognized for the petitioner and stated that by granting this request and extending the existing C1P Shopping Center District it would provide suitable space for a more unified development in the approved shopping center plan and that this district would require site plan approval by the Planning Board and City Council and that C1P was the highest and best use for the orderly development of these tracts. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE TO C1P SHOPPING CENTER DISTRICT TWO TRACTS OF LAND LOCATED NEAR THE INTERSECTION OF U.S. 401 AND CARVERS FALL ROAD AND WITHIN THE EXISTING SATELLITE ANNEXATION AREA. ORD. NO. NS-1976-81.

Following brief discussion, Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Satsky and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book NS-1976.

A public hearing had been published for this date and hour on the initial zoning to R6 Residential District or to a more restrictive zoning classification of an area located at 1076 Powell Street. Planner Mitchell stated that this was a recent annexation and Planning Board recommended approval of R6. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE R6 RESIDENTIAL DISTRICT AN AREA LOCATED AT 1076 POWELL STREET. ORD. NO. NS-1976-82.

Mr. Satsky introduced the foregoing ordinance and moved its adoption, seconded by Mr. Shields and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book NS-1976.

A public hearing had been published for this date and hour on the initial zoning to R10 Residential District or to a more restrictive zoning classification of an area located at 602 Law Road. Planner Mitchell stated that this was a recent annexation and that Planning Board recommended approval of R10. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE R10 RESIDENTIAL DISTRICT AN AREA LOCATED AT 602 LAW ROAD. ORD. NO. NS-1976-83.

Mr. Plummer 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 City Clerk's office in Ordinance Book NS-1976.

A public hearing had been published for this date and hour on the initial zoning to C1 Local Business District or to a more restrictive zoning classification of an area located at the corner of Cliffdale Road and Glensford Drive. Planner Mitchell stated that this was a recent

annexation and Planning Board recommended C1P zoning instead of C1.

Attorney Marland Reid was recognized for the petitioner, the Manna Church. Mr. Reid stated that the proposed 7-11 convenience store would not be built at this location on the lot sold by the church as originally proposed. Only the church buildings would be located on this tract. There was no opposition present.

Discussion followed during which time opinion was voiced by Council Members that if the 7-11 store was not to be constructed then there was no need for C1P zoning.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE R5A RESIDENTIAL DISTRICT AN AREA LOCATED AT THE CORNER OF CLIFFDALE ROAD AND GLENSFORD DRIVE. ORD. NO. NS-1976-84.

Mrs. Beard introduced the foregoing ordinance and moved its adoption, seconded by Mr. Shields and carried unanimously. A copy of the foregoing ordinance is on file in the City Clerk's Office in Ordinance Book NS-1976.

Council next gave consideration to the adoption of a resolution closing a portion of Pope Street pursuant to a petition from Cape Fear Industries, Inc. and the setting of a public hearing on same.

A RESOLUTION OF THE CITY COUNCIL INDICATING THE INTENTION OF SAID CITY COUNCIL TO CLOSE THAT PORTION OF POPE STREET (FORMERLY ALEXANDER STREET) IN THE CITY OF FAYETTEVILLE AND SETTING A PUBLIC HEARING BE HELD ON JUNE 28, 1976 AT 8:00 P.M. IN THE CITY HALL COUNCIL CHAMBER. RES. NO. R-1976-22.

Mr. Dawkins 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 R-1976.

Upon motion by Mr. Plummer, seconded by Mr. Dawkins and carried unanimously, a public hearing was set for June 28, 1976 on a proposed amendment to Section 32-49 of the Fayetteville Zoning Ordinance providing for the construction of fences in the side and front yards of lots.

Council next gave consideration to the setting of a public hearing on the paving of a section of Topeka Street pursuant to petition from the property owners by the adoption of a resolution.

PRELIMINARY RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION OF TOPEKA STREET FROM THE NORTHERN LINE OF THE H.L. DAWSON PROPERTY AS RECORDED IN PLAT BOOK 16, PAGE 63, CUMBERLAND COUNTY REGISTRY NORTHEASTERLY TO THE EASTERN MARGIN OF THE ALVIN PIERCE PROPERTY. RES. NO. R-1976-23.

Following brief discussion, Mr. Plummer introduced the foregoing resolution and moved its adoption and that a public hearing be held on June 14, 1976. Motion seconded by Mr. Dawkins and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book R-1976.

PLANNING BOARD MATTERS

Council next gave consideration to Huntington Park, Section 2, Part 2, Subdivision preliminary review located on Regiment Drive. Planner Mitchell stated that the Planning Board recommended conditional approval as contained in their memo of May 24.

Following brief discussion, Mr. Satisfsky offered motion, seconded by Mr. Shields that conditional approval be given the foregoing as recommended by the Planning Board. Motion carried unanimously.

Council next gave reconsideration to a proposed ordinance extending the corporate limits of the City of Fayetteville pursuant to the authority granted by Part 3, Article 4A, Chapter 160A of the North Carolina General Statutes to include the area known as Cambridge Arms Apartments. (This matter was continued from the meeting of May 10.)

Attorney Herb Thorp was recognized for the owners of this property, Mr. J.P. Riddle and Mr. Thomas Wood, and requested City Council to not annex this area.

Following brief discussion, Mr. Plummer offered motion for the adoption of the proposed ordinance annexing Cambridge Arms Apartments to the city, Motion seconded by Mr. Dawkins.

Mayor Finch then called for vote on the motion and it was as follows: FOR: Mr. Satisfsky, Mr. Plummer and Mr. Dawkins; AGAINST: Mr. George, Mr. Shields and Mrs. Beard. Mayor Finch declared a tie vote cast her vote in favor of the motion declared the motion carried and the ordinance adopted on first reading. Mayor Finch then stated that the second reading on this proposed ordinance would be held at a special meeting of the Council on Wednesday, May 26, 1976 at 7:00 P.M. in the Council Chamber in the Kyle House.

Council next gave consideration to an annual contract authorizing the firm of Haigh and VonRosenberg CPA's to audit all City of Fayetteville municipal funds including those of the Public Works Commission. The City Manager presented this matter and recommended approval.

Following brief discussion, Mr. Plummer offered motion to follow the foregoing recommendation of the City Manager and authorize and direct the Mayor to enter into said contract for the period beginning July 1, 1975 and ending June 30, 1976 for an estimated total cost of \$13,000.00.

Motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to the presentation of a petition supporting the efforts of the City Council and Mayor in reducing crime in Fayetteville. A Mr. William Garner was to have presented the petition but Mr. Garner was not present and Council recognized Mr. Paul F. Vescovi who read a letter from Mr. Lester Carter, a local Attorney, deploring the incident of crime in the city and suggesting additional financial support for the Police Dept. Mr. Vescovi then presented the petition which contained the following: (1) The Uniform Crime Report for the city for the year 1975 shows that more than 25% of the recorded crimes were committed in the Hay Street and Central city area, (2) the petitioners believe that this high crime rate is the result of wide spread prostitution, drug traffic, violations of Alcoholic Beverage Control Laws and Regulations, Topless Go-Go Bars, Massage Parlors, Pornographic Bookstores and X-rated movie theatres, and (3) the petitioners believe that more stringent enforcement of the laws will help to eliminate the problem that threatens to destroy the city, and (4) the petitioners recommend that the city immediately: (a) increase enforcement by the Police Dept. of existing laws and ordinances; (b) enact new ordinances as to Topless Go-Go Dancing, Adult Bookstores, X-rated movies and massage parlors; and (c) take such other action as the City Council shall deem necessary and proper.

Following the reading of the petition, Mr. Vescovi presented to the Mayor and Council petitions from various churches and organizations and individuals containing several hundred signatures.

Following this Mayor Finch thanked Mr. Vescovi for his interest and presentation this evening and assured him that the City Council will continue to try to make improvements in this area.

Council next gave consideration to ordering condemnation of certain parcels of land in the Wilmington Road Neighborhood Development Program and one parcel of land in the street paving program of the Elliotte Street right-of-way. Council recognized Mr. Ron Hickman, Executive Director of the Community Development Dept. of the City, who presented this matter. Mr. Hickman stated that there were five parcels in the Wilmington Road Neighborhood Development program presented for condemnation as follows: (1) H-5 owned by W.P. DeVane (heirs) in the amount of \$9,400.00 and stated that the owners would not accept this offer, (2) Parcel H-19 Mr. & Mrs. William Williams in the amount of \$6,300.00 the owners will not accept the offer, (3) E-17 McCauley-McDonald Investments in the amount of \$900.00 and the owners will not accept this offer, (4) E-19 Robert Baker (heirs) in the amount of \$2,200.00 and the reason is that all heirs cannot be located, and (5) E-23 McCauley-McDonald Investments in the amount of \$1,700.00 and the owners will not accept this offer and in the street paving program - Elliotte Street right-of-way Parcel N-1 owned by Mr. & Mrs. Alexander Williams in the amount of \$69.00 and the property owners will not accept this offer. Mr. Hickman explained that the last parcel was not an entire lot but the corner of one.

Following brief discussion, Mr. Plummer offered motion to follow the recommendation to order condemnation of these parcels. Motion seconded by Mr. Satsky and carried unanimously.

Council next heard a report by the City Engineer on a petition for the paving of Weiss Avenue. The City Engineer displayed a map showing Weiss Avenue and stating that the request is for the paving of this street from its northern intersection with Robeson Street to its southern intersection with Robeson Street. Mr. Bennett said a petition had been submitted but was not adequate and had been returned for additional signatures. A Mr. Percy Jones of Weiss Avenue was recognized and requested Council to order Weiss Avenue paved without petition from the property owners inasmuch as several attempts had been made to secure a valid petition and failed because the property owners could not be located or the property was owned by absentee landlords living in other states.

Following brief discussion, Mr. George offered motion, seconded by Mr. Plummer and carried unanimously that Weiss Avenue be paved in its entirety by order of the Council and without petition from the property owners and that a public hearing be and the same is hereby set for June 28, 1976 in the City Hall Council Chamber by the adoption of a preliminary resolution.

PRELIMINARY RESOLUTION REQUIRING THE PAVING WITHOUT A PETITION OF WEISS AVENUE FROM ITS NORTHERN INTERSECTION WITH ROBESON STREET TO ITS SOUTHERN INTERSECTION WITH ROBESON STREET. RES. NO. R-1976-24,

A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book R-1976.

Council next gave consideration to the appointing of a member to the Police Benefit Fund. The City Manager presented this matter and stated that the Board of Directors of the fund was made up of three persons: City Manager, a Police Dept. appointee and a City Council appointee and that the term of office of the City Council appointee had expired and a new appointment needed to be made. He stated that this information was presented only for consideration this evening and Council agreed to lay this matter over until the next regular meeting.

Council next gave consideration to several ordinances ordering the Building Inspector to correct conditions at several locations within the city relating to substandard structures. The Inspector of substandard housing was requesting approval of these ordinances.

Mr. Quincy Scarborough owner of the property at 1416 and 1418 Church Street was recognized and stated that his property had been vacant for some time because he could not find tenants and that it had been vandalized as a result of such non-occupancy and he requested a 60 day extension of time to repair, sell or demolish these structures.

Following brief discussion, Mr. Plummer offered motion to approve the foregoing request and grant Mr. Scarborough a 60 day extension of time. Motion seconded by Mr. Dawkins and carried Mr. Satsky voting no.

Council also recognized a Mr. E.M. Roberts on 513 Terry Circle who requested a 45 to 60 day extension due to an insurance company dispute over the destruction of this structure by fire some time ago.

Following brief discussion, Mr. Plummer offered motion to grant a 60 day extension, motion seconded by Mr. Shields.

Following some further discussion, Mr. Plummer withdrew his motion and Mr. Shields his second and Mr. George offered motion to continue this matter to the next regular meeting of the Council. Motion seconded by Mr. Plummer and carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 2107 BAIN DRIVE AND OWNED BY JOHN WHITE HEIRS. ORD. NO. NS-1976-85.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 2107 GADDY AVENUE AND OWNED BY JOHN W. WHITE HEIRS. ORD. NO. NS-1976-86.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 200 1/2 PENNSYLVANIA AVENUE AND OWNED BY JAMES MCNEILL. ORD. NO. NS-1976-87.

Mr. Plummer introduced the foregoing three ordinances and moved their adoption, seconded by Mr. Dawkins and carried unanimously. Copies of the foregoing ordinances are on file in the office of the City Clerk in Ordinance Book NS-1976.

Council next gave consideration to three appointments to the Board of Appeals on Dwellings and Buildings and upon motion by Mr. Satsky, seconded by Mr. George and carried unanimously, the following named were reappointed by acclamation vote for three years terms of office each said terms expiring in May of 1979. WILLIAM S. GEIMER AND MRS. NITA MILLER.

A third appointment was laid over until the next regular meeting of the Council.

No delegations responded to the invitation by Mayor Finch for recognition.

CITY MANAGER REPORTS

The City Manager reported the resignation from the Police Dept. of F.J. Tamburello. Council noted the resignation.

The City Manager stated that ten applicants had been certified by the Civil Service Commission for appointment to the Fire Dept. These appointments are also recommended by the Fire Chief and the City Manager.

Mr. Plummer offered motion to follow the recommendation of the Civil Service Commission, Fire Chief and City Manager and appoint the following named to the Fayetteville Fire Dept. Motion seconded by Mr. Shields and carried unanimously. TODD DRACHMAN, ALAN HAYWOOD, BOBBY L. HORNE, JERRY M. IDOL, LAMBERT JOHNSON, JOHN W. JONES, CLIFTON L. KELLY, RAEFORD B. LOCKAMY, III, BRUCE MCLAURIN AND VINCENT WOLFE.

The City Manager requested approval of the Council for the City Tax Collector to advertise the sale of tax liens on delinquent taxes for the year 1975.

Mr. Satsky offered motion to follow the foregoing recommendation of the City Manager and authorize the advertising of such tax liens. Motion seconded by Mrs. Beard and carried unanimously.

The City Manager informed Council that they should advertise a public hearing on the 1976-77 budget sometime in June. Mayor Finch stated that this would be considered at a later date.

The City Attorney informed Council that a Mr. Benjamin Wilkerson, a resident of Old Wilmington Road, had submitted a bid to buy a city-owned tract, the Wiley property, on old Wilmington Road for the sum of \$200.00. The City Attorney requested authorization to advertise this matter.

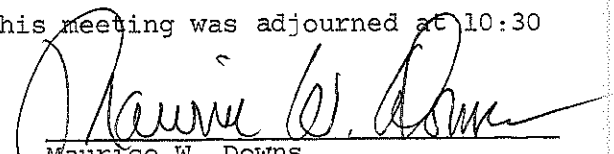
Mr. Plummer offered motion to follow the recommendation of the City Attorney and sell the lot to Mr. Benjamin Wilkerson for \$200.00 subject to an upset bid and that such matter be advertised. Motion seconded by Mr. Dawkins and carried unanimously.

MATTERS OF INTEREST TO THE CITY COUNCIL

Mr. George informed the City Manager that there was a hole in the sidewalk on the southwest corner of the Market Square. The City Manager stated that he would have this matter checked and corrected.

Mayor Finch informed Council that there would be an oil spill demonstration by the Oil Jobbers in High Point next Saturday, May 29 for those of the Council who would like to be present and view it.

Thereafter, all matters of business having been completed, this meeting was adjourned at 10:30 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is essential for ensuring transparency and accountability in the organization's operations.

2. The second part outlines the specific procedures for recording and reporting data. It details the steps involved in collecting information, verifying its accuracy, and then presenting it in a clear and concise manner to the relevant stakeholders.

3. The third part addresses the challenges associated with data management and analysis. It identifies common pitfalls, such as data inconsistency and incomplete reporting, and provides strategies to overcome these issues.

4. The fourth part discusses the role of technology in enhancing data collection and analysis. It highlights the benefits of using specialized software and tools to streamline the process and improve the quality of the data.

5. The fifth part focuses on the importance of training and education for staff involved in data management. It stresses that ongoing training is necessary to ensure that personnel are up-to-date with the latest techniques and best practices.

6. The sixth part concludes by summarizing the key findings and recommendations of the study. It reiterates the need for a robust data management system and encourages the implementation of the proposed measures to achieve the organization's goals.

SPECIAL MEETING
COUNCIL CHAMBER KYLE HOUSE
WEDNESDAY
MAY 26, 1976
7:00 P.M.

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Gene Plummer, Marion George, Vincent Shields, Steve Satisfsky

Others Present: Mr. Guy Smith, City Manager
Mr. Billy Clark, City Attorney
Mr. W.G. Thomas, Assistant City Manager

Mayor Finch called this special session of the Council to order for the previously announced purpose of considering adoption of an annexation ordinance on second reading for Cambridge Arms Apartments located on North McPherson Church Road. The Ordinance was adopted on first reading on May 24, 1976 Mayor Finch stated.

Mayor Finch recognized Attorney Herbert Thorpe representing the property owners; J.P. Riddle and Thomas Wood, who stated that Council's annexation of this property would be contrary to law, and, if annexed, he would carry the matter to litigation. He stated further that Council would be in violation of the City Charter to annex at this meeting since it is not a regular meeting. He requested a delay of the matter, and the advertising of a new public hearing and the submission of a new petition.

City Attorney Clark advised Council that they would not be in violation of the City Charter in acting on this matter at this time; that the Charter provisions were not inconsistent, and that the state law takes precedence.

Following brief discussion, Mr. Plummer offered motion for the adoption of the ordinance to annex Cambridge Arms Apartments on second reading. Motion seconded by Mr. Dawkins.

Mr. George offered substitute motion that this matter be terminated in light of the code provisions and state statutes. Motion seconded by Mr. Shields.

Mayor Finch called for vote on the substitute motion and it was as follows: FOR: Mr. George, Mr. Shields and Mrs. Beard; AGAINST: Mr. Satisfsky, Mr. Plummer and Mr. Dawkins. Mayor Finch declared a tie vote, cast her vote in opposition to the motion and declared it defeated.

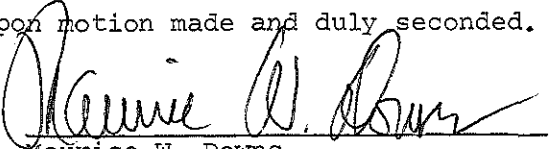
Mayor Finch then called for vote on the original motion for annexation and it was as follows: For: Mr. Satisfsky, Mr. Dawkins and Mr. Plummer; AGAINST: Mr. George, Mr. Shields and Mrs. Beard. Mayor Finch again declared a tie vote, cast her vote in favor of the motion and declared it carried.

The Annexation Ordinance title appears below:

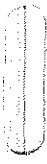
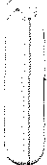
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE PURSUANT TO THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES, TO INCLUDE THE AREA KNOWN AS CAMBRIDGE ARMS APARTMENTS. ANNEX.#173.

A copy of the foregoing ordinance is on file in the City Clerk's Office in Annexation Ordinance Book 1976.

Thereafter, at 7:45 P.M. this special session was adjourned upon motion made and duly seconded.


Maurice W. Downs
City Clerk

Ord. No. 173 rescinded by City Council on April 28, 1980.



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JUNE 14, 1976
8:00 P.M.

Present: Mayor Beth Finch

Council Members: Marie Beard, ~~-----~~ Gene Plummer, Marion George, Vincent Shields, Steve Satisfsky
Council Member Absent: J.L. Dawkins

Others Present: Mr. Guy Smith, City Manager
Mr. Billy Clark, City Attorney
Mr. Ray Muench, PWC
Mr. Joe Stowe, PWC

Mayor Beth called the meeting to order and the Rev. Howard E. Haggler, Evans Metropolitan AME Zion Church, offered the invocation. Following the invocation, Mayor Finch led the assembly in the Pledge of the Allegiance to the Flag. Following the Pledge of the Allegiance, Mayor Finch called attention to the fact that the pledge was particularly significant this evening in that today is Flag Day throughout the United States.

Mayor Finch then recognized Ms. Roma Kelly who requested the Mayor to step forward and accept a gift of a crocheted tablecloth depicting a stylized American Flag with fifty stars on one side and thirteen on the other which MS. Kelly had entitled "Then and Now". Ms. Kelly stated she wished to present this tablecloth to the City of Fayetteville The County Seat of Cumberland County in commemoration of the Bicentennial Year. In response to inquiry from Mayor Finch, Ms. Kelly stated that it had taken her approximately 148 hours to make this tablecloth. Mayor Finch then accepted the gift from Ms. Kelly in the name of the City Council and the citizens of the City of Fayetteville and expressed deep appreciation to Ms. Kelly for the gift. Ms. Kelly was then accorded a vigorous round of applause from those citizens assembled in the Council Room. Mayor Finch then stated that the tablecloth would be placed on display in the Mayor's office in the Kyle House along with a Bicentennial quilt made by the children of the Cumberland Road School and with an American Eagle emblem banner made by the children of Guy's School presented as gifts to the City in commemoration of the Bicentennial Year.

Mayor Finch recognized Youth Council Representatives George Lively, Sharon Lindsey and Jack Lindsey present in the audience to observe Council proceedings.

Mayor Finch then proceeded with the first order of business for this meeting which was the approval of minutes.

Upon motion by Mr. Plummer, seconded by Mr. Satisfsky and carried unanimously, Minutes of the Regular Meeting of May 24, 1976 were approved as submitted by the Clerk.

Upon motion by Mr. Plummer, seconded by Mr. George and carried unanimously, Minutes of the Special Meeting of May 26, 1976 were approved as submitted by the Clerk.

A public had been published for this date and hour as continued from the May 24 meeting on the extension of water and sanitary sewer into West Street from Whitfield Street to South Street without petition from the property owners. The City Clerk had submitted a certificate that all property owners had notified of this public hearing in writing by first class mail ten days prior to this date as required by statutes.

Council recognized PWC Manager Ray Muench who presented sketches maps showing the proposed extensions and cost estimate of \$47,000.00 and assessments of \$15-\$16. per front foot based on 1/3 participation by PWC.

Mr. Raymond Coleman, Robeson Street resident property owner, was again recognized and stated that all of the residents along this street are property owners and request that utilities be installed. There was no opposition present.

FINAL RESOLUTION ORDERING AN EXTENSION OF THE WATER AND SANITARY SEWER SYSTEM OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA INTO WEST STREET FROM WHITFIELD DRIVE TO SOUTH STREET. RES. NO. R-1976-25.

Following brief discussion, Mr. George introduced the foregoing resolution and moved its adoption ordering the extension of water and sanitary sewer service into West Street. Motion seconded by Mr. Shields and carried Mr. Plummer voting no. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book R-1976.

A public hearing had been published for this date and hour on the paving pursuant to petition of Topeka Street from the northern line of the H.L. Dawson property northeasterly to the eastern margin of the Alvin Pierce property pursuant to petition from the property owners. The Clerk certified that the petition was valid that the total number of owners was five, that the number of owners signed was five, that the total frontage was 1958.81 feet and that the total frontage signed was 1958.81 feet or 100%. The Clerk also certified that all property owners had received due and proper notice of this public hearing in writing by first class mail at least ten days prior to this date.

The City Manager presented this matter and PWC Manager Muench explained that there would be

difficulty in extending a sanitary sewer main along this area that the cost would be \$10,000. to \$15,000.00 for sanitary sewer and \$8,000. to \$10,000.00 for water and must be extended along Cochran Street to the outfall. There was no opposition present. Mr. Muench explained further that no subdivision plat was ever approved to do to an oversite and that the area was only partly served by utilities now. In response to inquiry, Mr. Muench suggested the construction of a dormant sanitary sewer now at PWC expense with the residents tapping on at their own expense at a later date. Mr. Muench concluded by suggesting a meeting with the City Manager, City Engineer and himself to discuss and resolve the utilities problems with the property owners prior to the laying of any pavement.

FINAL RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION OF TOPEKA STREET FROM THE NORTHERN LINE OF THE H.L. DAWSON PROPERTY AS RECORDED IN PLAT BOOK 16, PAGE 63, CUMBERLAND COUNTY REGISTRY, NORTHEASTERLY TO THE EASTERN MARGIN OF THE ALVIN PIERCE PROPERTY. RES. NO.R-1976-26.

Following some discussion, Mr. George offered motion for approval of the foregoing paving by the adoption of the following resolution and further requesting the consideration of the installation of water and sanitary sewer lines pursuant to special policy to be considered by the City Council. Motion seconded by Mrs. Beard. Following some further discussion, Mr. Plummer offered substitute motion to continue this matter for two weeks to June 28. The motion received no second. Mayor Finch then called for vote on the motion and it carried Mr. Plummer voting no. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book R-1976.

Council then recognized a Mrs. Margaret McMillan who read a request for a petition from the residents of East and West Collier Drive, East Greer Avenue, Newbern Street, Pear Street, Penny Street Belt Blvd., Walter Street, Dean Street and the east end of Old Wilmington Road that the city make attempts to secure federal and state funds to pay or help pay the cost of sanitary sewer and paving for the area in the interest of betterment of the area for the residents. Mrs. McMillan stated that the request or petition was signed by 125 persons. Mr. Muench reported that pursuant to Council's directive at a meeting several weeks ago when this matter was discussed, he had sent written notice to all residents in the area provided petitions for such residents to sign and that to date only one person had done so.

Following brief discussion, Mayor Finch directed Mrs. McMillan to secure petitions for the improvements they desired sanitary sewer and paving from the office of the City Engineer or from Public Works Commission and Council would give this matter further consideration.

PUBLIC WORKS COMMISSION MATTERS

PWC Manager presented an application by Mr. & Mrs. John Wayne Bradley for one 1-inch water connection to an existing main to serve lots 9 and 10 Derose Drive outside the city. PWC recommended approval and an annexation agreement will be secured.

Mr. Plummer offered motion for approval of the foregoing water connection as recommended by PWC subject to the annexation agreement being signed. Motion seconded by Mrs. Beard and carried unanimously.

On a seconded PWC matter, Mr. Muench stated that bids had been received for the construction of a railroad siding for the gas turbine generator project off River Road and PWC recommends acceptance of the low bid of James F. Powell, Jr. Construction Company in the amount of \$33,133.61.

After brief discussion, Mr. Satsky offered motion for approval of the foregoing bid of James F. Powell, Jr. Construction Company in the amount of \$33,133.61 as recommended by PWC. Motion seconded by Mr. Plummer and carried unanimously.

Council next considered the revocation of three massage parlor licenses for violations of the statutes concerning the massaging of a male person by a female employee. City Attorney Clark presented these matters and Mr. Snead High, Attorney for the Massage Parlors, was recognized and asked a question on procedure. City Attorney Clark stated that these were show-cause hearing procedures. Mr. Clark then proceeded to swear in Mr. Roger Newman of the Fayetteville Police Dept. on the first two matters that of Stephen E. Scott and Elizabeth R. Scott, Betty's Health Club, 535½ Hay Street, and Stephen E. Scott and Elizabeth R. Scott, Touch of Magic, 520½ Hay Street. In a memorandum the City Attorney recommended that the licenses of these two firms be revoked for violation of city code section 17-14.1 (e) dealing with the massaging by a female employee of a male person.

Attorney High was again recognized and informed the Council that the Scott's had voluntarily surrendered their licenses to do business. Sgt. William Johnson of the Fayetteville Police Dept. Vice Squad confirmed this and handed the licenses to the City Attorney and the City Attorney recommended that no action be taken by the Council on these two matters and Council took no action.

On the third matter that of the Roman Health Club and Brigitte Haupt Buchanan, 528 Hay Street charged with the same offense, City Attorney Clark informed Council that the witness for the city, Mr. H.D. Yonts, Jr. was not available at this time so no action was recommended at this time. Council took no action.

Council next gave consideration to an ordinance ordering the Building Inspector to correct conditions at 513 Terry Circle to a substandard structure owned by Mr. E.M. Roberts. (This matter continued from the May 24 meeting.) Council recognized the Inspector of Housing Tony Maccy of the City Inspection Dept. who stated that the owner agrees for the city to proceed with the demolition action.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 513 TERRY CIRCLE AND OWNED BY MR. E.M. ROBERTS, JR. ORD. NO. NS-1976-88.

Following brief discussion, Mr. Plummer introduced the foregoing ordinance and moved its adoption, motion seconded by Mrs. Beard and carried unanimously. A copy of the foregoing ordinance is on file in the City Clerk's Office in Ordinance Book NS-1976.

Council next gave consideration to a request by the Metropolitan Housing Authority for city participation in drainage in the Holland Homes Area.

City Manager Smith presented this matter and read excerpts from a letter as follows from Mr. Robert H. Ward, Executive Director of the Authority.

"The Housing Authority completed the construction of Holland Homes, Public Housing Project, in October 1971. Due to the limitation of funds in the initial construction budget, certain drainage and erosion control features, and playground facilities, were either modified or deleted from the original specifications.

Specifically, an open ditch was accepted in lieu of 48" concrete pipe for a distance of 327.01 feet and a multipurpose paved playground facility was deleted from the contract.

Since the project was occupied, the Housing Authority has experienced increasingly severe drainage and erosion problems in this area not related to original construction deficiencies. The Authority has constructed retaining walls and drainage improvements throughout the project entirely at its expense which has been of immense benefit to adjacent property owners and the City owned street, sidewalks, and right-of-way.

The open ditch located generally parallel to Enterprise Avenue has become an unbearable, unsightly, geographic disaster. Erosion has undermined the sidewalk adjacent to the Housing Authority property line and will eventually spread to a greater extent if not corrected.

The Housing Authority has awarded a contract for the installation of 48" concrete pipe from the headwall on the plan for a distance of 226 feet. It is intended to initiate a change order to the contract for the extension of the pipe an additional 101.01 feet to the Housing Authority Property Line.

The contract award also includes the construction of a multi-purpose playground and the installation of playground equipment.

This letter is to request the participation of the City of Fayetteville in defraying the costs of the site improvements. The validity of this request is as follows.

1. The plans and specifications for this contract were submitted to the City Engineer for comment. The recommendations of the City Engineer were accepted and included in the contract conditions, which increased the total cost of the work by an estimated \$1200.00 if additional 101.01 feet are installed.
2. The work directly benefits the City of Fayetteville in that erosion control will prevent deterioration of the sidewalk base and adjacent Enterprise Avenue.
3. The addition of the multi-purpose playground will provide facilities not only for the residents of the Housing Project, but also for Colony Place, Holiday Park and other contiguous areas.
4. The Housing Authority cannot financially support the additional 101.01 feet of drainage control without exceeding budgetary limitations.
5. The Housing Authority has expended operating funds in the amount of \$6279.21, to date, for the construction of concrete block retaining walls, landscaping, and related erosion control measures which have been of direct benefit to the city, and for which no financial participation has been requested.

The estimated cost of the contract, including the definitive award of \$11,557.00; the additional change order of approximately \$5,000.00; and Engineering fees in the amount of \$1500.00 is \$18,057.00.

We respectfully request the City of Fayetteville favorably consider fifty per cent (50%) participation with the Housing Authority in this contract and that such expenditures be credited to Payment in Lieu of Taxes for Fiscal Year 1976 payable on or before June 30, 1977.

Mr. Robert Ward was then recognized and requested that City participate 50% percent in the amount of \$20,000.00 or \$10,000.00.

The City Manager then recommended continuance of this matter by city council for the next two weeks in order that study be given to the request.

Following brief discussion, Mr. Plummer offered motion that the foregoing matter be continued for two weeks as recommended by the City Manager. Motion seconded by Mr. Satisfy and carried unanimously.

Council next gave consideration to an amendment to the 1975-1976 Budget Ordinance. The City

Manager stated that the amendment affected the airport electric water and sanitary sewer fund revenues also the electric generation bond capital project fund revenue and the general fund expenditures. The general fund items are those that city council has on motion authorized and approved in the past and the amendments will bring the budget current. Mr. Muench stated the PWC amendments were to bring the PWC budget current because the budget amounts were as nearly as could be estimated at the time the budget was prepared last year.

1975-1976 BUDGET ORDINANCE AMENDMENT. ORD. NO. NS-1976-89.

Mr. Plummer introduced the foregoing Budget Ordinance Amendment and moved its adoption as presented. Motion seconded by Mr. Shields and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book NS-1976.

Council next gave consideration to a resolution authorizing city matching funds for the second year funding of the delinquency prevention officer in the Fayetteville Police Dept. The City Manager presented this matter and stated that the proposed resolution would authorize the City Manager to file an application to the N.C. Department of Natural and Economic Resources Division of Law and Order in behalf of the city an application in the form prescribed by the Division of Law and Order for a sub grant in the amount of \$5,432.00 to assist in defraying the cost of a delinquency prevention officer for the City of Fayetteville and the sub grant is made the city will provide or make arrangements to provide a local cash matching contribution in the amount of \$2,509.00. The City Manager recommended adoption of the resolution to file the application.

RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE IN BEHALF OF THE CITY AN APPLICATION FOR A SUB GRANT IN THE AMOUNT OF \$5,432.00 FOR A DELINQUENCY PREVENTION OFFICER FOR THE CITY OF FAYETTEVILLE BEFORE THE N.C. DEPT. OF NATURAL AND ECONOMIC RESOURCES DIVISION OF LAW AND ORDER. RES. NO. R 1976-27.

Mr. Satsky introduced the foregoing resolution and moved its adoption as recommended by the City Manager. Motion seconded by Mr. George and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book R-1976.

Council next gave consideration to several bids. The City Manager presented this matter and stated that bids were received on May 27, 1976 for a recreation equipment complex for Glenville Park. Two bids were received Miracle Equipment Company, Equipment: \$13,265.00; Erection supervision: \$800.00; a total of \$14,065.00. Game Time Incorporated - Equipment - \$11,695.50; erection supervision no bid. The Assistant City Manager stated that it was the recommendation of the Recreation Dept. that the low bid by Game Time Inc. be rejected since the equipment model bid did not meet specifications and the bid did not include the cost of erection supervision as required by the specifications. On this basis it was recommended that the contract be awarded to Miracle Equipment Company for their bid of \$14,065.00.

Mr. Jimmy Tyre, Recreation Dept. Supt., was present and was recognized and answered inquiries by the Council concerning the equipment.

Following some discussion, Mrs. Beard offered motion for the approval of the Miracle Equipment Company bid and that the City Manager be authorized to negotiate with Miracle Equipment Company for a price not to exceed the bid price of \$14,065.00. Motion seconded by Mr. Plummer and carried unanimously.

Council next gave consideration to bids for traffic signal equipment. The City Manager presented this matter and stated that bids were received on May 17 for 19 traffic controllers. Bids were received as follows: Proposal A - 14 Fixed Time Traffic Controllers, Proposal B - 5 Actuated Controllers, Proposal C - 14 Fixed Time and 5 Actuated Controllers. Four companies submitted bids. The City Manager and City Engineer recommended acceptance of the low combined bid of Proposal C to Eagle Signal Company for their bid in the total amount of \$31,055.00. The City Manager stated that consideration was given to the other bidders but their bids were on electromechanical construction and the entire controller becomes sluggish and switching from one phase to another with age of the equipment. The Eagle Signal Company equipment is timed electrically and does not have this inherent problem. The signal equipment is to replace and upgrade traffic equipment at city maintained intersections. The equipment that this will replace is 20 years old or older and in many cases, spare parts are no longer manufactured and is becoming extremely difficult to maintain. This replacement equipment will increase phasing capability and the added features will eliminate many stops that the existing equipment does not have the capability to do. Vehicular and pedestrian safety will be improved by the elimination of vehicle stops and the pedestrian movement features built in the new controllers.

The present budget had \$24,500.00 approved for traffic signal upgrading. Since much of this equipment is to be used in the downtown area, it is recommended using \$6,555.00 from the Downtown Traffic Circulation funds.

Following brief discussion, Mrs. Beard offered motion for approval and acceptance of the low combined bid of Proposal C of Eagle Signal Company in the total amount of \$31,055.00 as recommended by the City Manager and City Engineer. Motion seconded by Mr. Plummer and carried unanimously.

Council next heard a report by the City Engineer on Murchison Road and Blue Street pedestrian walkway. In a memorandum to the City Manager, the City Engineer reported that in response to a directive by Mr. George, he had provided a painted pedestrian walk across Murchison Road at the Blue Street intersection with an appropriate pedestrian crossing sign.

He stated he realized that this section had changed within this area with the construction of Mt. Sinai Apartments and this section of Murchison Road may require further treatment. However,

additional treatment will require approval from the Dept. of Transportation. He stated he had investigated the accidents within this section (500 feet each side of Blue Street intersection) and find that there has been 8 accidents in the past three and one-half years. He stated it is regrettable about the recent pedestrian fatality; however, it is not the type correctable by a signal and the other accidents nor traffic volumes justify a traffic signal.

City Council accepted the report with no action requested or required.

Council next heard a report from the City Manager on Middle Road drainage. The City Manager gave the following report. He stated that a complaint by Mr. & Mrs. Floyd McLaurin regarding a drainage canal along their northern property line which drains a portion of Middle Road had been received.

He provided the following background information. When the city annexed this area located on the east side of the Cape Fear River between U.S. 301 and Clinton Road, the state shifted the responsibility for maintenance of Middle Road to the City.

Middle Road was originally strip paved by the state on the an inadequate sub base and with inadequate drainage. Drainage consisted of shallow side ditches which failed to drain several low areas.

The road gradually deteriorated in sections until it became a traffic hazard primarily because of heavy truck traffic on sections where the sub base failed. The sub base failure was accelerated because of water logging. Residents and the traveling public complained about the condition of the road.

About two years ago, the McLaurins and their neighbors on the north side agreed to grant a drainage easement 15 feet each side of a small ditch running westwardly along their property line. The course of the ditch was the direction of the natural fall to drain a section of Middle Road. At the time the city lowered the ditch to drain the road, the ditch had become shallow and virtually no drainage from the pipe under Middle Road was possible. Perhaps the ditch never had been deep enough to drain the road.

The McLaurins are unhappy because the ditch was cut deeper by the City than they thought necessary and in addition the flow of storm water has widened the ditch even more. They are convinced a mosquito problem has been created by puddles of water which exist in the ditch and they argue that no water ever stood in the road ditches and this drainage way unnecessary. They want all the problems removed and suggest the ditch or canal have pipe installed at public expense.

The following remedies might be considered.

(1). The depth of the drainage way is approximately at the level necessary for drainage. Sections where water stands at low flow will gradually fill up with silt although there will always be puddles of varying depth in any ditch. There is no reason the ditch needs to be allowed to become wider, even though it is now contained well within the right-of-way. The City could haul and place rip rap and sand-clay from time to time when cave-ins occur to give nature a chance for undergrowth to stabilize the sides of the ditch. This is already happening and the problem will be alleviated in time. This remedy would be the most economical to the Citizens of Fayetteville.

As a matter of fact, this drainage system as it was constructed is exactly the way the State Highway constructs its secondary road drainage ways in similar situations.

(2). The drainage way could be piped. Thirty inch diameter pipe would be required. The last bids received for installation of pipe of this size was about \$28.00 per foot. Construction conditions in this location could lower the costs to perhaps \$20.00 per foot. The cost based on this estimate would be \$20,000.00 per one thousand feet plus the cost of catch basin structures necessary to drain the adjacent farm land.

This remedy would create the following problems:

(1) Precedent-no other similar situations now exist when the City has undergone the entire cost of installing pipe.

(2) Where the drainage area is farm land, soil would flush directly into the pipe causing stoppages and then siltation wherever the pipe terminates. We now require developers to raise catch basins or inlet pipe so that the soil settles before water can enter the underground drainage and cause siltation in the receiving stream. This would create a problem in this situation for standing water in the fields at the entry points for storm water.

It is recommended that B(1) above be the decision of the City Council.

Following some discussion, Mr. Plummer offered motion that the City Engineer and the Street Dept. Supt. come up with a feasible plan satisfactory with all and make a report and recommendation at the next meeting of the Council. Motion seconded by Mr. Shields and carried unanimously.

Council next gave consideration to several ordinances imposing liens against real property for the demolition of substandard structures.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN FOR THE DEMOLITION OF A SUBSTANDARD STRUCTURE IN THE AMOUNT OF \$200.00 LOCATED AT 118 CHANCE STREET AND OWNED BY META WILLIAMS HEIRS. ORD. NO. NS-1976-90

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN FOR THE DEMOLITION OF A SUBSTANDARD STRUCTURE IN THE AMOUNT OF \$350.00 LOCATED AT 132 CHANCE STREET AND OWNED BY JOSHUA WRIGHT, JR. ORD. NO. NS-1976-91.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN FOR THE DEMOLITION OF A SUBSTANDARD STRUCTURE IN THE AMOUNT OF \$125.00 LOCATED AT 715 ASHLEY STREET AND OWNED BY CLAYTON PARKER AND J.D. HART. ORD. NO. NS-1976-92.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN FOR THE DEMOLITION OF A SUBSTANDARD STRUCTURE IN THE AMOUNT OF \$450.00 LOCATED AT 432 AMES STREET AND OWNED BY W.W. AND B.B. DAVIS HEIRS. ORD. NO. NS-1976-93.

Mr. Satsky introduced the foregoing ordinances and moved their adoption, motion seconded by Mr. Plummer and carried unanimously at 9:33 P.M. Copies of the foregoing ordinances are on file in the City Clerk's Office in Ordinance Book NS-1976.

Council next gave consideration to the approval of Taxi Driver Permits. Thirteen applications had been recommended for approval and one application by James Warfield was recommended for disapproval. Mr. Warfield was not present in the audience.

Mr. Plummer offered motion for approval of the applications for taxi driver permits for the following named persons. Motion seconded by Mr. Satsky and carried unanimously. BENJAMIN SMITH, JACKIE PUCKETT, HENRY LOCKETT, RAMONA A. GERALD, TERRY D. MCCOY, JOHN D. SMITH, DOYLE R. HUNTER, JOHN M. ALLEN, RONALD D. BRANCH, RUBY L. WRIGHT, ALLEN W. FOY, RONALD WARD AND OSCAR J. GUY

Council next gave consideration to appointments and an appointment to the Police Benefit Fund was continued until the next regular meeting of the Council.

Council next gave consideration to suggested changes to the Community Development Rehabilitation Handbook concerning loans or grants for home improvements. Council recognized Mr. Ron Hickman, Executive Director of the Community Development Dept. Mr. Hickman requested guidance of the Council as to which desires regarding loans or grants for this purpose. Mr. Hickman recommended an amendment from \$4500.00 be raised to \$1,000.00 per structure and an adoption of the report as a guide and enforce that portion entitled Grants to deal with grants until Council gets its "feet wet" to see how it works.

Following considerable discussion, Mr. George offered motion to accept the booklet as a guide for formulating the community development budget. Motion seconded by Mrs. Beard.

Following some further discussion, Mr. Satsky offered an amendment to the foregoing motion to accept the booklet as a guide and instruct Mr. Hickman to use the grant portion for the fiscal year 1976-1977 for deposition of the funds. Mrs. Finch then called for vote on the motion as amended and it carried by the following vote: FOR: Mr. Satsky, Mr. Shields, Mr. George and Mrs. Beard; AGAINST: Mr. Plummer.

Mr. Satsky then offered motion that we amend last years application to make that amount a maximum of \$4500.00. Motion seconded by Mr. Shields.

Following some discussion, Mr. Satsky withdrew the foregoing motion.

Following some further discussion, Mr. Satsky offered motion that the 1975-1976 budget to make grants up to \$1,000.00 if a house is brought up to standard on final inspection in the designated areas of Massey Hill and Turnpike Road. Motion seconded by Mr. Plummer and carried unanimously.

Council next gave consideration to a final appointment to the Board of Appeals on Dwellings and Buildings. (Two of the three appointments to this committee had been made at the last meeting.) Mayor Finch informed Council that the incumbent Mr. Fred Byrd could not be reached and that she would now receive nominations to fill this position.

Mr. George nominated Mr. Horace R. Humphrey to fill Mr. Byrd's position.

Mr. Satsky then offered motion that nominations be closed and Mr. Humphrey be appointed by acclamation vote to the Board of Appeals on Dwellings and Buildings for a three year term of office said term expiring in May, 1979. Motion seconded by Mr. Shields and carried unanimously.

The following appointments were reported to the Council for information only at this time.

- A. Three appointments to the Airport Commission.
- B. One appointment to the Public Works Commission.
- C. One appointment to the Public Works Commission Retirement Plan.
- D. One appointment to the Joint Planning Board.

These appointments were carried over until the next meeting of the Council.

No delegations responded to the invitation by Mayor Finch for recognition.

There was no unfinished business, miscellaneous matters or City Manager's Reports.

MATTERS OF INTEREST TO THE CITY COUNCIL

Mrs. Beard commenting on the resolution received from the Cape Fear Chapter No. 276 of the National Association of Retired Federal Employees reading as follows be adopted by the City Council. Motion seconded by Mr. Plummer and carried unanimously.

THE FOLLOWING RESOLUTION ON CRIME IN FAYETTEVILLE WAS ADOPTED BY THE NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES, CAPE FEAR CHAPTER, ON TUESDAY, APRIL 27, 1976.

WHEREAS A LARGE NUMBER OF CONCERNED CITIZENS HAVE FELT A GOING IMPATIENCE WITH THE NEGATIVE PUBLIC IMAGE OF FAYETTEVILLE AS A CRIME CENTER AND

WHEREAS THESE CONCERNED CITIZENS HAVE BEEN SEEKING A PLAN OF ACTION WHICH WERE REVERSED THIS GOING TREND OF ASSAULTS, ROBBERY, DRUGS AND PROSTITUTION IN CERTAIN AREAS OF FAYETTEVILLE AND

WHEREAS THE MEMBERSHIP OF NARFE HAS OBSERVED THE RAPID DETERIORATION OF CERTAIN BUSINESS SECTIONS OF THE CITY OF FAYETTEVILLE DURING THE PAST YEARS AND

WHEREAS WE BELIEVE THERE IS A DIRECT RELATIONSHIP BETWEEN THE HIGH CRIME RATE AND VICE OPERATIONS WITH THE CUSTOMERS OF ON PREMISE BEER OUTLETS AND

WHEREAS WE BELIEVE THAT THE CUSTOMERS, WHICH ARE FREQUENTING THE ON PREMISES BEER OUTLETS ARE IN MANY INSTANCES VICTIMIZED AS A RESULT OF EXCESSIVE CONSUMPTION OF ALCOHOLIC BEVERAGES SOLD TO THEM IN VIOLATION OF STATE LAW AND

WHEREAS WE BELIEVE THAT NUMEROUS BARS AND TAVERNS ARE VIOLATING STATE LAWS PROHIBITING THE SALE OF BEER TO INTOXICATED PERSONS AS WELL AS VIOLATING OTHER ABC REGULATIONS

THEREFORE BE IT RESOLVED

THAT THE NORTH CAROLINA BOARD OF ALCOHOLIC BEVERAGE CONTROL SHOULD TAKE IMMEDIATE REMEDIAL ACTION IN THE FORM OF SUSPENSIONS OR REVOCATIONS OF STATE PERMITS OR LICENSES TO OPERATE ON PREMISE BAR OUTLETS WHERE THE STATE LAWS HAVE BEEN VIOLATED

(2) THAT WE EXPRESS TO THE LAW ENFORCEMENT OFFICERS OF OUR CITY OF THE ABC BOARD AND THE JUDGES WHO RESIDE IN THE COURTS OF OUR CITY OUR SUPPORT OF ACTIVE LAW ENFORCEMENT AND CONVICTION IN THE COURTS WHERE ADEQUATE EVIDENCE HAS INDICATED THAT THE LAW HAS BEEN VIOLATED

(3) THAT WE SEND COPIES OF THIS RESOLUTION TO LAW ENFORCEMENT OFFICERS, ABC OFFICERS AND JUDGES OF OUR COURTS SEEKING THEIR ACTIVE PARTICIPATION AND SUPPORT IN THIS LEGAL STEP TO ENFORCE THE LAW, CONVICT THE OFFENDERS AND CARRY OUT THE REGULATIONS OF THE N.C. BOARD OF ALCOHOLIC CONTROL.

A copy of the foregoing resolution is on file in the City Clerk's Office .

MR. Plummer raised the question of a Beer and Wine Ordinance prohibiting the display and consumption in public places and city parks of alcoholic beverages. City Attorney Clark stated that this matter had been before and struck down in Superior Court was now still before that body and recommended awaiting the outcome of such litigation. Mr. Clark was requested to investigate this matter further and if possible to draw such an ordinance for consideration of adoption by the Council.

Mr. George offered a suggestion that a list or announcement of jobs and positions available with the city be placed on file in the City Clerk's Office and then offered motion for adoption of a resolution that all jobs or positions in city government be announced and the information be available in the City Clerk's Office for at least two weeks prior to the filling of such job or position so as to be made available for information to the general public. Motion seconded by Mrs. Beard and carried by the following vote: FOR: Mr. Satsky, Mr. Shields, Mr. George and Mrs. Beard; AGAINST: Mr. Plummer.

Mr. Satsky stated that he had received a letter from the Civil Service Commission concerning four sergeants positions promotions within the Fayetteville Police Dept. The City Manager stated that he had not as yet received a recommendation from the Chief of Police concerning these promotions and due to that reason had not placed this matter on the agenda for action this evening. There was brief discussion of this matter but no action was taken by the Council.

Mayor Finch reminded Council of the Budget Work Session and discussion of the bus company matter on Wednesday evening, June 16, in the Kyle House.

Mayor Finch stated that there had been a meeting among the State and County Government Elected Officials and the Dept. of Transportation today and a request had been made for concurrence with their recommendations on the highway program. Several things had been done to amend the program. A decision to delete those projects already under construction from the list of priorities which would move everything up at least one notch. Also they moved up the grade separation crossing over Russell Street from item 13 to item 3 feeling that this and the CBD Loop extension would closely related and needed to be acted on at as nearly the same time as possible. Mayor Finch stated that it was stated that it was felt a unified concentrated expression was needed by all of the county and local governments involved.

Mr. Plummer then offered motion for adoption of the report as presented. Motion seconded by Mr. Satisfsky and carried unanimously. A copy of the report will be placed on file in the City Clerk's Office.

Mayor Finch then stated that she had one final item for Council's information this evening and read the following letter:

The Honorable Mayor and City Council of Fayetteville, North Carolina

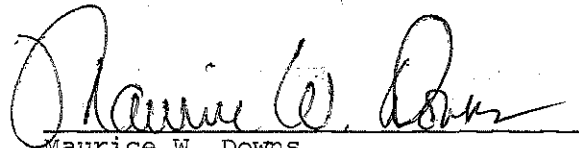
Dear Mayor Finch and Members of the City Council:

After much thought during the past months, I have decided to resign as City Manager of Fayetteville effective July 31, 1976. The decision has been made admittedly with mixed emotions. During the next few weeks I shall assist the Interim City Manager in implementing the projects impending and in making the transition with the less possible inconvenience to you and the department heads. I wish for you the best of luck in working together to help the city achieve much of its great potential.

Sincerely,

Guy Smith
City Manager

Thereafter, all matters of business having been completed, this meeting was adjourned at 10:30 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

SPECIAL MEETING
MONDAY, JUNE 21, 1976
9:35 P.M.
COUNCIL ROOM KYLE HOUSE

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Gene Plummer, Marion George, Vincent Shields, Steve Satisfsky

Others Present: Mr. Guy Smith, City Manager
Mr. W.G. Thomas, Assistant City Manager


Upon motion by Mr. Plummer, seconded by Mr. Satisfsky and carried unanimously, Council voted to go into official session to consider a resolution applying to the N.C. Department of Natural and Economic Resources, Division of Law and Order (LEAA) for a federal grant for Youth Delinquency Prevention Recreation Park Patrol.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL AUTHORIZING THE MAYOR TO FILE IN BEHALF OF THE CITY OF FAYETTEVILLE AS APPLICATION FOR A SUBGRANT IN THE AMOUNT OF \$94,462.00 FOR YOUTH DELINQUENCY PREVENTION RECREATION PARK PATROL WITH THE CITY PROVIDING A LOCAL CASH MATCHING CONTRIBUTION OF \$5,248.00 IF THE SUBGRANT IS APPROVED. RES. NO. R-1976-28.

Mr. Satisfsky introduced the foregoing resolution and moved its adoption. Motion seconded by Mr. George and carried unanimously.

A copy of the foregoing resolution is on file in the City Clerk's Office in Resolution Book R-1976.

This special session was then adjourned at 9:40 P.M. upon motion made and duly seconded.


W.G. Thomas III
Deputy City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JUNE 28, 1976
8:00 P.M.

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Gene Plummer, Marion George, Vincent Shields, Steve Satsky

Others Present: Mr. Guy Smith, City Manager
Mr. Billy Clark, City Attorney
Mr. Joe Stowe, PWC

Mayor Finch called the meeting to order and the invocation was offered by Mrs. Miriam G. Huff a member of First Baptist Church on Old Street. Following the invocation, Mayor Finch led the assembly in the Pledge of the Allegiance to the Flag and thanked Mrs. Huff, the former Miss Miriam Gillam, a life long resident of the city, and of First Baptist Church, for consenting to offer the invocation this evening.

Mayor Finch then presented the following service pins to City Employees.

FIFTEEN YEARS

George McCarthy, Finance Dept.

TEN YEARS

Steve E. Russell, Fire Dept.
Harold M. Strickland, Fire Dept.
Delwyn P. Tart, Fire Dept.

FIVE YEARS

Catherine M. Toomer, Recreation Dept.

Mayor Finch then recognized members of the Fayetteville Youth Council present in the audience to observe Council proceedings.

The first order of business was the approval of minutes.

Upon motion by Mr. Satsky, seconded by Mrs. Beard and carried unanimously, Minutes of the Regular Meeting of the Council of June 14, 1976 were approved as submitted by the Clerk.

Upon motion by Mr. Plummer, seconded by Mr. Dawkins and carried unanimously, Minutes of a Special Meeting of June 21, 1976 were approved as submitted by the Deputy City Clerk.

The first public hearing was the reconsideration of the rezoning from R10 Residential District to P2 Professional District or to a higher classification of an area located at the intersection of Cain Road and U.S. 401 By-Pass. (This matter had been continued from the November 24 and December 22, 1975 meetings at the request of the Planning Board due to a study of intersections being conducted by them.) Planner Mitchell was recognized and stated that the petitioner was not here at this time but had called him earlier this afternoon and requested delay of this hearing until 8:30 this evening because he could not arrive due to a prior commitment. Without objection from the Council, Mayor Finch laid this matter over until 8:30 this evening and moved on to item 2B on the agenda.

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 more restrictive zoning classification of an area located 2801 Ramsey Street and being the property of Billy V. Cain. Planner Mitchell informed Council that subsequent to this petition for rezoning another request had been received for additional land zoning in this same area by the Planning Board and requested that this matter be deferred until the August 23 meeting in order to give Planning Board an opportunity to study the additional request and possibly resubmit both items at the August 23 meeting.

Mayor Finch ruled that since this public hearing had been advertised she would give proponents and opponents an opportunity to speak and recognized Attorney Hank Finch who stated to Council that he would like to waive comments in view of possible continuance of this matter unless opposition is voiced. At this point, Mayor Finch relinquished the gavel to Mayor Pro Tem George in order to avoid as she stated the appearance of nepotism since Attorney Finch is her son and Mayor Pro Tem George assumed the chair.

A Mr. Franklin Harris of 110 Chloe Drive was recognized in opposition to this proposed rezoning due to the industrialization of this residential area.

Following further comments by Mr. Harris, Mr. Plummer offered motion, seconded by Mr. Dawkins that this matter be continued to the August 23, 1976 meeting and the motion carried unanimously. Mayor Pro Tem George then returned the gavel and the chair to Mayor Finch.

A public hearing had been published for this date and hour on the closing of Pope Street

(formerly Alexander Street.)

The City Engineer stated that Pope Street is located between Gray and Alexander Streets on the east side of North Street and had never been dedicated nor opened by the City as a public thoroughfare.

Attorney Stacy Weaver was recognized, representing the petitioner Cape Fear Industries. Attorney Weaver stated that Cape Fear Industries, Inc. is the sole owner of all of the property which adjoins the portion of Pope Street. Attorney Weaver said the closing of the portion of this street would be in the best interest of the public, that said street has never been opened, installed or maintained and has never therefore been used by anyone either in McArthur subdivision or the public generally. He said Pope Street had never been accepted by any public body for maintenance and repair and that the closing would not be detrimental to the public interest or the property rights of any individual in that there is a plant, Kings Point Manufacturing Company, constructed over a portion of this street and further there is no individual who owns property in the vicinity of said portion of Pope Street or in McArthur subdivision who would be deprived of reasonable means of ingress and egress to his property. There was no opposition present.

RESOLUTION AND ORDER CLOSING POPE STREET AS A PUBLIC THOROUGHFARE. RES. NO. R-1976-29.

Following some discussion, Mr. Plummer introduced the foregoing resolution and order and moved its adoption closing Pope Street as a public thoroughfare. Motion seconded by Mrs. Beard and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book R-1976 and will be recorded in the office of the Register of Deeds for Cumberland County.

A public hearing had been published for this date and hour on a proposed amendment to Section 32-49 of the Fayetteville Zoning Ordinance providing for the construction of fences in the side and front yards of lots.

Planner Mitchell presented this matter and stated that Planning Board recommended approval. Planner Mitchell stated further that the proposed amendment had been drawn by the City Inspection Dept. at the request of numerous citizens of the community. The request by citizens revolve around the need for further security of their personal property in this in this time of increased burglary and robbery cases. The problem of permitting fencing in the side and front yards should be looked at the Planning Board stated, with more than just the problem of security in mind however since neighborhood aesthetics as well as neighborhood social relationships maybe profoundly affected by the erection of additional fencing. The limiting of vehicular site at driveways and the reduction of access for fire and other safety equipment could create some potentially hazardous conditions. Also sidewalks are not provided in most neighborhoods but pedestrians walk along the street and with the fencing be extended to the actual street pavement blocking use of the public right-of-way along side the side of the street. The Inspection Dept. understandably finds the existing ordinance provision preventing fencing hard to enforce since limited manpower makes the effective enforcement difficult. There was no opposition present.

AN ORDINANCE AMENDING CHAPTER 32 ZONING OF THE FAYETTEVILLE CITY CODE REGARDING FENCING AND WALLS. ORD. NO. S-1976-15.

Following some discussion, Mr. Satsky introduced the foregoing ordinance and moved its adoption, seconded by Mr. Plummer and carried Mr. Shields voting against. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book S-1976.

A public hearing had been published for this date and hour on a proposed amendment to the zoning ordinance allowing new and used car sales in the C1 Local Business District as a permitted use.

Planner Mitchell presented this matter and stated that the Planning Board recommends approval. The proposed amendment would permit automobile (new and used) and accessory sales provided that no repair facility shall be maintained and provided further that all vehicle display areas are maintained at least 5 feet from any street right-of-way and other provisions.

Mr. Wilson Yarborough, Jr. a local business man and automobile dealer was recognized in favor of the passage of this ordinance. There was no opposition present.

AN ORDINANCE AMENDING CHAPTER 32 ZONING OF THE FAYETTEVILLE CITY CODE ALLOWING AS A PERMITTED USE NEW AND USED AUTOMOBILE SALES IN THE C1 LOCAL BUSINESS DISTRICT. ORD. NO. S-1976-16.

Following some discussion, Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Dawkins and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book S-1976.

A public hearing had been published for this date and hour on the consideration of the paving without petition of Weiss Avenue from its northern intersection with Robeson Street to its southern intersection with Robeson Street. The City Clerk certified to the Mayor and Council that all property owners living on this street had received due and proper notice of this public hearing this evening in writing by first class mail. The City Engineer presented this matter and stated that some problems existed along this street, two of them being that inadequate right-of-way existed on the south end and that the proposed CBD Loop interchange is proposed to be constructed on the north end.

A Mr. Jones was recognized in favor of this paving as well as several other persons present in the audience. Mrs. Carl Murphy was recognized stated she was a former resident of Fayetteville now living in Washington, D.C., but whose mother still lives at 702 Weiss Avenue and stated she would like answers to questions concerning proposed assessments if the street is paved. The City Manager explained that the street paving would be on a 1/3 city and 2/3 property owners cost basis and an estimated \$15.00 per foot assessment rate.

Miss Mary Fennell of 1013 Weiss Avenue was recognized in favor of the paving particularly, as she stated, a school bus travels this street almost daily and the safety of the children is a concern.

Council recognized Attorney Duane Gilliam in opposition to the proposed paving, representing his client Carolina Services of Fayetteville formerly Patterson Bonded Warehouse. Mr. Gilliam stated that his client owns property at the north end of Weiss Avenue where the proposed CBD interchange is to be constructed. Mr. Gilliam stated that the city does not own this segment of Weiss Avenue but that it is owned by the Dept. of Transportation and as such the city has no authority to assess. Mr. Gilliam stated further that with the construction of the CBD Loop interchange the paving of this segment of street adjacent to his client would add no value to his clients property. Mr. Gilliam informed Council that he had filed a written objection to this proposed paving with the City Clerk today and this was confirmed. Mr. Gilliam repeated that his client was opposed to the paving and if approved will and does now protest the proposed assessment and that the city will be expected to pay for the paving along side his clients property.

In response to Mr. Gilliam's allegation that the city does not own the northern segment of Weiss Avenue, the City Engineer responded that the state does not own the right-of-way and that the city and state do and have had a cooperative right-of-way use agreement.

Considerable discussion then followed with the City Manager suggesting that the Council should it order Weiss Avenue paved/consider strip paving the northern end where the CBD Loop interchange is proposed without curbs and gutters and with assessments and in a second project pave the lower end of Weiss Avenue to standard specifications with curbs and gutters with assessments.

Mr. Plummer then offered motion that we follow the City Manager's suggestion and order Weiss Avenue paved and improved without petition in two projects, the first project being to strip pave Weiss Avenue from its northern intersection with Robeson Street southwardly to Ashley Street with out curbs and gutters and with assessments and the second project being to pave and improve to standard specifications with curbs and gutters Weiss Avenue from Ashley Street southwardly to its southern intersection with Robeson Street with assessments by the adoption of the following resolution.

FINAL RESOLUTION REQUIRING THE PAVING WITHOUT A PETITION OF WEISS AVENUE. RES. NO. R-1976-30.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R-1976.

Council then returned to consideration of item 2A on the agenda inasmuch as Mr. Dave Averitte was present in the audience. Planner Mitchell reminded Council that this matter had been continued from the November 24 and December 22, 1975 meetings at the request of the Planning Board due to a study being conducted of intersections within the city. Planner Mitchell stated that the Planning Board recommends denial of this petition.

Council recognized Mr. Dave Averitte, the petitioner, who stated that his mother owns this tract of land, that it had been in his family for several generations, that it is now zoned residential, and he desires to have it rezoned to P2 Professional District in order to better utilize the use of the property for professional use. Mr. Averitte stated that it was his intention should the Council rezone this property to construct an office building at this site which will house not only his business, Averitte Engineering, but also other professional uses. Mr. Averitte informed Council that he had contacted other property owners at the intersection and they had no objection to this rezoning. There was no opposition present.

Following brief discussion, Mr. Plummer offered motion to follow the recommendation of the Planning Board and deny this rezoning. Motion seconded by Mr. Shields. At this point, Mrs. Beard requested and received permission of the Council to abstain from voting on this matter. Mayor Finch then called for vote on the foregoing motion and it carried Mrs. Beard abstaining to vote.

Upon motion by Mr. Plummer, seconded by Mr. George and carried unanimously public hearings were ordered published for July 26 on the following matters.

- A. The rezoning from R5 Residential District to P2 Professional District an area located at 110 Bradford Avenue.
- B. The rezoning from R10 Residential District to C1P Shopping Center District an area located at the northwest corner of Bragg Blvd. and Stamper Road.
- C. The rezoning from M2 Industrial District and R10 Residential District to C3 Heavy Commercial District an area located at 501 Dunn Road.
- D. The rezoning from R5 Residential District to M2 Industrial District an area located on the east side of North Racepath Street between Grove Street and Person Street.
- E. A request for a Special Use Permit for the establishment of a senior citizens center in an R6 Residential District as provided for in the City of Fayetteville Zoning Ordinance Section 32-24(5) located at 1607 Ramsey Street.
- F. The initial zoning under the City of Fayetteville Zoning Ordinance to R10 Residential

an area located on the west side of Roxie Avenue.

G. The extension of water and sanitary sewer utilities into Topeka Street from the northern line of the H.L. Dawson property northeasterly to the eastern margin of the Alvin Pierce Property.

At this point, without objection from the Council, Mayor Finch recognized a Mrs. Alice Arrington and a delegation of approximately 35 adults and children present in the audience. Mrs. Arrington stated to Council that she and the other persons were present this evening to request Council to reinstate the position of Cultural and Fine Arts Director and the summer drama position and fund allocation in the Recreation and Parks Dept. budget. Mrs. Arrington stated that the Cultural and Fine Arts Director was performing a necessary and essential service to the community and if the position and program were left out of the budget as Council originally stated it would then these children in the audience and other persons would suffer the loss. Mrs. Arrington concluded her brief statement by requesting Council to reinstate the Director's position in the 1976-1977 Recreation and Parks Dept. budget. Following this Mayor Finch thanked Mrs. Arrington for her remarks and stated that the Council would consider the request at the proper time this evening.

PLANNING BOARD MATTERS

Planner Mitchell presented preliminary and final Clp review for the "This End Up Furniture Company" located in the Eutaw Village Shopping Center on Bragg Blvd. Planning Board recommended conditional approval as outlined in their memo of June 28. Planner Mitchell stated this business is now located in a temporary structure on Beech Street in Eutaw Village Shopping Center.

Following brief discussion, Mr. Plummer offered motion to deny the foregoing request. Motion seconded by Mrs. Beard and carried by the following vote: FOR: Mr. Plummer, Mr. George, Mr. Dawkins and Mrs. Beard; AGAINST: Mr. Shields and Mr. Satsky.

Council next considered preliminary and final Clp review for A.J.'s Steak and Hoagies located in the Bordeaux West Shopping Center on Village Drive at Owen Drive. Planning Board recommended conditional approval as contained in their memo of June 28, 1976.

Following brief discussion, Mr. Satsky offered motion to approve the foregoing as recommended by the Planning Board subject to the conditions. Motion seconded by Mr. Dawkins and carried Mrs. Beard voting against.

Council next considered preliminary and final Clp review addition to Eutaw Shopping Center located on Bragg Blvd. Planning Board recommended conditional approval as contained in their memo of June 28, 1976.

Following brief discussion, Mr. Satsky offered motion for approval of the foregoing as recommended subject to the conditions. Motion seconded by Mr. Shields and carried unanimously.

Council then gave reconsideration to a request by the Metropolitan Housing Authority for city participation in drainage in the Holland Homes Area. (This matter continued from the June 14, 1976 meeting.) The City Manager presented this matter and reminded Council that housing authority requests was for participation in the cost of piping in an open drainage ditch in order to decrease drainage and erosion problems in the area along Enterprise Avenue so that playground facilities could be constructed. (This matter was presented in detail at the last meeting of the Council.) The City Manager stated the city cost would be approximately \$10,000.00. Mr. Robert Ward, Director of the Housing Authority, was recognized made some brief comments concerning the request and offered to answer any questions posed by Council.

Following brief discussion, Mr. George offered motion to follow the recommendation and participate in 1/2 the cost. Motion seconded by Mr. Plummer and carried unanimously.

Director Ward then thanked the Council for this action and presented Mayor Finch with a check for \$21,547.94 as the Housing Authority's payment in lieu of taxes (P.I.L.O.T.) for the year 1975.

The City Manager then gave further report on the Middle Road drainage problem. (This matter continued from the June 14 meeting.) The City Manager reminded Council that at the last meeting he and the City Engineer had been directed to contact the property owners and arrive at a plan which was feasible and satisfactory to all concerned and report back to Council at this time. The City Manager stated that rip rap had been partially installed in this open drainage ditch for approximately 2/3 of its length but that this corrective measure had to be stopped due to the corn crop now growing in this field. Access beyond the corn crop could only be made with the use of wheel barrows rather than dump trucks which would have necessitated too much time and labor. Mr. Smith informed Council that if it is their desire to continue with this project it could be completed in the fall after the corn crop is harvested.

Following brief discussion, Mr. Plummer offered suggestion that in view of the obstacle, the project be terminated at the present point. Council thanked the City Manager for the report and took no further action on the matter.

Council next considered an appointment to the Police Benefit Fund. (This matter continued from the June 14 meeting.) There being no nominees presented, Mayor Finch stated this matter would be considered further at the next regular meeting.

Council next gave consideration to a proposed ordinance to regulate use and charges at the Municipal Airport. (Grannis Field) Mr. John Pate, Chairman of the Airport Commission, was recognized

and presented this matter. Mr. Pate stated that several meetings with Piedmont Airlines concerning landing fees and other charges had resulted in little progress. Mr. Pate informed Council it was the opinion of the Airport Commission that the present landing fee charge to Piedmont Airlines was ridiculously and unrealistically low and it was proposed in the ordinance to increase the rate to 27 cents. Mr. Pate stated that in the more than one half dozen meetings with Piedmont Officials since last fall, Piedmont would only agree to a 1 or 2¢ increase over the present rate and this was not satisfactory with the Airport Commission. Mr. Pate concluded his remarks by requesting Council to adopt the proposed ordinance.

AN ORDINANCE TO REGULATE USE AND CHARGES AT THE GRANNIS FIELD AIRPORT. ORD. NO. S-1976-17.

Following brief discussion, Mr. Plummer introduced the foregoing ordinance and moved its adoption as recommended by the Airport Commission. Motion seconded by Mrs. Beard.

At this point Mayor Finch recognized Mr. Dick Ketchem, a Piedmont Airlines Official, who appeared in opposition to the passage of the ordinance.

Mr. Ketchem reiterated Mr. Pate's remarks concerning Piedmont's discussions with the Airport Commission concerning the landing fee rate increase. Mr. Ketchem stated however, that the prime concern was not so much the increase in rates and the loss suffered by Piedmont over the past year but service to the community. Mr. Ketchem concluded his remarks by suggesting further negotiations.

Following this, Mayor Finch called for vote on Mr. Plummer's motion to adopt the ordinance and it carried unanimously.

Council next gave consideration to a request from the Airport Commission for permission to apply for federal and state grants for Airport Construction to lengthen and strengthen runway 3-21 at the municipal airport to handle heavier aircraft on longer flights from Fayetteville.

Council recognized Mr. Charles Clark, a member of the Airport Commission, who presented this matter. Mr. Clark stated that the estimated construction cost would be \$1,922,000.00 and that the anticipated FAA participation of 90% of this cost would be \$1,729,800.00 state participation of 5% or \$96,100.00 and city airport cost in the amount of 5% would be \$96,100.00. Mr. Clark concluded by stating the proposed length and strength would permit B-737, B-727, DC-10 and L-1011 aircraft to use the airport. Without these improvements, the airport is limited to the B-737 operated by Piedmont and precludes other airlines with larger aircraft operating from the airport.

Following brief discussion, Mrs. Beard offered motion for approval of Airport Commission's request to apply for the foregoing federal and state grants as requested. Motion seconded by Mr. Plummer and carried unanimously.

Council next gave consideration to the release of uncollectable inactive insolvent taxes. In a letter to the City Manager, the auditor stated that during the audit of the Tax Dept. records for the year ended June 30, 1975, numerous old insolvent tax receipts which appeared to be uncollectable were noted. It was recommended that Council pass a resolution releasing these taxes, a total of 641 tax bills averaging \$11.16 per bill, for a total of \$7,152.64. The majority of the bills date back to the 1950's and 1960's and are considered uncollectable due to the statute of limitations, death and various other reasons. Relieving the tax collector does not prevent any of these taxes from being collected if collection can be made, the auditor stated, but simply remove from the records the value of these taxes which are deemed uncollectable by the Tax Collector rather than continue to carry them on the books.

RESOLUTION AND ORDER RELEASING 641 UNCOLLECTABLE INACTIVE INSOLVENT AD VALOREM TAX BILLS IN THE AMOUNT OF \$7,152.64. RES. NO. R-1976-31.

Mr. Plummer introduced the foregoing resolution and order and moved its adoption as recommended by the auditor and the Tax Collector to release the above mentioned insolvent taxes. Motion seconded by Mr. Satisfsky and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book R-1976.

Council next gave consideration to the adoption of the 1976-1977 Budget Appropriation Ordinance.

The City Manager presented this matter and stated that all changes to the budget recommended by the Council had been made.

Mr. Satisfsky then offered motion to amend this budget to reinstate the Cultural and Fine Arts Director position back into the Recreation and Parks Dept. budget. Motion seconded by Mr. Dawkins.

Following some further discussion, Mr. Satisfsky withdrew his motion and Mr. George offered motion to adopt the ordinance as printed and transfer all further surplus to the contingency fund. Motion seconded by Mr. Shields and carried unanimously.

Following some further discussion, Mr. Satisfsky offered motion to re-fund the Cultural and Fine Arts Director position in the Recreation and Parks Dept. budget through the contingency fund in the amount of \$9,259.00. Motion seconded by Mr. Dawkins and carried unanimously.

1976-1977 BUDGET APPROPRIATION ORDINANCE. ORD. NO. NS-1976-94.

Council next gave consideration to the adoption of the 1976-1977 Budget Appropriation Ordinance for Parking Facilities Fund. The City Manager presented this matter.

1976-1977 BUDGET ORDINANCE CITY OF FAYETTEVILLE PARKING FACILITIES OPERATING BUDGET
ORDINANCE. ORD. NO. NS-1976-95.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Satsky and carried unanimously. Copies of the two foregoing ordinances are on file in the Office of the City Clerk in Ordinance Book NS-1976.

Council next gave consideration to the award of bids. The City Engineer reported that bids were received on June 22 for city contract no. 185 Dick Street - Franklin Street extension. The low bid was submitted by Herring, Inc. in the amount of \$78,779.50 and was the bid recommended.

Mr. Satsky offered motion for acceptance of the foregoing low bid of Herring, Inc. as recommended. Motion seconded by Mrs. Beard and carried unanimously.

The City Manager stated that bids had been received on June 11 for two comfort stations for the Recreation and Parks Dept. The low bid was submitted by Super Secure Comfort Stations in the amount of \$15,962.00 and was the bid recommended.

Mr. Satsky offered motion for acceptance and approval of the foregoing low bid of Super Secure Comfort Stations as recommended. Motion seconded by Mr. Shields and carried unanimously.

Council next gave consideration to the approval of Taxi Cab Driver Permits. Recommendation had been received from the Chief of Police and Taxi Cab Inspector for approval of permits for Ernest Marvin Davis and David Mullins and for disapproval of a permit for Douglas Lynn Fumage.

Douglas Lynn Fumage was not present in the audience.

Mr. Satsky offered motion for approval of taxi cab driver permits for Ernest Marvin Davis and David Mullins as recommended by the Chief of Police, Taxi Cab Inspector and City Manager. Motion seconded by Mr. Dawkins and carried unanimously.

Council next considered appointments to various boards and commissions.

First considered were three appointments to the Airport Commission.

Upon motion by Mr. George, seconded by Mr. Shields and carried unanimously, the following named were reappointed to the Airport Commission by acclamation vote for terms of office for two years each said terms expiring in June 1978. JULIAN HUTAFF, J.A. HOLLINGSWORTH, JOHN PATE.

Council next considered one appointment to the Public Works Commission.

Upon motion by Mr. Dawkins, seconded by Mr. Plummer and carried unanimously, Mr. Robert H. Butler was reappointed to the Public Works Commission by acclamation vote for a three year term of office said term of office expiring in June 1979.

Council next considered one appointment to the Public Works Commission Retirement Plan.

Upon motion by Mr. Dawkins, seconded by Mr. Plummer and carried unanimously, Mr. Robert H. Butler was reappointed by acclamation vote to the PWC Retirement Plan for a five year term of office said term to expire in June 1981.

Council next considered one appointment to the Joint Planning Board.

Upon motion by Mr. Plummer, seconded by Mr. Dawkins and carried unanimously, Mrs. Barbara Todd was reappointed to the Planning Board by acclamation vote for a four year term of office said term expiring in June 1980.

Still on the subject of appointments, Mayor Finch informed Council that two appointments needed to be considered and made to the Fayetteville Redevelopment Commission for Mr. Hal Broadfoot, resigned and Mr. David Godwin. She requested Council's consideration of appointees in the near future.

Mayor Finch also stated that consideration should be given to the appointment of three persons to the Regional Development Advisory Commission for the Regional Land Use Planning. She requested Council members to give this matter consideration, contact the Mayor's office and inform her about recommended appointees.

At this point in the meeting, Mayor Finch recognized and welcomed Mrs. (Pete) Singleton and Mr. Bill Bowser present in the audience to observe Council proceedings.

Mayor Finch then asked if any delegations in the audience desired recognition and a citizen was recognized with a suggestion that a tar and gravel bike trail or track be constructed along U.S. 401 By-Pass from Ramsey Street to Bragg Blvd. Mayor Finch thanked this citizen for his suggestion and stated that it would be given consideration.

Another citizen was recognized on complaints about the park in Essex Place off Murchison Road. This citizen requested early closing of the park due to noise and disturbances such as Council had enacted for Clark Park several weeks ago.

Mayor Finch thanked this citizen for her suggestion and stated that Council will continue to work on these problems along with the Recreation and Parks Dept. and requested the City Manager

to check this matter out.

CITY MANAGER REPORTS

The City Manager reported he had received a memorandum from Major Emerson Hall, Acting Chief of Police, dated June 23, 1976 in which Major Hall stated that on 17 June 1976 he had recommended four applicants for promotion to Sergeant.

At the time of his recommendation, Major Hall stated, he was a candidate for the office of Chief of Police. Since then he stated he had withdrawn his application for the position.

In the near future a new Chief will be appointed by Council and the successful operation of a Police Dept. will be his responsibility. For this reason he stated he was rescinding his memorandum of June 17 recommending the four applicants for promotion as he felt this responsibility could and should be the privilege of the new Chief of Police whomever he may be.

Following brief discussion this matter, Mr. Plummer offered motion to follow the recommendation made in the memorandum of the Acting Chief of Police. Motion seconded by Mr. Dawkins and carried unanimously.

Council next recognized City Attorney Clark on a matter concerning acquisition of a tract of land located in the Downtown Circulation Plan on the west side of Union Street beside Cross Creek and owned by Edna Watt. Mr. Clark stated that Mrs. Watt will sell this tract to the city for \$20,000.00. The appraised value is \$17,900.00 and the tax valuation is \$24,000.00. The City Attorney recommended city purchase this tract.

Following brief discussion, Mr. G  org   offered motion, seconded by Mr. Plummer that the city seek an option on the purchase for 60 days. Motion carried unanimously.

MATTERS OF INTEREST TO THE CITY COUNCIL

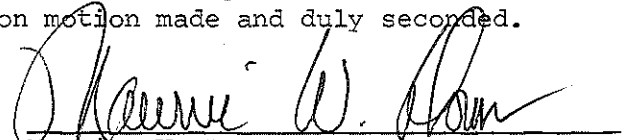
Mr. Plummer asked the City Attorney if any thing had been done as yet on the proposed beer and wine ordinance. The City Attorney replied that this matter was still under consideration by him.

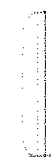
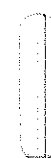
Mrs. Beard requested that the City Manager have the Recreation Dept. Supt. check on conditions on Stamper Road park. She stated that restrooms were a serious consideration at the present time for this park inasmuch as the users have no facilities.

Mayor Finch recommended to the City Attorney that he consider drawing an ordinance on the entertainment zone in view of the recent Superior Court decision. The City Attorney acknowledged the suggestion.

Mayor Finch recommended that Council set a meeting to consider the appointment of a Chief of Police. Following brief discussion, it was suggested that Council go into executive session immediately after this meeting for such consideration and this was agreeable.

Thereafter, all matters of regular business coming before this regular meeting having been completed, this session was adjourned at 10:25 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JULY 12, 1976
8:00 P.M.

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Gene Plummer, Marion George, Vincent Shields, Steve Satisfsky

Others Present: Mr. Guy Smith, City Manager
Mr. Billy Clark, City Attorney
Mr. Ray Muench, PWC

Mayor Finch called the meeting to order and the invocation was offered by Chaplain (Colonel) Patrick J. Hessian, 18th Air Borne Corp and Post Chaplain, Ft. Bragg. Following the invocation, Mayor Finch led the assembly in the Pledge of the Allegiance to the Flag.

Mayor Finch then recognized the following members of the Fayetteville Youth Council present in the audience to observe Council proceedings. Michael Hasty, Amy West and Kenny Fleishman.

The first order of business was the approval of minutes. Upon motion by Mr. George, seconded by Mrs. Beard and carried unanimously, Minutes of the Regular Meeting of the Council of June 28, 1976 were approved as submitted by the Clerk.

Mayor Finch then introduced John Monaghan, Jr., the newest member to join the City "Family". Mr. Monaghan was recently hired as the new Administrative Assistant to the City Manager replacing Mr. James Gray who now heads up the City's new bus transit department. Mayor Finch remarked that Mr. Monaghan is a local resident of the city having just graduated from N.C. State University in Raleigh with a degree in Public Administration. Mr. Monaghan was accorded a round of applause from those present in the Council Chamber.

The first order of business was consideration of the adoption of a resolution ordering the extension of water and sanitary sewer utilities without petition in Topeka Street. (Council had acted at the meeting of June 28 to set a public hearing on this matter for July 26, 1976.)

PRELIMINARY RESOLUTION ORDERING AN EXTENSION OF THE WATER AND SANITARY SEWER COLLECTION SYSTEM OF THE CITY OF FAYETTEVILLE, N.C. INTO A PORTION OF TOPEKA STREET. RES. NO. R-1976-32.

Mr. Satisfsky introduced the foregoing resolution and moved its adoption, seconded by Mr. Shields and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book R-1976.

Council next gave consideration to ordering the condemnation of one parcel of land in General Recreation Program Area #5. Mr. Ron Hickman, Director of the Community Development Dept., presented this matter and stated the parcel consist of one lot located on Pierce Street off Turnpike Road. Mr. Hickman stated further this is parcel A-2 owned by James A. Maynor; that the just compensation offered was \$1900.00, and the reason for requesting condemnation was that the owner would not accept the foregoing offer. He stated additionally that three appraisals had been made.

Following brief discussion, Mr. Plummer offered motion to follow the recommendation and start condemnation proceedings. Motion seconded by Mr. Satisfsky and carried unanimously.

Council next considered approval of a contract for the sale of land in the Wilmington Road Neighborhood Development Program N.C. A-10. Mr. Hickman again presented this matter and stated that Council's concurrence is requested and execution of contracts for the deposition of land at this location said land being parcels C3 and C4 the name of the bidder being Pate Homes, Inc. and the amount of the bid \$1204.50 per parcel.

Following brief discussion, Mr. Plummer offered motion that the Mayor be authorized to execute a contract for sale of the foregoing parcels. Motion seconded by Mr. Satisfsky and carried unanimously.

Mr. Hickman then presented a further request for the execution of contracts for the deposition of land in the Murchison Road Redevelopment Area N.C. R-90 consisting of parcels E-14, E-15 and E-16, the name of the bidder again being Pate Homes, Inc. and the amount of the bid being \$2,807.00 for each parcel. Mr. Hickman stated further that all parcels in the foregoing two areas are to be used for residential purposes.

Following brief discussion, Mr. Plummer offered motion to authorize the Mayor to execute the contract for the sale of the foregoing parcels as recommended. Motion seconded by Mr. Shields and carried unanimously.

On a final matter, Mr. Hickman presented to the Council handouts of a set of proposed guide lines for the implementation of the \$1,000.00 rehabilitation grants approved by City Council at an earlier meeting. He requested Council's approval of these guide lines at this or a subsequent meeting. Mayor Finch informed Mr. Hickman that Council would consider this matter at the July 26 meeting or earlier if possible.

Council next gave consideration to a proposed assistance plan for the elderly and handicapped

in connection with the Fayetteville bus system. Mr. James H. Gray, the newly appointed City Bus Dept. Supt., was present and presented the plan to the Council. Mr. Gray stated that the title of the plan was a proposed Fayetteville Area System of Transit (Fast) Assistance Plan for the Elderly and the Handicapped. In the introduction to the plan, Mr. Gray stated that Section 16(a) of the Urban Mass Transportation Act of 1964 as amended, declares the National Policy that elderly and handicapped persons have the same right as other persons to utilize Mass Transportation Facilities and Services. Thus, the premise of the Act is that "Standard Transit Equipment" designed to serve the general public, should be made "Physically Accessible" to the maximum extent for the elderly and the handicapped, who have a level of personal mobility to the extent that their use of public transportation would be a reasonable expectation.

Section 5 (m) of the Act as amended in 1974, provides that the elderly, (age 65 and over) and the handicapped populations of the urban area, who meet the eligibility requirements of paragraph 609.3, Federal Register, Volume 41, Number 85, April 30, 1976, will be charged rates during the non-peak hours that will not exceed one half of the peak hour rates generally charged other persons.

The City Council of Fayetteville, Mr. Gray continued, has considered and will continue to consider the special needs of the elderly and the handicapped.

Mr. Gray concluded his remarks and there was general discussion by the Council for a few minutes regarding the plan.

Following this discussion, Mr. Plummer moved for adoption of the foregoing plan as presented. Motion seconded by Mr. Dawkins and carried unanimously. A copy of the plan is on file in the City Clerk's Office.

Council next gave consideration to a petition requesting relief from a drainage problem in a section of Scotty Hills Subdivision off Bragg Blvd. The area includes Marchland Drive, Drayton Road, Brookhaven Drive, Ridgecrest Drive and Scottywood Drive. The City Manager presented this matter and displayed a projection outlining the difficulties the residents were having. Mr. Smith stated the problem was a long standing one and would be extremely expensive on the part of the City and the property owners to correct; the cost being approximately \$40 per foot.

Mr. John Dates, 819 Marchland Drive, one of the petitioners, was recognized and stated that in his own behalf and in that of the approximately 25 persons present in the audience that a critical drainage problem causing continued and rapid deterioration of property danger to health and serious inconvenience to residents of their section of Scotty Hills.

The problem concerned requires corrective action by the city of an area being inundated during inclement weather by drainage coming from Bragg Blvd. directly onto private and public property. The problem, he stated, is not due to the natural causes but, rather, to the installation of an incomplete drainage system initiated by the State but, as yet, uncompleted by the city.

The present condition has resulted in serious erosion of private property; impassable public streets during heavy rainfalls; unsanitary and unsafe conditions for children and adults alike; defacement of streets and private property with debris (paper cups, cans, bottles, etc.) as well as mud and sand; and a myriad of other inconveniences to citizens living in or visiting the area and residents request relief from this aggravating and constantly deteriorating nuisance.

The City Manager then displayed a transparency showing the area and the drainage courses outlining the magnitude of the problem. He stated that part of this is natural drainage where storm water over the years has increased the depth and width of the stream. One of the solutions to the problem, he stated, would be to pipe the stream at tremendous cost to the city and to the property owners with each one participating 50%. However, if the city assumes any further responsibility a precedent will be established which can be argued for areas all over the city with similar problems. The City Manager suggested finally that should the Council consider this matter it should, in his opinion, be constructed as two separate projects which he enumerated on the transparency as project 1 and project 2.

General discussion then followed with the consensus of the opinion being that the City Council members look at and study this problem further.

Mr. Plummer then offered motion to continue this matter to the next regular meeting of the Council, that the Council consider this matter as two different projects, namely areas 1 and 2 as recommended by the City Manager, and that the property owners in area 2 submit a proper petition for this drainage. Motion seconded by Mr. Satisky and carried unanimously. Mayor Finch then explained to Mr. Dates the impact and purpose of this Council action concerning their request and Mr. Dates acknowledged his understanding of the action.

Council next considered the renewal of a lease between the Fayetteville Airport Commission and the Southern National Bank of N.C. for banking facilities space in the airport terminal. Mr. Bernard Stein, a member of the Airport Commission, was recognized and stated this was the renewal of a lease originally entered into in July 1970 and extended the lease for an additional three years to July 1979 and all other provisions remain the same. Mr. Stein requested Council's approval.

Mr. Dawkins then moved to follow the recommendation of the Airport Commission and renew the lease as requested. Motion seconded by Mr. Plummer and carried unanimously. A copy of the renewed lease is on file in the City Clerk's Office and in the Office of the Airport Manager.

Council next gave consideration to the award of bids for automatic doors at the Airport. Mr. Stein also presented this matter and stated that bids were received on June 23, 1976 at 2:00 P.M. in the Kyle House and the low bid submitted by Pleasant's Inc. of Fayetteville in the amount of \$18,862.00 was recommended.

Following brief discussion, Mr. Shields offered motion to follow the recommendation of the Airport Commission and award the foregoing bid to Pleasant's Inc. for their bid of \$18,862.00. Motion seconded by Mrs. Beard and carried unanimously.

On an additional matter, Council heard request from Mr. Stein that City Council implement the recommendations of the Downtown Revitalization program as presented at an earlier meeting of the Council held on May 13, 1976.

Council next gave consideration to a request from the Salvation Army that they be exempted from paying privilege license fee for the operation of their thrift stores. In a letter from Captain Jesse Jones, Commander, to the City Manager concerning this request, he stated the Salvation Army in Fayetteville is a not for profit organization which provides a wide range of services to the less fortunate of the community and the Fayetteville Corps is funded principally by United Services Fund, the Christmas Kettles, contributions from corporations and individuals, and the operation of two "Thrift" Stores.

Clothing and furniture are donated by individuals and corporations to the Salvation Army and are resold in the thrift stores or given to persons in need.

Assistant City Manager Bill Thomas informed Council that these privilege license cost in prior years have been \$25.00 each.

Mr. Plummer then moved for approval of the foregoing request of the Salvation Army and Captain Jones and that they be exempted from the payment of privilege license fees for this purpose. Motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to appointments to various Boards and Commissions.

The first was one three year term of office to the Board of Adjustment. Mayor Finch then stated she would accept nominations for this office and nominated Mr. Robert MacMillan. Mrs. Beard nominated Mrs. Rose Bsheer and Mr. Satisfsky nominated Dr. Stacy Hair.

Ballots were then cast and submitted to the City Clerk for canvassing and following this Mayor Finch announced that Dr. Stacy Hair had been elected to fill the foregoing position; said term of office to run for three years and expiring in July 1979.

Council next gave consideration to an appointment to the Police Benefit Fund and upon motion by Mr. Plummer, seconded by Mr. Satisfsky and carried unanimously, Councilman Vincent Shields was appointed for a term of three years said term to run to July 1979.

Council next considered appointments to the Region M Council of Governments Regional Development Advisory Commission and upon motion made and duly seconded, Mr. Joseph L. Pillow and Mr. Robert T. MacMillan were appointed to this commission by unanimous vote.

Council next considered an appointment to the Fayetteville Redevelopment Commission and upon motion by Mr. Satisfsky, seconded by Mr. Shields, Dr. Eddie Martin was appointed to this commission for a five year term of office said term expiring in December 1980. (This appointment was to fill the vacancy created by the resignation of Mr. Hal Broadfoot whose term of office expired in December 1975.)

No delegations responded to the invitation issued by Mayor Finch for recognition.

CITY MANAGER REPORTS

The City Manager requested authorization of the Council to hire two persons in the Police Dept. who will serve at a later date as police officers.

Following brief discussion, Mr. Plummer offered motion to follow the foregoing recommendation of the City Manager and authorize the hiring of the two police officers as requested. Motion seconded by Mr. Satisfsky and carried Mr. George voting against.

PWC Manager Muench reminded Council Members of the ceremony scheduled by PWC for Wednesday morning, July 14 at 10:00 A.M. at the River Road site commencing the generation of electricity by the PWC with its new peak shaving electric generators.

MATTERS OF INTEREST TO THE COUNCIL

Mrs. Beard raised a question on the installation of restroom facilities in Stamper Road park. The City Manager stated he had no recommendations as yet on this matter.

Mr. Plummer informed Council that he had received request for the widening and paving of the Dead End portion of Hull Road. The City Manager distributed sketch maps on this matter for Council's information but no action was taken.

Mr. Plummer inquired again of the City Attorney if it was possible to draft and enact a beer and wine ordinance prohibiting the consumption of these beverages in public places and parks.

The City Attorney advised that the passage of such a city ordinance would, in his opinion, be in conflict with state law.

Council next considered the appointment of an interim City Manager. However, before this was discussed Mayor Finch reminded Council that it had not acted officially to accept the resignation of City Manager Guy Smith and Councilman Plummer offered motion that Council accept with deep regret the resignation of Mr. Smith. Motion seconded by Mr. Dawkins and carried unanimously.

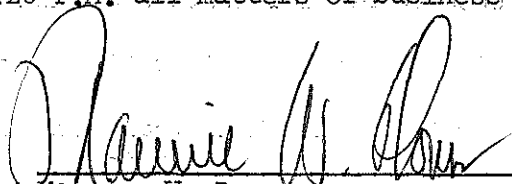
Mr. Plummer then offered motion that Assistant City Manager William G. Thomas, III be appointed interim City Manager until a full time City Manager is appointed. Motion seconded by Mr. Shields and carried unanimously.

Mayor Finch then informed Council that it needed to set a conference meeting to discuss the downtown revitalization plan, the various city policies and a transit development program and any other matters that should come before it and a conference meeting was scheduled for Thursday, July 15, 1976 at 1:00 P.M. in the Kyle house for this purpose.

Mayor Finch then informed Council that it should take some action on a site for the housing of the elderly. She there upon appointed Council Members Beard, Shields and Satsky as a committee to make recommendation for such a site or no recommendation at all and to report back to the Council at the next regular meeting.

Mayor Finch reminded Council of the electra-cities meeting in Pinehurst on August 6, 7, 8, of the N.C. League of Municipalities Meeting in Charlotte on October 17, 18 and 19, and of the National League of Cities Meeting in Denver on November 27, - December 1 and requested Council to contact the Assistant City Manager about making reservations.

Mayor Finch then informed Council it should consider entering into an executive session at this time to consider applicants for the position of Chief of Police. This was agreed upon and this regular session was then adjourned at 9:20 P.M. all matters of business having been completed upon motion made and duly seconded.



Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JULY 26, 1976
8:00 P.M.

Present: Mayor Beth Finch

Council Members: Marie Beard, Gene Plummer, Marion George, Vincent Shields, Steve Satisfsky

Council Member Absent: J.L. Dawkins

Others Present: Mr. Guy Smith, City Manager
Mr. William G. Thomas, Assistant City Manager
Mr. Billy Clark, City Attorney
Mr. Ray Muench, PWC
Mr. Joe Stowe, PWC

Mayor Finch called the meeting to order and the invocation was offered by Father Michael Robert O'Hara OMI, Assistant Pastor of St. Ann's Catholic Church. Mayor Finch then led the assembly in the Pledge of the Allegiance to the Flag.

Mayor Finch then recognized Mr. & Mrs. C.R. Freeman and awarded Mr. Freeman the first 40 year service pin for his dedication and service to the City of Fayetteville and the Cemetery Department.

Mayor Finch then recognized the following Youth Council Representatives present in the audience to observe Council proceedings: LESLIE MALINOSKI, LINDA MALINOSKI AND SUSAN LINDER.

Upon motion by Mr. George, seconded by Mrs. Beard and carried unanimously, Minutes of the Regular Meeting of July 12, 1976 were approved as submitted by the Clerk.

The first order of business was the consideration of the adoption of a resolution ordering the extension of water and sanitary sewer utilities without petition in Topeka Street.

Mr. Ray Muench was recognized and presented this matter. He displayed sketch maps of this area.

FINAL RESOLUTION ORDERING AN EXTENSION OF THE WATER AND SANITARY SEWER SYSTEM OF THE CITY OF FAYETTEVILLE INTO A PORTION OF TOPEKA STREET. RES. NO. R-1976-33.

Mr. Satisfsky introduced the foregoing resolution and moved its adoption, seconded by Mr. George and carried with Mr. Plummer voting against. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book No. R-1976.

A public hearing had been published for this date and hour on the rezoning from R5 Residential District to P2 Professional District or to a more restrictive zoning classification of an area located at 110 Bradford Avenue.

Planner Mitchell presented this matter and stated Planning Board recommended approval.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R5 RESIDENTIAL DISTRICT TO P2 PROFESSIONAL DISTRICT AN AREA LOCATED AT 110 BRADFORD AVENUE. ORD. NO. NS-1976-96.

Following brief discussion, Mrs. Beard 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 City Clerk's Office in Ordinance Book NS-1976.

A public hearing had been published for this date and hour on the consideration of rezoning from R10 Residential District to C1P Shopping Center District or to a more restrictive zoning classification of an area located at the northwest corner of Bragg Blvd. and Stamper Road. (Property owners request continuation until last meeting in August.)

Planner Mitchell presented this matter and stated Planning Board recommended denial.

Mr. Dan Stout was recognized in behalf of this rezoning and requested continuation of this hearing.

Following brief discussion, Mr. Plummer offered motion, seconded by Mr. Shields and carried unanimously that this matter be continued until August 23, 1976.

A public hearing had been published for this date and hour on the rezoning from M2 Industrial District to R10 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification of an area located at 501 Dunn Road.

Planner Mitchell presented this matter and stated Planning Board recommended C3 Heavy Commercial District for a portion of the property and recommends that the Planning Staff initiate a special use permit on the remaining property for parking.

Mr. Breece Farrell was recognized in behalf of this rezoning. He stated he desired to construct a truck terminal on the site.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM M2 INDUSTRIAL DISTRICT AND R10 RESIDENTIAL DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED AT 501 DUNN ROAD. ORD. NO. NS-1976-97.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Shields and carried unanimously. A copy of the foregoing ordinance is on file in the City Clerk's Office in Ordinance Book NS-1976.

A public hearing had been published for this date and hour on the rezoning from R5 Residential District to M2 Industrial District or to a more restrictive zoning classification of an area located on the east side of North Racepath Street between Grove Street and Person Street. Planning Board recommended approval.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R5 RESIDENTIAL DISTRICT TO M2 INDUSTRIAL DISTRICT AN AREA LOCATED ON THE EAST SIDE OF NORTH RACEPATH STREET BETWEEN GROVE STREET AND PERSON STREET. ORD. NO. NS-1976-98.

Mr. Satsky 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 City Clerk's Office in Ord. Book NS-1976.

A public hearing had been published for this date and hour on consideration of a request for a special use permit for the establishment of a senior citizens center in an R6 Residential District as provided for in the City of Fayetteville Zoning Ordinance, Section 32-24(5) located at 1607 Ramsey Street.

Planner Mitchell presented this matter and stated Planning Board recommended approval subject to conditions as outlined in their memo of July 26.

Following brief discussion, Mr. Plummer offered motion to follow recommendation of the Planning Board subject to conditions outlined in their memo. Motion seconded by Mr. Satsky and carried unanimously.

A public hearing had been published for this date and hour on the initial zoning under the City of Fayetteville Zoning Ordinance to R10 Residential District or to a more restrictive zoning classification of an area located on the west side of Roxie Avenue.

Planner Mitchell presented this matter and stated Planning Board recommended approval.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: INITIAL ZONING UNDER THE CITY OF FAYETTEVILLE ZONING ORDINANCE TO R10 RESIDENTIAL DISTRICT AN AREA LOCATED ON THE WEST SIDE OF ROXIE AVENUE. ORD. NO. NS-1976-99.

Mr. Satsky introduced the foregoing ordinance and moved its adoption, seconded by Mr. Shields and carried unanimously. A copy of the foregoing ordinance is on file in the City Clerk's Office in Ord. Book NS-1976.

Upon motion by Mr. Plummer, seconded by Mrs. Beard and carried unanimously, public hearings were set on the following matters for August 23, 1976.

- A. Rezoning from R6 R.D. to C3 Heavy Commercial District or to a more restrictive zoning classification of an area located on the west side of Camden Road at the intersection of Camden Road and Whitfield Street.
- B. Rezoning from R5 R.D. to C1 Local Business District or to a more restrictive zoning classification of an area located at 214 Myrover Street.
- C. Rezoning from R6 R.D. to C3 Heavy Commercial District or to a more restrictive zoning classification of an area located on the east side of Greer Avenue between East Collier Drive and West Collier Drive.
- D. Rezoning from R10 R.D. to P1 Professional District or to a more restrictive zoning classification of an area located at 2309 and 2313 Village Drive.
- E. Rezoning from R6 R.D. to P2 Professional District or to a more restrictive zoning classification of an area located on the east side of Ramsey Street at the intersection of Sherman Drive and North Street.
- F. Rezoning from R6 R.D. to C3 Heavy Commercial District or to a more restrictive zoning classification of an area located at 2807 Ramsey Street.
- G. Initial zoning under the City of Fayetteville Zoning Ordinance to R6 R.D. and C1P Shopping Center District or to a more restrictive zoning classification of an area located on the west side of Ramsey Street between Stacy Weaver Drive and Ascot Subdivision.

Upon motion by Mr. Plummer seconded by Mrs. Beard and carried unanimously, a public hearing was set for Sept. 27, 1976 on the following matter:

Rezoning from C1 Local Business District to C3 Heavy Commercial District or to a more restrictive zoning classification of an area located at 320 South Cool Spring Street.

PLANNING BOARD MATTERS

Council next gave consideration of Foto Center preliminary and final CIP review (Westwood Shopping Center addition) located on Morganton Road at McPherson Church Road. Planner Mitchell stated Planning Board recommended conditional approval as contained in their memo of July 26, 1976.

Following brief discussion, Mr. Plummer offered motion, seconded by Mr. Shields that conditional approval be given as recommended by Planning Board. Motion carried unanimously.

Council next gave consideration to Foto Center preliminary and final review (Bordeaux Shopping Center addition) located on Village Drive at Owen Drive. Planner Mitchell stated Planning Board recommended conditional approval as contained in their memo of July 26, 1976.

Following brief discussion, Mr. Plummer offered motion, seconded by Mr. Satisfsky that conditional approval be given as recommended by Planning Board. Motion carried unanimously.

Council next gave consideration of Newark Street Apartments preliminary group development review located on the 1600 block of Newark Street. Planner Mitchell stated Planning Board recommended conditional approval as contained in their memo of July 26, 1976.

Following brief discussion, Mrs. Beard offered motion, seconded by Mr. Plummer to follow Planning Board's recommendation subject to conditions as contained in memo. Motion carried unanimously.

Council next gave consideration of McAllister Estates Apartment preliminary group development review located at 1103 Hay Street. Planner Mitchell stated Planning Board recommended conditional approval as contained in their memo of July 26, 1976.

Following brief discussion, Mr. Satisfsky offered motion, seconded by Mr. Shields to follow Planning Board's recommendation subject to conditions as outlined. Motion carried unanimously.

PUBLIC WORKS COMMISSION

Council next gave consideration of an application by Mr. & Mrs. Jessie Anderson for a one inch water connection to an existing water main to serve a residence at 1920 Owen Drive outside the City. Mr. Muench presented this matter.

Following brief discussion, Mr. Plummer offered motion for approval of the foregoing water connection. Motion seconded by Mr. Satisfsky and carried unanimously.

Council next gave consideration to ordinances ordering the Building Inspector to correct conditions. These two matters were given a 60 day extension each at the May 24, 1976 meeting.

Following brief discussion, Mr. Plummer moved approval of the following ordinances requiring the Building Inspector to correct conditions. Motion seconded by Mrs. Beard and carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL REQUESTING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 1416 CHURCH STREET AND OWNED BY QUINCY SCARBOROUGH. ORD. NO. NS-1976-100

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 1418 CHURCH STREET AND OWNED BY QUINCY SCARBOROUGH. ORD. NO. NS-1976-101.

Copies of the two foregoing ordinances are on file in the City Clerk's Office in Ordinance Book NS-1976.

Council next gave consideration of Scotty Hills Subdivision drainage problem. This matter was continued from the July 12, 1976 meeting. Mr. Thomas presented this matter and displayed a sketch map of this area. For purposes of identifying the problem and solutions to be considered the drainage problem was divided into two separate projects. In the first project area, it was recommended that the citizens abutting the two ditches sign a valid petition for improvements on an assessment basis - 50% of the costs to be assessed against abutting property owners and 50% of the costs to be paid by the City. Preliminary cost estimated by the Engineering Dept. is \$40.00 per linear foot (\$20.00 to be paid by the city and \$10.00 to be paid by each abutting property owner.

In the second project area, it was recommended that the Council order the installation of additional pipe to drain the water coming off Ft. Bragg Blvd. northwardly along lot lines and streets providing easements could be secured from property owners. This line would connect to the underground drainage pipes to be installed in the western ditch in project 1. The cost of this drainage project is estimated to be \$60,000.00.

The motion was divided into two separate drainages. On the first project, Mr. Plummer offered motion to enter into a contract with the residents of Scotty Hill Subdivision providing they have a valid petition and providing the cost doesn't exceed \$10.00 per front foot and a public hearing be set for August 23. Motion seconded by Mrs. Beard and carried unanimously. See Res. No. R1976-34.

On the second project, Mr. Plummer offered motion that pipe be installed providing easements can be obtained at no cost to the city and a public hearing set for a later date. Motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to Slater Avenue concerning the Seabrook Recreation Park parking. Council recognized Mr. Nick Gerald, Director of the Fayetteville Youth Services Bureau and the Seabrook Athletic Association. Mr. Gerald gave a report on this matter and recommended three recommendations to the Council. (1) That parking on the east side of Slater Avenue from Langdon Street be permitted, (2) That the City Parks and Recreation Dept. be directed to make a complete land utilization study of the area broadly identified as Seabrook Park and report back to Council with specific designs for improving (a) the facilities in general which in all probability will include negotiating with Fayetteville State University for utilizing the vast wooded area adjacent to Seabrook park, (b) the redistribution and outlay of the present park and recreational facilities, (3) That the City Human Relations Dept. be commissioned to conduct a complete in-depth study into the event prior to following the disturbance between occupants and police officers last week and report back to Council at the next regular meeting.

Council also recognized Mr. Milton Mazarick, Chairman of the Recreation and Parks Commission. Mr. Mazarick requested that the part of Slater Avenue be made one way during ballgame hours to allow parking on both sides of the street.

Following a lengthy discussion of this matter, Mayor Finch called for vote on the first recommendation made by Mr. Gerald. Mr. George offered motion that parking on the east side of Slater Avenue from Langdon Street down to private residences, be permitted and that the Seabrook Recreation Park and facilities be reopened Tuesday morning, July 27, 1976, Motion was seconded by Mr. Plummer and carried unanimously.

Mayor Finch then called for vote on Mr. Gerald's second recommendation. Mr. George offered motion that the City Parks and Recreation Dept. be directed to make a complete in-depth study of the area broadly designated and identified as Seabrook Park and report back to Council at the earliest possible date with specific designs for (a) the improvement of the park facilities in general, which in all probability will include negotiating with FSU for utilizing the vast wooded area adjacent to the Seabrook Park for parking purposes and (b) the redistribution and outlay of the present park and recreational facilities and resources. Motion seconded by Mr. Satisfsky and carried unanimously.

Mayor Finch then called for vote on Mr. Gerald's third recommendation. Mr. George offered motion that the City Human Relations Dept. be commissioned to conduct a complete in-depth study into the event prior to, during and following the disturbance between occupants and police officers in the park area on Wednesday night, July 21, 1976 and report back to the City Council at the next regular meeting. Motion seconded by Mr. Shields and carried unanimously.

Mayor Finch next informed Council she had received a request from Mr. Quincy Scarborough to reconsider item 6 on the agenda due to his late arrival at the meeting.

Mr. Quincy Scarborough was recognized and stated he thought this item would be considered with item no. 20 not item 6.

Following discussion of this matter, Mrs. Beard offered motion to reconsider item 6 but failed for lack of a second.

Council next gave consideration of a policy regulating solicitation of funds by city employees.

Following brief discussion, Mr. Plummer offered motion, seconded by Mrs. Beard and carried unanimously that the policy be adopted. A copy is on file in the City Manager's Office

Council next gave consideration of the Rehabilitation Policy for Community Development. Mr. Ron Hickman was recognized and presented this matter as outlined in his memo.

Following a lengthy discussion, Mr. Satisfsky offered motion that \$1000.00 be eligible only to low and moderate owner occupancy for the improvement of their property. Motion seconded by Mr. Plummer and carried Mr. George voting against.

Following some further discussion, Mr. George made substitute motion to continue this matter until the next regular meeting. Motion seconded by Mr. Shields. Mayor Finch called for vote and it failed as follows: FOR: Mr. George and Mr. Shields, AGAINST: Mrs. Beard, Mr. Plummer and Mr. Satisfsky.

Mayor Finch then called for vote on the main motion and it carried Mr. George voting against. Mayor Finch also asked Mr. Hickman to bring Council a recommendation on the income for low and moderate people at the next regular meeting.

Council next considered changes to the Community Development Budget.

Following brief discussion, Mr. Plummer offered motion, seconded by Mrs. Beard to approve the changes in the budget.

Following some further discussion, Mr. George offered substitute motion to continue this matter to the next regular meeting. Motion seconded by Mr. Satisfsky and carried unanimously.

Council next gave consideration of authorizing condemnations within the Wilmington Road Neighborhood Development Program. Mr. Hickman presented this matter as outlined in his memo.

Upon motion by Mr. Satisfsky, seconded by Mr. Plummer and carried unanimously, the three condemnations were approved as presented.

Council next heard report from Committee on site for Housing for the Elderly.

Mr. Satisfsky stated he had given Mr. Hickman four sites to study. Mrs. Beard also stated she had another site for Mr. Hickman to study.

Mayor Finch asked Mr. Hickman if he would study the five locations and report back to Council.

Council next gave consideration of a request to widen Hull Road.

Mr. Thomas presented this matter and stated that the right-of-way is 40 feet and the travelway varies from about 20 to 30 feet in width. The property owner, Mrs. Dawkins, located on the south east corner has complained about cars parking along Hull Road to the extent that it hinders traffic along the street and on occasion blocks the driveway from her property on to Hull Road. Mr. Thomas stated that Mrs. Dawkins recommendation is to widen the travelway to the full width of the right-of-way.

Following some discussion, Mr. Plummer offered motion to order the street to be extended to a 40 foot right-of-way and request City Attorney to write a letter to Mr. Horne to move his fence off the street right-of-way. Motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration of establishing a speed limit of 45 m.p.h. on Grove Street from Eastern Blvd. eastwardly to Clinton Road and on Cedar Creek Road southwardly to the city limit line. This matter was requested by N.C. Department of Transportation.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE N.C. SECTION 20-106 OF CITY CODE TRAFFIC SCHEDULE NO. 8 "SPEED CONTROL" - DECLARING A 45 M.P.H. SPEED LIMIT ON GROVE STREET FROM EASTERN BLVD. EASTWARDLY TO CLINTON ROAD AND CEDAR CREEK ROAD FROM CLINTON ROAD SOUTHWARDLY TO THE CORPORATE LIMITS. ORD. NO. NS-1976-102

Following brief discussion, Mr. Plummer offered motion to follow recommendation of the Dept. of Transportation. Motion seconded by Mrs. Beard and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ord. Book NS-1976.

Mr. Plummer also requested Mr. Bennett to write the Highway Dept. in regards to the caution light at the intersection of Dunn Road and Grove Street.

Council next gave consideration to the approval of leases on the Sherwin Williams building.

Mr. Clark presented this matter and stated that there are presently two tenants, one being Mrs. Dorothy Green and other being S & J Printing Company.

Following brief discussion, Mr. Plummer offered motion to authorize the execution of the two leases and the mayor to sign in behalf of the city. Motion seconded by Mr. Satisfsky and carried unanimously.

Council next gave consideration of the purchase of Edna Watt property located on Union Street.

Mr. Clark presented this matter and stated that Council had requested him to enter into a negotiation with Mrs. Watt concerning acquisition of her property. Mr. & Mrs. Watt has requested approval from the city to acquire the property for \$20,000.00. This is for the improvement of the Downtown Circulation Plan.

Following brief discussion, Mr. Plummer offered motion to follow recommendation of the City Attorney. Motion seconded by Mr. Satisfsky and carried unanimously.

Council next gave consideration of appointing an architectural firm to construct the Fire Station on Cliffdale Road as approved in the 1976-1977 fiscal budget.

Mr. Thomas presented this matter and stated that our last fire station was designed by McMillan and McMillan Architectural firm in accordance with principles established whereby a prototype fire station could be constructed that would be both functional and economical. Mr. Thomas stated by employing the same firm a reduction from 8.7% to 5.5% can be saved by the city. It is recommended that McMillan and McMillan be retained as the architectural firm for the Cliffdale Road Fire Station.

Following some discussion, Mr. Satisfsky offered motion, seconded by Mrs. Beard and carried unanimously that this matter be continued to August 9, 1976.

Council next gave consideration of the award of bids for tires, tubes, re-capping and batteries. Mr. Thomas presented this matter. After a thorough review and analysis of the bids received, the following contracts were recommended: Passenger Tires - Tire Sales & Service; Small Truck Tires - Corder Vossler; Large Truck Tires - Corder Vossler; Tractor Tires - Tires Sales & Service; Motor Grader Tires - Tire Sales and Service; Motorcycle Tires - Corder Vossler; All Tire Tubes - Corder Vossler; Batteries - Graham Battery; Re-capping - Corder Vossler.

Following brief discussion, Mr. Plummer offered motion for approval of the bids. Motion seconded by Mr. Satisfsky and carried unanimously.

Council next gave consideration of two liens against the real property for demolition of substandard structures.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN FOR THE DEMOLITION OF A SUBSTANDARD STRUCTURE IN THE AMOUNT OF \$385.00 LOCATED AT 513 Terry CIRCLE. ORD. NO. NS-1976-103

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN FOR THE DEMOLITION OF A SUBSTANDARD STRUCTURE IN THE AMOUNT OF \$300.00 LOCATED AT 2406 SLATER AVENUE. ORD. NO. NS-1976-104

Mrs. Beard introduced the two foregoing ordinances and moved their adoption at 11:14 P.M. Motion seconded by Mr. Satsky and carried unanimously. Copies of the two foregoing ordinances are on file in the office of the City Clerk in Ord. Book NS-1976.

Council next gave consideration to several ordinances ordering the Building Inspector to correct conditions at several locations.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 222 CAMPBELL AVENUE AND OWNED BY MRS. CHRISTINE LEVERITT. ORD. NO. NS-1976-105

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 2013 MURCHISON ROAD - TRAILER A,B,C,D OWNED BY MRS. ROY WILLIAMS. ORD. NO. NS-1976-106

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 2013 MURCHISON ROAD 5 O'CLOCK TNN OWNED BY MRS. ROY WILLIAMS. ORD. NO. NS-1976-107

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 2013 MURCHISON ROAD DUPLEX OWNED BY MRS. ROY WILLIAMS. ORD. NO. NS-1976-108

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 2013 MURCHISON ROAD "REAR" OWNED BY MRS. ROY WILLIAMS. ORD. NO. NS-1976-109

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 513 NEW YORK STREET AND OWNED BY MS. INA MAE MCSWAIN "HEIRS" ORD. NO. NS-1976-110

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 1010 WEISS AVENUE OWNED BY MS. BERTHA MYERS "HEIRS" ORD. NO. NS-1976-111

Mr. Plummer introduced the foregoing ordinances and moved their adoption with the exception of giving item 20G on the agenda a 90 day extension. (Property located at 224 W. Rowan Street and owned by Mr. W.J. Wiggs and Ms. Janet McLeod) Motion seconded by Mrs. Beard and carried Mr. Satsky voting against.

Council next gave consideration of the approval of taxi driver permits.

Upon motion by Mr. Plummer, seconded by Mrs. Beard and carried unanimously, taxi cab driver permits were awarded to the following named as recommended by the Chief of Police, Taxi Cab Inspector and City Manager. STEVEN F. WILLIAMS, MICKEY R. JONES AND RONALD T. SCHAAD

Council next recognized a delegation from the audience. Mr. Robert Allen appeared before Council concerning the Downtown Circulation Plan. Mr. Allen has requested Hillsboro Street to be one way with no parking.

Following a lengthy discussion of this matter, Mr. George offered motion that Council request the Revitalization Committee as well as members of City Administration to look into the matter and bring a recommendation back to Council at the next meeting. Motion seconded by Mr. Satsky and carried unanimously.

CITY MANAGER REPORTS

Mr. James Gray, Director of New Bus Company, just wanted to know if Council approved of the new color scheme for the buses. Council indicated approval.

MATTERS OF INTEREST TO THE CITY COUNCIL

Mr. Satsky acknowledged Sgt. Mooney in his quest for an Olympic Gold Medal.

Mr. Satsky also acknowledged an area resident from Raeford, N.C. Miss Kathy McMillan who won a Silver Medal.

Mr. Satsky also brought up the matter concerning a letter dealing with the sign ordinance in Fayetteville. He stated he would like an amendment to the city sign ordinance that would allow political signs to be posted in residential neighborhoods 90 days before an election or referendum. Mr. Satsky pointed out the upcoming August 17 primary and said the amendment would only make legal what many campaigners were already doing.

Following some discussion, Mr. Plummer offered motion to continue until further study, seconded by Mrs. Beard.

Mr. Satsky offered substitute motion to adopt the ordinance but failed for lack of a second.

Mayor Finch then called for vote on the main motion to continue for further study and it carried with Mr. Satsky voting against.

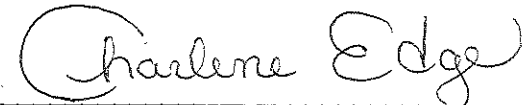
Mr. Satisfsky next offered motion to instruct the City Attorney to draw a resolution honoring and thanking Mr. Smith for his service to the City of Fayetteville. Motion seconded by Mr. Plummer and carried unanimously.

RESOLUTION OF APPRECIATION, RES. NO. R-1976-34A.

Mrs. Beard asked about the railroad crossing on Cumberland Street. Mr. Bennett replied that work on this project should be completed this Friday.

Mayor Finch reminded Council that she had invited legislative candidates for a meeting at the Kyle House on August 3, 1976 at 10:00 A.M. to present to them the legislative goals of the N.C. League of Municipalities.

Mayor Finch then informed Council if should consider entering into an executive session at this time for information concerning the Police Chief candidate. This was agreed upon and this regular session was adjourned at 11:50 P.M. all matters of business having been completed upon motion made and duly seconded.



Charlene Edge
Acting City Clerk

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REGULAR MEETING
CITY HALL COUNCIL CHAMBER
AUGUST 9, 1976
8:00 P.M.

Present: Mayor BETH FINCH

COUNCIL MEMBERS: J.L. Dawkins, Gene Plummer, Marion George, Vincent Shields, Steve Satisfsky

Council Member Absent: Marie Beard

Others Present: Mr. W.G. Thomas, III, Interim City Manager
Mr. Billy Clark, City Attorney
Mr. Joe Stowe, PWC

Mayor Finch called the meeting to order and the invocation was offered by Pastor L.E. Cumbee, Christus Victor Lutheran Church. Following the invocation, the Pledge of the Allegiance was led by Mayor Finch.

Mayor Finch then recognized Sgt. Charles Mooney, Silver Medalist Winner in boxing competition, in the Olympic Games held at Montreal Canada. Mrs. Finch presented Sgt. Mooney with a certificate of appreciation and a key to the city and offered her congratulations and those of the Council for his accomplishment and stated that Sgt. Mooney was not only a credit to the Olympic competition but also to the Fayetteville Community, to the United States Army, and to Ft. Bragg. Mayor Finch also recognized Sgt. Mooney's father who was present in the audience with him this evening. Following the presentation, Sgt. Mooney was accorded a vigorous round of applause from those assembled in the audience.

Mayor Finch recognized Fayetteville Youth Council Representatives Linda Moore, Jeff Henson and Carol Carite.

Council then moved into the first order of business which was approval of the minutes of the Regular Meeting of July 26, 1976. Upon motion by Mr. Plummer, seconded by Mr. George, and carried unanimously, said minutes were approved as submitted by the Acting City Clerk.

Council next considered the setting of public hearings and upon motion by Mr. George, seconded by Mr. Satisfsky and carried unanimously, public hearings were set for Sept. 13 on the following matters:

- A. The annexation of the McMillan and Rawls Properties on North McPherson Church Road.
- B. The annexation of city owned watershed property between the city limits and Ft. Bragg.
- C. The annexation of property located at Camden Road and Cumberland Road known as Bantam Chef.

A public hearing was also set for August 23 and Sept. 13 on amending the 1975-1976 Community Development Application upon motion made, duly seconded, and carried unanimously.

PLANNING BOARD MATTERS

Upon motion by Mr. Plummer, seconded by Mr. Dawkins and carried unanimously, approval was given to an extension of an 8-inch sanitary sewer main along Brighton Road to serve a new post office building as recommended by the Planning Dept.

Upon motion by Mr. Plummer, seconded by Mr. Shields and carried unanimously, approval was given to an extension of a sanitary sewer main to serve the remaining portion of a 78.5 acre tract (Farrell Property) adjoining Jack's Ford Branch in 71st township as recommended by the Planning Board.

Upon motion by Mr. Satisfsky, seconded by Mr. Plummer and carried unanimously, approval was given to a 1-inch water connection to an existing main to serve a commercial structure on Mid Pine Drive as recommended by the Planning Board.

Council next gave consideration to changes to the Community Development Budget for 1976-1977. This matter continued from the July 26 meeting. The Budget Changes consisted of revisions and the salaries of three positions (1) Assistant Director from \$13,244 to \$16,062, (2) Social Services Coordinator from \$8,818 to \$10,104 and (3) Relocation Aid from \$7253.00 to \$7,613. This budget revision was requested by the Executive Director of Community Development, Ron Hickman.

Following brief discussion, Mr. Plummer offered motion for approval of the foregoing budget revision as requested. Motion seconded by Mr. Satisfsky and carried unanimously.

Council next gave reconsideration to the appointment of an architectural firm to construct the fire station on Cliffdale Road as approved in the 1976-1977 fiscal budget. This matter continued from the July 26 meeting.

Mr. Thomas presented this matter and stated that the city's last fire station was designed by McMillan and McMillan Architectural Firm in accordance with the principles established whereby prototype fire station could be constructed that would be both functional and economical and by employing the same firm a reduction from 8.7% to 5.5% in architectural fees can be realized.

Following brief discussion, Mr. Plummer offered motion to award the foregoing contract to McMillan and McMillan Architects. Motion seconded by Mr. Shields and carried unanimously.

Council next gave consideration to a proposed ordinance requiring the building inspector to correct conditions at 911 Turnpike Road owned by Mr. William Dowd and Mr. Gordon Read. Mr. Tony Maccy, City Substandard Housing Inspector, presented this matter and stated that at the May 3 meeting of the Council these property owners were given a 90 day extension to comply with the ordinance and of this date the deficiencies have not been corrected and he requested passage of the ordinance. Mr. Maccy did point out that on August 2 this property changed hands and was now owned by Mr. H. David Sherrill who, to his knowledge, was not aware of this circumstance.

Following brief discussion, Mr. Plummer offered motion, seconded by Mr. Shields to continue this matter to August 23, 1976 and that Mr. Maccy notify the new owner of this circumstance by registered letter. Motion carried unanimously.

Council next gave consideration to a request and petition from the residents on Carolina Avenue a two block long dead end street located one block north of West Rowan Street in the 800 and 900 blocks for no parking between the hours of 7 A.M. and 4 P.M. Monday through Friday. Mr. Thomas presented this matter and stated that the residents had submitted a petition signed by 15 persons on this street who stated the employees of Ormond's Dry Cleaner and Laundry located at 809 Bragg Blvd. were parking their cars on Carolina Avenue and creating a hazard and a nuisance; the hazard being danger to the children and the nuisance being blocking of driveways. The petition stated further that the manager of the dry cleaning place had had 8 months to provide parking space on his property for his workers but has to date not done so. The petition then requested Council to install no parking signs along Carolina Avenue between the hours of 7 a.m. and 4 p.m. Monday through Friday. Mr. Thomas stated the owner of the laundry had requested an extension of time in order to complete negotiations with a paving contractor for the paving of a portion of the property behind the laundry for employee parking; thereby removing the necessity of the employees to park on Carolina Avenue.

A Mrs. Elizabeth Taylor, 815 Carolina Avenue, was recognized for herself and the other property owners and requested relief from the congestion and also stated that two or more vacant lots located on Carolina Avenue were overgrown with shrubbery and brush to the extent that the rubbish and trash being thrown along Carolina Avenue was creating an unsightly situation also. Mr. Maccy of the City Inspection Dept. was requested to check on this vacant lot matter and inform Mrs. Taylor that it would be corrected.

Following brief discussion, Mr. Dawkins offered motion to continue this matter until August 23 to give the laundry owner additional time to negotiate with the paving contractor. Motion seconded by Mr. Plummer and carried unanimously.

Council next considered approval of a contract for Community Development Planning services with James B. Godwin and Associates, Inc. for Community Development Projects for the fiscal year 1976-1977. Mr. Hickman presented this matter and stated this contract would provide for the consultant to assist the city in the preparation of appropriate surveys, maps, documentation, plans and such other supporting material that may be necessary in the carrying out of the Community Development Block Grant Program. Mr. Hickman stated further that the City Attorney has reviewed this contract and found it satisfactory and Mr. Hickman requested approval of same.

Mr. Plummer then offered motion to approve the foregoing contract as recommended by Community Development and that the Mayor be and is hereby authorized and directed to sign said contract for the city. Motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to household sizes and incomes for rehabilitation grants for Community Development Block Grant Program Areas. Mr. Hickman again recognized and presented this matter. He stated in a memorandum dated August 4, 1976 that the tabulation of household sizes and incomes for Council's consideration was being submitted tonight to determine eligibility levels for rehabilitation grants in the Community Development Block Grant Program Areas. He stated that regulations implementing the Community Development Block Grant Program defines "low and moderate income families" or "lower income families" as "families whose income does not exceed 80 percent of the median family income with adjustments for smaller and larger families and there may be established income limits higher or lower than 80 percent of the median for the area on the basis of its finding that such variations are necessary because of prevailing levels of construction costs usually high or lower family incomes or other factors. The tabulations show the low and moderate income level (80 percent median) range from a low of \$4,572.00 to a high of \$9,072.00 and was recommended to make applicants eligible for the \$1,000.00 rehabilitation grant.

Following considerable discussion of this matter, Mr. Plummer offered motion for adoption of the household sizes and incomes tabulation as recommended for rehabilitation grants. Motion seconded by Mr. Dawkins.

Following some further discussion, Mr. George offered substitute motion to continue this matter until such time as a survey of the area is made. The motion received no second. Mayor Finch then called for vote on the motion and it carried as follows: FOR: Mr. Satsky, Mr. Shields, Mr. Plummer and Mr. Dawkins; AGAINST: Mr. George.

Mr. Hickman was requested to go ahead with the survey discussed and return to the Council at a later date.

Council next gave consideration to a proposed ordinance amending chapter 3 "Advertising" of the Fayetteville City Code. City Attorney Clark presented this matter and stated the ordinance would allow political signs on a temporary basis in residential zones 90 days prior to a referendum and the ordinance was prepared as requested by Council at its last meeting.

AN ORDINANCE AMENDING CHAPTER 3 "ADVERTISING" OF THE FAYETTEVILLE CITY CODE, SECTION 3-22 SIGNS ADJACENT TO RESIDENTIAL ZONE. ORD. NO. S-1976-18.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Satsky and carried unanimously. A copy of the foregoing ordinance is on file in the City Clerk's Office in Ord. Book S-1976.

Council next gave consideration to a policy requiring that any additions, amendments, or revisions of the Code of Ordinances be submitted to the Mayor and members of the Council at least 72 hours prior to a meeting of the Council to entertain said proposed change.

Following brief discussion, Mr. Plummer offered motion for adoption of the policy as presented, seconded by Mr. Shields and carried unanimously. A copy of the policy is on file in the Office of the City Clerk.

Council next gave consideration to a request from the county for city participation in the cost of a new dog pound.

In a memorandum to the Mayor and Members of the Council dated August 4, Mr. Thomas, Interim City Manager, stated the Board of County Commissioners has requested that the city participate in the cost of a joint dog pound. Specifically, the request is for the city to pay one third of the cost of constructing a new dog pound, one third of the annual operating cost of the dog pound and the city furnish the land for a new pound adjacent to the present pound. Fiscal year 76-77 costs to the City would be as follows: a new building (1/3) \$34,451.00; annual operating cost (1/3) \$15,368.00; a total of \$49,819.00.

This request was indicated in the fiscal year 76-77 preliminary budget in the amount of \$50,000 with an administration recommended that it not be funded. The City Council approved the administration recommendation and, as a consequence, no funds are included in the approved fiscal year 76-77 budget for city participation in the cost of a new dog pound and the annual operating costs of such pound.

The additional land requested for the new structure is presently a wooded area on the west side of interstate 95 and 301 beside Cross Creek at the site of the present dog pound. There are no city or PWC plans to use this area in the foreseeable future.

It is recommended that (A) the city not participate in the cost of constructing a new dog pound and the annual operating costs of the dog pound.

(B) The City Council authorize leasing sufficient land adjacent to the present dog pound to provide a site for the new dog pound.

(C) The City offer engineering services in the construction of the new dog pound.

Council recognized Mr. Carter Twine, the County Manager, who presented a request from the Cumberland County Board of Commissioners that the city participate with the county for construction and operation of a new dog pound on a 1/3 - 2/3 cost basis.

Following brief discussion, Mr. Plummer offered motion to follow the recommendation of the Interim City Manager that (a) the city not participate in the cost of constructing a new dog pound and the annual operating cost of the dog pound; (b) the city council authorize leasing sufficient land adjacent to the present dog pound to provide a site for the new dog pound and (c) the city offer engineering services in the construction of the new dog pound. Motion seconded by Mr. George and carried unanimously.

Council next gave consideration to a proposed ordinance establishing a speed limit of 35 m.p.h. and 25 m.p.h. for school purposes along Ireland Drive. The City Engineer presented this matter and stated the request from this action came from the N.C. Dept. of Transportation inasmuch as Ireland Drive is secondary road 1219 and Village Drive is secondary road 1220.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, N.C. SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 8 - SPEED CONTROL - IRELAND DRIVE FROM VILLAGE DRIVE NORTHWARDLY A DISTANCE OF 170 FEET AT MARY MCARTHUR SCHOOL. ORD. NO. NS-1976-112

Mr. Satsky introduced the foregoing ordinance and moved its adoption as requested by N.C. Dept. of Transportation. Motion 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 a report from the Human Relations Dept. on the situation at Seabrook PARK. (This action was requested at the last regular meeting due to the disturbance at the park on July 21 and in view of the citizens' requests.)

Council had received printed copies of the report prior to the meeting and Mayor Finch expressed gratitude to Mr. Elmer Floyd, Director of the City Human Relations Dept. and to the City's Human Relations Advisory Commission for their efforts in completing the investigation of the incident.

and in compiling the report.

Following brief discussion Mr. Plummer offered motion, seconded by Mr. Shields, to accept the report as information with gratitude. Motion carried unanimously.

Mayor Finch informed Council that recommendations would be forthcoming concerning this matter from the Human Relations Advisory Commission and from the Advisory Recreation and Parks Commission as requested. A copy of the report is on file in the City Manager's Office.

In response to invitation by Mayor Finch for recognition of delegations, a Mrs. Hubble informed Council that she had petitions in her possession requesting the establishment of a humane animal shelter. Mrs. Hubble stated in view of Council's action concerning the dog pound she would not present the petitions this evening.

Two other persons, a gentleman and a Mrs. Jenkins, were recognized from the audience with questions regarding the investigation of the Seabrook Park incident on July 21. Their questions related to whether or not a police officer on the Fayetteville police force had a personal motive involved with the incident.

Mayor Finch read for their benefit a portion from the report made by the City's Human Relations Dept. and also informed them that recommendations are still to come from that department and from the Advisory Recreation and Parks Commission concerning the matter.

CITY MANAGER REPORTS

Mr. Thomas reported the resignation from the Police Dept. of David Neely said resignation being for the purpose of furthering his formal education. Council noted the resignation.

MATTERS OF INTEREST TO THE CITY COUNCIL

Councilman Dawkins reported that the City Council Transit Committee consisting of himself as Chairman, Mr. Satsky and Mr. Shields, convened at 1:30 P.M. on August 5, 1976 at the Kyle House concerning alternative transit service concepts.

After consideration of the Transportation Advisory Committee's recommendations concerning alternative transit service concepts, the City Council Transit Committee unanimously adopted the following recommendations to the City Council:

(a) Headways, the time between buses should be reduced to thirty minutes during peak rush hours and should be achieved within one year.

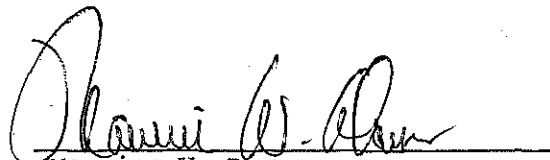
(b) Within a five to six year period, transit service should be expanded to include Spring Lake, Ft. Bragg, and the developed portions of the western part of the County. This assumes that cost sharing arrangements will be worked out among local governments.

If Council approves these recommendations, Mr. Dawkins continued, the consultant can finalize the Transit Development Plan which, in turn, will permit submission of the Capital Grant Application.

Mr. Dawkins then requested Council's approval of the foregoing recommendation.

Following brief discussion, Mr. Plummer offered motion to follow the foregoing recommendations of the City Council Transit Committee and adopt the recommendations as outlined. Motion seconded by Mr. Shields and carried unanimously.

Thereafter, all matters of business having been completed, this meeting was adjourned at 9:15 p.m. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

SPECIAL MEETING
KYLE HOUSE
AUGUST 16, 1976
4:45 P.M.

Present: Mayor Beth Finch

Council Members: J.L. Dawkins, Gene Plummer, Vincent Shields, Marie Beard, Steve Satisfsky

Council Members Absent: Marion George

Others Present: Mr. W.G. Thomas, Interim City Manager
Mr. Billy Clark, City Attorney

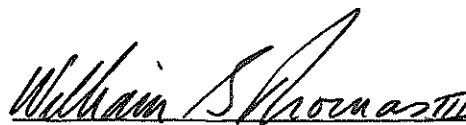
Mayor Finch called the meeting to order and announced that the purpose of the meeting was to consider action on the request made by Mr. Bernard Stein at the regular meeting of July 12, 1976 that the City Council implement the recommendations of the Downtown Revitalization Plan.

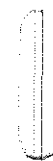
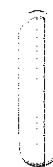
Mr. Satisfsky offered the motion, seconded by Mr. Plummer, that the City Council adopt the Downtown Revitalization Plan in principle. Motion carried unanimously.

Mr. Satisfsky next offered the motion, seconded by Mr. Plummer, that the City Council approve the creation of a Downtown Revitalization Commission consisting of twelve members with six members to be appointed by the City Council and six members to be appointed by the Cumberland County Board of Commissioners. Motion carried unanimously.

Mr. Satisfsky next offered the motion, seconded by Mrs. Beard, that a Director be appointed by the Downtown Revitalization Commission with the approval of the Planning Director to work under the direction of the Planning Department and that the salary of the Downtown Revitalization Director have prior approval by both the City Council and the Cumberland County Board of Commissioners. Motion carried unanimously.

The meeting was adjourned at 5:00 P.M. upon motion made and duly seconded.


William G. Thomas, III
Deputy City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
AUGUST 23, 1976
8:00 P.M.

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Gene Plummer, Marion George, Vincent Shields, Steve Satsky

Others Present: Mr. W.G. Thomas, Interim City Manager
Mr. Billy Clark, City Attorney
Mr. Robert H. Butler, PWC
Mr. Ray Muench, PWC

Mayor Finch called the meeting to order and the invocation was offered by the Rev. David Dunlap, John Wesley United Methodist Church. Following the invocation, Scout Rick Richter, Boy Scout Troop 775 led the assembly in the Pledge of the Allegiance to the Flag.

Mayor Finch then recognized Captain James R. Smith of the Fayetteville Fire Dept. recently retired after many years of service to the department and presented him with a service pin and a certificate of appreciation for his long and dedicated service to the city. Mayor Finch commented further that Captain Smith was the best chicken and pastry cooker ever.

Mayor Finch then recognized Fayetteville Youth Council Members Valda Gibson, Charles McKinney, Kenny Fleishman, Jo Hoffman and others present in the audience to observe Council proceedings. Mayor Finch also thanked the members of the Youth Council for their gifts of the apples, a tradition of the Council, following the opening of the school year.

Council then moved to the first order of business which was the approval of minutes.

Upon motion by Mr. Satsky, seconded by Mr. George and carried unanimously, Minutes of the Regular Meeting of August 9, 1976 were approved as submitted by the Clerk.

Council next gave consideration to the approval of the minutes of Special Meeting of August 16, 1976 and Mr. Satsky offered motion, seconded by Mr. Dawkins for approval of these minutes with the following correction "That a director be appointed by the Downtown Revitalization Commission with the approval of the Planning Director to work under the "Joint" direction of the Planning Dept. "and the commission" and that the salary of the Downtown Revitalization Director have prior approval by both the City Council and the Cumberland County Board of Commissioners." Motion carried unanimously.

A public hearing had been published for this date and hour on the construction of a storm sewer and drainage system in a portion of Scotty Hills Subdivision pursuant to petition from the property owners. The Clerk certified to the Council that notices had been sent to each property owner affected of this public hearing this evening by first class mail on August 11. City Engineer Bennett presented this matter and displayed a sketch map to Council indicating the route of the proposed storm sewer and drainage system along Drayton Road, Brookhaven Drive and those lots abutting each other on Drayton Road and Scottywood Drive.

A Mr. Wayne Joyce, resident of 3514 Drayton Road, was recognized in favor of this project.

There was no opposition present.

Mrs. Beard suggested that the wording "the cost not to exceed \$10.00 per foot" be incorporated in the resolution.

FINAL RESOLUTION ORDERING AN EXTENSION OF THE STORM DRAINAGE SYSTEM OF THE CITY OF FAYETTEVILLE IN A PORTION OF SCOTTY HILL SUBDIVISION. RES. NO. R-1976-35.

Mrs. Beard then introduced the foregoing resolution, moved its adoption incorporating the foregoing wording concerning the cost into said resolution on page 2 paragraph 2. Motion seconded by Mr. George and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book R-1976.

City Engineer Bennett reported to Council that all easements had been secured for the second drainage project in Scotty Hill Subdivision and this matter ready for a public hearing. He suggested the date of September 27, 1976.

PRELIMINARY RESOLUTION REQUIRING THE CONSTRUCTING OF A STORM SEWER AND DRAINAGE SYSTEM IN A PORTION OF SCOTTY HILL SUBDIVISION. RES. NO. R-1976-36

Mr. Plummer introduced the foregoing resolution and moved its adoption, setting a public hearing on this matter for September 27, 1976. Motion seconded by Mr. Dawkins and carried unanimously. A copy of the foregoing resolution is on file in the City Clerk's Office in Res. Book R-1976.

A public hearing was held as continued from the meeting of June 28, 1976 on the rezoning from R6 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification of an area located at 2801 Ramsey Street and being the property of Billy V. Cain. Planning Board recommended denial and that this matter be tabled indefinitely for further study and brought back before Council at a later date.

Mayor Finch stated that since this was a public hearing, proponents or opponents would be given a chance to be heard. There were no proponents present.

A Mr. Clinton Harris, a resident of 110 Chloe Drive in the area, was recognized in opposition to this rezoning.

Following some lengthy discussion, Mr. Satsky offered motion to follow the foregoing recommendation of the Planning Board and table this matter indefinitely. Motion seconded by Mrs. Beard and carried unanimously.

A public hearing was held as continued from the July 26, 1976 meeting on the rezoning from R10 Residential District to C1P Shopping Center District or to a more restrictive zoning classification of an area located at the northwest corner of Bragg Blvd. and Stamper Road. Planning Board recommended denial.

Attorney Robert H. Butler was recognized representing First Union National Bank and Eutaw Shopping Center, petitioners for this rezoning. Mr. Butler stated among other things that the bank and the shopping center desire to have this tract rezoned in order to relocate the First Union Bank Branch site from its present location.

Mr. Paul Player, 818 Stamper Road, and another Stamper Road resident were recognized in opposition to this rezoning, stating that as such it would be a further encroachment into the residential zone.

Following some discussion, Mr. Dawkins offered motion to deny this rezoning. Motion seconded by Mr. Shields and carried unanimously.

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 more restrictive zoning classification of an area located on the west side of Camden Road at the intersection of Camden Road and Whitfield Street. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R6 RESIDENTIAL DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED ON THE WEST SIDE OF CAMDEN ROAD AT THE INTERSECTION OF CAMDEN ROAD AND WHITFIELD STREET. ORD. NO. NS-1976-113

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Satsky and carried unanimously. A copy of the foregoing ordinance is on file in the City Clerk's Office in Ordinance Book NS-1976.

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 more restrictive zoning classification of an area located at 214 Myrover Street. Planning Board recommended denial.

Following brief discussion, Mr. Satsky offered motion to follow the recommendation of the Planning Board and deny this rezoning. Motion seconded by Mrs. Beard and carried unanimously.

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 more restrictive zoning classification of an area located on the east side of Greer Avenue between East Collier Drive and West Collier Drive. Planning Board recommended approval.

Mr. Benjamin McMillan, the petitioner, was recognized and requested approval and if granted would locate an automobile garage on the site. He stated further that he had been dislocated through Urban Renewal.

There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R6 residential DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED ON THE EAST SIDE OF GREER AVENUE BETWEEN EAST COLLIER DRIVE AND WEST COLLIER DRIVE. ORD. NO. NS 1976-114.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Satsky and carried unanimously. A copy of the foregoing ordinance is on file in the City Clerk's Office in Ordinance Book NS-1976.

A public hearing had been published for this date and hour on the rezoning from R10 Residential District to P1 Professional District or to a more restrictive zoning classification of an area located at 2309 and 2313 Village Drive. Planning Board recommended denial.

Attorney Lacy Hair, a Fordham Drive resident, was recognized in opposition and presented a 130 signature petition of other residents in opposition to this rezoning.

Attorney Robert H. Butler was recognized representing the widow of Mr. T.J. McGougan also in opposition to this rezoning.

Following brief discussion, Mr. Dawkins offered motion to follow the recommendation of the Planning Board and deny this rezoning. Motion seconded by Mr. Satsky and carried unanimously.

A public hearing had been published for this date and hour on the rezoning from R6 Residential

District to P2 Professional District or to a more restrictive zoning classification of an area located on the east side of Ramsey Street at the intersection of Sherman Drive and North Street. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R6 RESIDENTIAL DISTRICT TO P2 PROFESSIONAL DISTRICT AN AREA LOCATED ON THE EAST SIDE OF RAMSEY STREET AT THE INTERSECTION OF SHERMAN DRIVE AND NORTH STREET. ORD. NO. NS-1976-115.

Mrs. Beard introduced the foregoing ordinance and moved its adoption, seconded by Mr. Satsky and carried unanimously. A copy of the foregoing ordinance is on file in the City Clerk's Office in Ordinance Book NS-1976.

A public hearing had been published for this date and hour on the initial zoning under the City of Fayetteville Zoning Ordinance to R6 Residential District and C1P Shopping Center District or to a more restrictive zoning classification of an area located on the west side of Ramsey Street between Stacy Weaver Drive and Ascot Subdivision. Planning Board stated this was a recent annexation to the city and recommended C1P on Raleigh Road and R6 to the rear.

Attorney Stacy Weaver was recognized for College Lakes requesting the rezoning. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY UNDER THE CITY OF FAYETTEVILLE ZONING ORDINANCE TO R6 RESIDENTIAL DISTRICT AND C1P SHOPPING CENTER DISTRICT AN AREA LOCATED ON THE WEST SIDE OF RAMSEY STREET BETWEEN STACY WEAVER DRIVE AND ASCOT SUBDIVISION. ORD. NO. NS-1976-116.

Mr. Dawkins 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 in Ordinance Book NS-1976.

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 more restrictive zoning classification of an area located at 2807 Ramsey Street. Planner Mitchell informed Council that this was the same area in item 2B on the agenda this evening located at 2801 Ramsey Street except that the petitioner was desirous of rezoning a larger area. Planner Mitchell stated that the Planning Board recommends tabling this matter indefinitely for further study by the Planning Board and return at a later date.

Mayor Finch stated that since this matter had been advertised for public hearing she would recognize any persons in the audience present for this matter.

Mr. Clinton Harris of Chloe Drive was again recognized in opposition and a Betty Jane Barrett of Stubbs Acre Subdivision was recognized in opposition.

Following brief discussion, Mrs. Beard offered motion to table this matter indefinitely. Motion seconded by Mr. Satsky and carried unanimously.

A public hearing had been published for this date and hour on consideration of amending the 1975-1976 Community Development Application. (This is the first of two public hearings.) Community Development Dept. Director Ron Hickman was recognized and presented the goals and provisions of the housing and community development act of 1974 and stated that there was the amount of \$260,000.00 available in Community Development funds for use and this public hearing was for the purpose of hearing suggestions and requests from the general public for such use.

Mayor Finch then recognized persons from the audience with suggestions for the use of this \$260,000.00 in Community Development Funds.

A Mr. William Thornton, 414 Buxton Blvd., was recognized and requested sidewalks in his area.

A Mr. Franklin Reed, 442 Wilmington Road, was recognized and requested the city purchase property in his area and use it for Community Development purposes.

A Mrs. Bessie Siler of Wilmington Road was recognized with a request for the improvement of Wilmington Road as a whole. Approximately 15 persons stood in favor of this request.

A Mrs. Lily Mae Robeson of Greer Avenue was recognized for improvements in the Wilmington Road area.

Mr. Stephen Smith of the Downtown Fayetteville Association was recognized and requested funds for Downtown Business development and improvement and stated that the association will submit a workable plan if desired.

Mr. Bill Bowser, a member of the Joint Planning Board, was recognized with questions concerning the program.

Mrs. Joyce B. Kimbro of Holland Home Subdivision was recognized and stated that her mother lives in the Wilkes Road area and request improvement for that section and that Holland Home Subdivision was badly in need of public transportation for their area. Mr. Bill Thomas, Interim City Manager, informed Mrs. Kimbro that bus service would begin in the Holland Homes area on Sept. 1.

A Mr. Bill Scott suggested money for parks improvement and construction.

Mr. Clinton Harris of Chloe Drive was recognized and made the following suggestions: (1) recreation in the Seabrook area, (2) money for the centennial in Fayetteville for higher education, (3) development of the Fayetteville State University area for law, medical and engineering schools.

A Mr. Norman Collins of Savoy Heights Subdivision was recognized with a request for funds for a park site for that area.

No other persons desired to be heard and Mayor Finch stated that another public hearing would be held on this matter at the regular meeting of Sept. 13, 1976.

PLANNING BOARD MATTERS

A request was heard for a sanitary sewer lift station and force main to serve Hope Limited Shopping Center at the intersection of Cumberland Mills Road and Highway N.C. 59. Planning Board stated the applicant will assume the total cost of this outside city construction and recommended approval.

Following brief discussion, Mr. Plummer offered motion to follow the foregoing recommendation of the Planning Board and approve the request for the lift station and force main. Motion seconded by Mr. Dawkins and carried Mrs. Beard voting against.

PUBLIC WORKS COMMISSION MATTERS

Council recognized PWC Commissioner Butler who presented an application by Virginia Pinkston for a 1-inch water connection to serve the Belair Restaurant at 2540 Gillespie Street (U.S Highway 301 south) outside the city and recommended approval.

Following brief discussion, Mr. Plummer offered motion to follow the foregoing recommendation of PWC and approve the application for the 1-inch water connection. Motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to an ordinance requiring the building inspector to correct conditions at 911 Turnpike Road owned by Mr. William Dowd and Mr. Gordon R. Reed. (This matter continued from the August 9, 1976 meeting at which time Mr. Maccy of the Building Inspector's Office informed Council that a Mr. David Sherrill had purchased this property on the 3rd day of August and was not aware to his knowledge of this circumstance. At that meeting, the Council instructed Mr. Maccy to notify Mr. Sherrill by registered letter of the circumstances and to invite him to be present at this meeting tonight.)

Council recognized Mr. Sherrill, present in the audience, who stated that he had received the communication from Mr. Maccy and was present before Council this evening to assure them that he would start to bring the structure up to standard beginning immediately tomorrow, Tuesday, morning and complete the necessary construction within 60 days to bring the structure up to standard.

Following brief discussion, Mr. Dawkins offered motion to grant Mr. Sherrill 90 days to bring this structure at 911 Turnpike Road up to standard and receive a report from Mr. Maccy at the expiration of that time. Motion seconded by Mrs. Beard and carried unanimously.

Council next gave reconsideration to a request and petition from the residents on Carolina Avenue for No Parking between the hours of 7:00 A.M. and 4:00 P.M. on Monday through Friday. (This matter continued from the August 9, 1976 meeting to allow the owner of the laundry to negotiate with his contractor for the paving of a parking lot behind the laundry building and to allow the Inspection Dept. to check on a complaint of undergrowth on two or more vacant lots on Carolina Avenue.

Mr. Thomas presented this matter and stated that the laundry owner, Mr. Ormond, and his contractor, had installed paving on the lot sufficient for 12 parking spaces which would be available on Wednesday, August 25, and that agreements had been reached between the employees of the laundry and the property owners along Carolina Avenue for permission to park along this street.

Following brief discussion, Mr. George offered motion, seconded by Mr. Plummer that no action be taken on this matter. Motion carried unanimously.

Following Council's action, two residents of Carolina Avenue were recognized and stated that problems still existed with parking along Carolina Avenue and requested Council's reconsideration of the no parking provision. Mayor Finch suggested that they wait and see if the additional parking which would begin on Wednesday would alleviate the situation and solve the problem and if not then for those persons to contact the City Manager's Office prior to the next meeting of the Council on Sept. 13 and this suggestion was satisfactory to the two residents.

Council next gave consideration to one week of special vacation time for the Bus Dept. employees. In a memorandum to the Mayor and members of the Council, Mr. Thomas stated that on July 1, 1976 when the city took over the city bus operations, it was discovered that only 12 of the 42 employees of the bus company had taken or were taking their annual two weeks of leave. Since the city personnel ordinance authorizes two weeks leave, or proportional share thereof, in the fiscal year following the fiscal year of employment, 30 bus dept. employees would receive no vacation during this fiscal year.

Mr. Watson, the former owner of the bus company, has paid for one of the two weeks of vacation

to each of the 30 employees who did not get their vacation. Mr. Gray, the director of the bus dept., has requested that the city authorize 1 week of actual vacation during this fiscal year; if approved this would result in a cash payment for 1 week of vacation by Mr. Watson and 1 week of actual vacation authorized by the city. Mr. Gray has assured me that by staggering vacations throughout the fiscal year, he can provide one week of vacation to 30 of the employees without overtime cost to the city and without reducing scheduled bus service.

Although the city has no obligation to grant what would amount to an extra week of leave for the affected employees in the bus dept., approval of the request would cost the city nothing and would provide at least 1 week of rest and leisure time during the year for these employees.

It is recommended therefore that those bus dept. employees who did not have their vacations during the last fiscal year be given 1 week of vacation during this fiscal year providing that the director of the bus dept. so schedule such vacations that no cost of any kind will be incurred by the city and there will be no reduction in scheduled bus service.

Following brief discussion, Mr. Dawkins offered motion to follow the foregoing recommendation of Mr. Gray and Mr. Thomas and approve the 1 week of special vacation time for the bus dept. employees. Motion seconded by Mr. Plummer and carried unanimously.

Council next gave consideration to the authorization of condemnation within the street paving in Low Income Areas, Program Area #7, Elliotte Street right-of-way. (A Community Development Request.)

Council recognized Mr. Hickman who presented this matter and stated the amount of compensation offered for parcel #S-3, Mr. & Mrs. James McNeill, in the amount of \$122.00 was acceptable, however Community Development cannot get a clear title to the property so authorization for condemnation is requested.

Following brief discussion, Mr. Plummer offered motion for the authorization of condemnation procedures in the foregoing matter. Motion seconded by Mr. Satsky and carried unanimously.

Council next gave consideration to ordinances imposing liens against real property for the demolition of substandard structures.

Following brief discussion, Mr. Satsky offered motion, seconded by Mr. Plummer, for adoption of the following ordinances imposing liens against real property at 10:15 P.M. and the motion carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$200.00 FOR 415½ BEVIL STREET OWNED BY MR. JAMES ROY SINGLETON, "HEIRS". ORD. NO. NS-1976-117.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$125.00 AGAINST PROPERTY LOCATED AT 396 HOLT WILLIAMSON STREET AND OWNED BY MS. THELMA T. MCNAIR AND ARCHIE THOMPSON. ORD. NO. NS-1976-118.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$150.00 AGAINST PROPERTY LOCATED AT 400 HOLT WILLIAMSON STREET AND OWNED BY MS. ANNIE THOMPSON, "HEIRS". ORD. NO. NS-1976-119.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$125.00 AGAINST PROPERTY LOCATED AT 398 HOLT WILLIAMSON STREET AND OWNED BY MS. ANNIE THOMPSON "HEIRS". ORD. NO. NS-1976-120

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$200.00 AGAINST PROPERTY LOCATED AT 245 MCIVER STREET AND OWNED BY MR. DAVID MURPHY AND WIFE DOROTHY MURPHY. ORD. NO. NS-1976-121.

Copies of the foregoing ordinances are on file in the City Clerk's Office in Ordinance Book NS-1976.

Council then gave consideration to additional ordinances imposing liens against real property for the demolition of substandard structures as follows:

Upon motion by Mr. Plummer, seconded by Mrs. Beard and carried unanimously at 10:16 P.M., the following ordinances were adopted.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$200.00 AGAINST PROPERTY LOCATED AT 1010 WEISS AVENUE AND OWNED BY MS BERTHA MYERS "HEIRS". ORD. NO. NS-1976-122.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$303.00 AGAINST PROPERTY LOCATED AT 513 NEW YORK STREET AND OWNED BY MS. INA MAE MCSWAIN "HEIRS". ORD. NO. NS-1976-123.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$313.00 AGAINST PROPERTY LOCATED AT 222 CAMPBELL AVENUE AND OWNED BY JASPER LOONEY AND CHRISTINA LEVERETT. ORD. NO. NS-1976-124.

Copies of the foregoing ordinances are on file in the City Clerk's Office in Ordinance Book NS-1976.

Mayor Finch then recognized a Mrs. Hansan, 818 W. Rowan Street and a Mrs. E.P. Jackson, 813 W. Rowan Street, who inquired as to which agency, the city or the state, maintains the graded slope

at the West Rowan Street CBD Loop. Mrs. Hansan and Mrs. Jackson complained that the slope was over grown with shrubs and weeds and was infested with snakes and littered with rubbish.

City Engineer Bennett stated that the N.C. Dept. of Transportation is responsible for the maintenance of this slope.

Mrs. Hansan and Mrs. Jackson stated they had written to the Dept. of Transportation and requested assistance on several occasions but none was given.

Mayor Finch then requested City Engineer Bennett to write a letter to the Dept. of Transportation requesting clearance of the weeds and shrubs at this site with copies of the letter to herself, Mrs. Hansan and Mrs. Jackson.

CITY MANAGER REPORTS

Mr. Thomas stated that on February 29 of this year, Council adopted a resolution supporting an interchange on I-95 Fayetteville by-pass to serve the municipal airport. It went to the north of the airport. Dept. of Transportation is having difficulty justifying going north of the airport and they request City Council to revise its resolution to consider a southern interchange that they can defend more easily.

City Engineer Bennett displayed a map indicating the change proposed with the request for consideration of relocating Owen Drive expressway which is proposed to tie into I-95 south of the airport with an interchange.

Following brief discussion, Mr. Dawkins offered motion, seconded by Mr. Satisfsky, that a letter endorsement with the proposed change be submitted to Dept. of Transportation. Motion carried unanimously.

Mr. Thomas reported to Council that he had received a communication from Major Emerson Hall of the Fayetteville Police Dept. who indicated his intention to retire effective September 1, 1976.

Following brief discussion, Mr. Satisfsky offered motion to instruct the City Attorney to draw a resolution of appreciation for Major Hall for his long, faithful, and dedicated service to the city. Motion seconded by Mr. Shields and carried unanimously.

MATTERS OF INTEREST TO THE CITY COUNCIL

Mrs. Beard stated that complaints had been received about violation of the no parking ordinance on Westlawn Avenue and that such violations were causing considerable hazard and danger and requested that the law be enforced. City Engineer Bennett stated that the no parking signs had been installed and had been checked and were still there. Mr. Thomas was requested to contact the police dept. and have the no parking ordinance enforced.

Mrs. Beard inquired about the report on housing for the elderly. Mr. Hickman replied that the information had been supplied to the City Manager's Office and that a conference meeting to consider this matter was needed.

Mr. Plummer stated that the report on the use of public vehicles had been prepared and received by Council and that a conference meeting was necessary on this matter also.

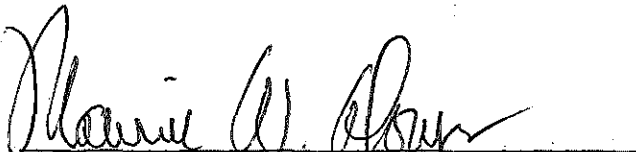
Mr. George raised the question of approving several local banks as depositories for city funds and following discussion offered motion that United National Bank and LaFayette Bank be depositories for city funds. Motion seconded by Mr. Satisfsky and carried unanimously.

Mr. Shields raised the question of the appointment of the Chief of Police and moved that Captain Daniel K. Dixon of the Fayetteville Police Dept. be employed as the Chief of Police for the City of Fayetteville at a salary of \$19,530. per annum. Motion seconded by Mr. Plummer. Mayor Finch informed Council that Captain Dixon had been certified unanimously by the Civil Service Commission. Mayor Finch called for vote on Mr. Shield's motion and it carried unanimously.

Mayor Finch then informed Council and other members present that she would administer the oath of office to Chief Dixon in the City Hall Council Chamber at 10:30 A.M. Tomorrow morning, Tuesday, August 24, 1976.

A conference meeting was then set for Monday noon August 30 in the Kyle House to consider an elderly housing site and the policy on the use of city vehicles.

Thereafter, all matters of business having been completed, this meeting was adjourned at 10:30 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

SPECIAL MEETING
COUNCIL CHAMBER KYLE HOUSE
SEPTEMBER 2, 1976
11:40 A.M.

Present: Mayor Beth Finch


Council Members: Marie Beard, J.L. Dawkins, Gene Plummer, Marion George, Vincent Shields, Steve Satisfsky

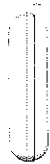
Others Present: Mr. W.G. Thomas, Interim City Manager
Mr. Billy Clark, City Attorney

The meeting was called to order by Mayor Finch who then recognized Mrs. Rosalie Kelly representing the Historic and Scenic Sites Committee. Mrs. Kelly identified herself as the chair lady of a subcommittee investigating the possibilities of rescuing the Horne House on Green Street from planned demolition by the present owner. The house is available without charge by the owner if the house can be moved to some other location. Mrs. Kelly stated that her subcommittee had investigated all available city owned property and none was either suitable or available as a location for the house. However, Mrs. Kelly stated that a private donor may give a valuable, highly visible and appropriate piece of property if the city would pay for the cost of moving the house.

After much discussion, Mr. Plummer made the motion to allocate to the Historic and Scenic Sites Committee up to \$20,000 for the removal of the Horne House to a location to be donated by a private donor providing the site is deeded to the City and accepted by the City and that no other public funds be expended this fiscal year for the Project. Mr. Dawkins seconded the motion which carried unanimously.

The meeting was then adjourned upon motion made and duly seconded.


W.G. Thomas, III
Deputy City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
SEPTEMBER 13, 1976
8:00 P.M.

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Marion George, Vincent Shields, Steve Satsky

Council Member Absent: Gene Plummer

Others Present: Mr. W.G. Thomas, Interim City Manager
Mr. Billy Clark, City Attorney
Mr. Ray Muench, PWC

Mayor Finch called the meeting to order and the Rev. Roger K. Braun offered the invocation. Following the invocation the assembly was led in the Pledge of the Allegiance to the Flag by Mayor Finch. Rev. Braun is Associate Pastor of Haymount United Methodist Church.

Mayor Finch then recognized Major Emerson Hall, recently retired from the Fayetteville Police Dept., and presented him with a resolution of appreciation signed by the Mayor and all members of the Council for his long and dedicated service to the city and wished him good luck, long life and a happy retirement. Major Hall was accompanied by his wife and family.

Mayor Finch then recognized the following Fayetteville Youth Council Members present in the audience to observe Council proceedings: Debbie West, Amy West and Andy Brawn.

Council then proceeded to the first order of business which was the approval of minutes.

Upon motion by Mr. Satsky, seconded by Mr. George and carried unanimously, Minutes of the Regular Meeting of August 23, 1976 were approved as submitted by the Clerk.

Upon motion by Mr. Shields, seconded by Mr. Satsky and carried unanimously, Minutes of the Special Meeting of the Council of September 2, 1976 were approved as submitted by the Deputy City Clerk.

A public hearing had been published for this date and hour on the consideration of a proposed annexation to the city of the McMillan and Rawls properties located on North McPherson Church Road pursuant to the provisions of GS160A-31.

There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL EXTENDING THE CORPORATE LIMITS OF THE CITY TO INCLUDE THE MCMILLAN AND RAWLS PROPERTIES LOCATED ON NORTH MCPHERSON CHURCH ROAD. ANNEX. #174.

Mr. George introduced the foregoing ordinance and moved its adoption, seconded by Mr. Satsky and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Annexation Book 1976.

A public hearing had been published for this date and hour on the consideration of a proposed annexation of the city owned watershed property (Kornbow and Bonnie Doone Lakes area) located between the city limits and Ft. Bragg pursuant to GS160A-31. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL EXTENDING THE CORPORATE LIMITS OF THE CITY TO INCLUDE THE CITY OWNED WATERSHED PROPERTY LOCATED BETWEEN THE CITY LIMITS AND FT. BRAGG. ANNEX. #175.

Mr. Satsky introduced the foregoing ordinance and moved its adoption, seconded by Mr. Shields and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Annexation Book 1976.

A public hearing had been published for this date and hour on the consideration of a proposed annexation of the Bantam Chef Restaurant property at the intersection of Camden Road and Cumberland Mills Road pursuant to GS160A-31. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL EXTENDING THE CORPORATE LIMITS OF THE CITY TO INCLUDE THE BANTAM CHEF RESTAURANT PROPERTY AT THE INTERSECTION OF CAMDEN ROAD AND CUMBERLAND MILLS ROAD. ANNEX. #176.

Mr. Satsky introduced the foregoing ordinance and moved its adoption, seconded by Mr. George and carried unanimously.

The Annexation Technical Review Committee had recommended approval of all of the foregoing annexations. Copies of the annexation ordinances are on file in the City Clerk's Office in Annexation Ordinance Book 1976.

A second public hearing was held (the first being held on August 23) on consideration of amending the 1975-1976 Community Development Application.

Mr. Ron Hickman, Director of the Community Development Dept., was recognized and presented this matter and stated that the sum of \$260,000.00 remained in the 1975-1976 application for development

rehabilitation, beautification and for historic and preservation of historic buildings and other uses remained. Following Mr. Hickman's presentation, Councilman George asked the question as to why it was necessary to reallocate these funds. Mr. Hickman replied that several programs or portions of programs had been deleted leaving this balance also some income for staff services provided had been received.

Mayor Finch then opened the floor for recognition of requests from citizens in the audience.

A Mrs. Bessie Siler was recognized representing the Old Wilmington Road area with a request for improvement of housing.

Mr. John Raper, Chairman of the Historic and Scenic Sites Committee, was recognized and stated that the historic Horne House was now ready for relocation from its present site on Green Street to the new site on Ramsey Street donated to the city by the Hutaff family and Fayetteville Coca-Cola Bottling Company. Mr. Raper requested an allocation of this community development money to be used for the development of the Horne House site as a cluster for historic buildings preservation. Mr. Raper stated that there is also a plan to have the old St. Joseph's Episcopal Church adjacent to this site declared an historic structure and be a part of this complex. Mr. Raper's specific request was for the sum of \$75,000.00 for restoration of the Horne House and site.

Mrs. Lily Mae Robinson from the Wilmington Road southeast Fayetteville area was again recognized and requested improvements for their area.

A Mr. Jimmy Person was recognized from the Massy Hill area and requested an addition to the city recreation area at that location which would serve Massy Hill and other areas.

A Mr. Lester Hughes from the Wiley Road area in southeast Fayetteville was recognized and requested funds for general improvements.

A Mrs. Naomi Williams from Buxton Blvd. and southeast Fayetteville area was recognized and requested general improvements there.

A Mr. Bill Scott was again recognized and requested general improvements in the old Wilmington Road area.

A Mr. Percy Jones from the Savoy Heights area, Turnpike Road and Branson Street area was recognized and requested rehabilitation of homes, street improvements and a multi-purpose building for recreational purposes and for meeting purposes.

Colonel (Retired) Ed Degutis was recognized representing the Senior Citizens of the Community and requested an allocation for a senior citizens building.

No further persons requested recognition and Mayor Finch then extended thanks to those persons who had spoken and that this terminated the public hearing on this matter and that all requests would be considered and she hoped that all interests could be served.

Council then moved to set several public hearings.

On item 3A the first public hearing, Planner Mitchell stated that the Attorney for the petitioner for this rezoning matter had requested withdrawal of his petition for rezoning. The City Attorney ruled that this could be permitted and Council was not required to hold a public hearing on this matter.

Mr. Dawkins then offered motion to allow withdrawal of item 3A the rezoning matter as requested by the petitioner and that it be excluded from a public hearing. Motion seconded by Mr. Satisfsky and carried unanimously.

Upon motion by Mr. Satisfsky, seconded by Mr. George, public hearings were set for October 25, 1976 8:00 P.M. in the City Hall Council Chamber on the following matters.

- A. The rezoning from R5 Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located at 502 Eastern Blvd.
- B. The rezoning from R10 Residential District to R5A Residential District or to a more restrictive zoning classification of an area located on the west side of Cambridge Street between Ræford Road and Tallywood Drive.
- C. The initial zoning under the City of Fayetteville Zoning Ordinance to R6 Residential District or to a more restrictive zoning classification of an area located on the north side of Cumberland Road between Coffman Street and Ira Street.

Council then recognized City Attorney Clark who stated that the city had been considering the annexation of Ft. Bragg and Pope Air Force Base Military Reservation to the city and pursuant to this consideration were seeking the consent of the department of the Army for this action. Mr. Clark stated that the Town of Spring Lake is also interested in annexing a portion of the military reservation and that their governing board is considering the setting of a public hearing for that purpose this evening. Mr. Clark stated that the City of Fayetteville could realize as revenue from the annexation of the military reservation sales and franchise taxes and power bill funds. Mr. Clark stated that the annexation technical review committee had reviewed this matter and recommended that the City of Fayetteville exercise an option which could be lost and set a public hearing to consider the annexation of the military reservation October 6.

Following some discussion, Mrs. Beard offered motion that the City hold a public hearing at 8:00 P.M. in the City Hall Council Chamber on Wednesday, October 6 to consider the annexation of Ft. Bragg and Pope Air Force Base Military Reservation to the City of Fayetteville by the adoption of the following resolution. Motion seconded by Mr. Dawkins and carried unanimously.

RESOLUTION OF INTENT TO ANNEX FT. BRAGG AND POPE AIR FORCE BASE MILITARY RESERVATION. RES. NO. R-1976-36A.

A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book R-1976.

PLANNING BOARD MATTERS

Upon motion by Mr. Satsky, seconded by Mrs. Beard and carried unanimously, Foto Express (King Shopping Center Addition) preliminary and final group development review located in the King Shopping Center on Bragg Blvd. was approved as recommended conditionally by the Planning Board in their memo of Sept. 13.

Upon motion by Mrs. Beard, seconded by Mr. Dawkins and carried unanimously, Health Spa and Ice Cream Barn commercial establishments (Bordeaux Shopping Center Additions) preliminary and final CIP review located in the Bordeaux East Shopping Center and on Village Drive at Owen Drive was approved as recommended conditionally by the Planning Board in their memo of Sept. 13.

Upon motion by Mrs. Beard, seconded by Mr. Dawkins and carried unanimously, Briarwood Hills Section 8, Part 2 (Rolling Hills Road) preliminary extension and final review located along Colgate Drive was approved as recommended conditionally by the Planning Board in their memo of Sept. 13.

Upon motion by Mrs. Beard, seconded by Mr. Dawkins and carried unanimously H.L.G. Commercial Development preliminary and final CIP review located on Sycamore Dairy Road was approved as recommended conditionally by the Planning Board in their memo of Sept. 13.

PUBLIC WORKS COMMISSION MATTERS

Council recognized PWC Manager Ray Muench.

Mr. Muench stated that bids had been received for the purchase of one #33,333. KVA 13.8KV/69 KV transformer. The low bid was submitted by General Electric Supply Company in the amount of \$119,594.00 and was recommended.

Mrs. Beard offered motion, seconded by Mr. Dawkins to accept the foregoing low bid as recommended. Motion carried unanimously.

Mr. Muench stated that bids had been received for the purchase of one oil circuit breaker (for the 5th turbine generator). The low bid was submitted by General Electric Supply Company in the amount of \$19,575.00 and was the bid recommended.

Mr. Dawkins offered motion to accept the foregoing low bid as recommended. Motion seconded by Mrs. Beard and carried unanimously.

Mr. Muench stated that annual dues to Electri-Cities of North Carolina for this fiscal year amount to \$46,247.09. PWC has approved an initial payment to Electri-Cities on Sept. 15 in the amount of \$16,247.09. Such approval was based on the letter from Mr. Marshall Lancaster dated Sept. 9, 1976 in which he explained that Electri-Cities total budget priorities are (1) wholesale electric rate cases (mainly Carolina Power and Light Company); (2) legislative matters.

Mr. Lancaster assured the commission that no Electri-Cities funds from dues will be expended for "joint action" studies or project.

Public Works Commission requests approval of this initial payment of \$16,247.09 as stated above.

A second payment in the amount of \$15,000.00 on or about December 15, 1976 will be considered by PWC following a review of Electri-Cities activities and results at that time.

Following brief discussion, Mr. George offered motion for approval of the initial expenditure of \$16,247.09 as recommended by PWC. Motion seconded by Mr. Satsky and carried unanimously.

Mr. Muench requested Council's consideration of an agreement to release a utilities easement granted to the City of Fayetteville by Texfi Industries, Inc. to permit expansion of waste water "holding" tank facilities for their plant. A new easement for future extensions of water and sanitary sewer utilities adjacent to the released easement area would be granted by Texfi Industries, Inc. Mr. Muench displayed a map indicating the easement areas present and proposed.

Following brief discussion, Mr. Satsky offered motion, seconded by Mr. Shields and carried unanimously for approval of the foregoing request and for the release of the utilities easements as recommended by PWC.

Council next gave consideration to hearing a representative of citizens residing in the Turnpike Road - Branson Street area regarding the proposed location of a site for a high rise complex for the elderly in that area.

Mr. Percy Jones from the Savoy Heights Subdivision area was recognized for the citizens of the area in opposition to the proposal to construct a high rise housing complex for the elderly in the Turnpike Road-Branson Street area. Mr. Jones stated that his group had first voiced opposition to this project on April 12, 1976 and once or twice since then. Mr. Jones stated that the citizens in the area did not wish to be displaced from their homes for the construction of this housing site.

Mr. Michael Evans was recognized and read a letter to the Dept. of Housing and Urban Development in which the citizens of their area informed them of what they considered to be City Council's improper use of community development funds and of their opposition to the proposed use of such funds for the high rise complex construction. He read further that following the citizens opposition, the City Council then deleted this area as a proposed site for the building. Following this, City Council reconsidered its action and now is proposing to renew the high rise construction. The letter went on to say that community development funds in the amount of \$20,000.00 had been authorized by Council for the renovation and relocation of the Horne House.

Following the reading of the letter, Mayor Finch stated emphatically that the \$20,000.00 appropriated by Council for the relocation of the Horne House was not from Community Development funds. Mayor Finch requested that the letter be corrected in this respect and that a copy of the letter be furnished to the Mayor and Council Members.

Following some discussion, Mr. George offered motion that the Turnpike Road - Branson Street area be deleted from further consideration as a site for a high rise housing complex for the elderly. Motion seconded by Mr. Shields and following some further discussion carried with Mr. Dawkins voting no.

Council next gave consideration to a request to be made personally by Mr. E.W. Herring that Herring, Inc. be allowed to proceed with the construction on Franklin Street and Dick Street extension.

Attorney Larry Thompson, representing Mr. Herring, was recognized and explained the reason why Mr. Herring had not started such contract on Dick Street and Franklin Street extension awarded to him by the Council on June 28, 1976 was due to the fact that he had too many contracts out and a medical problem. Mr. Thompson stated to Council that Mr. Herring had received a letter from City Engineer Bob Bennett the latter part of August in which Mr. Bennett informed Mr. Herring that work had been delayed past the legal starting date. Mr. Thompson then informed Council that Mr. Herring had resolved his contractual and medical problems and was now ready, willing and able to fulfill his contractual obligation and he requested that he be permitted to do so.

Following brief discussion, Mr. George offered motion that Mr. Herring and Herring, Inc. be permitted to proceed with the contract in accordance with all terms set forth therein. Motion seconded by Mr. Shields and carried unanimously.

Council next gave consideration to a request for "Community Watch" signs for Vanstory area and Kirkwood Drive area.

Mr. Thomas presented this matter and read a memo from City Engineer Bennett which stated that at least two Fayetteville communities have organized neighborhood watch programs in an effort to assist police in crime prevention. These neighborhood watch programs have been organized and coordinated with the Fayetteville Police Dept. and they are asking for permission to erect signs at the entrances of their neighborhoods as a fore warning to would be vandals that the neighborhood is under a community watch program. Both of these community representatives are asking the city to fabricate and erect the signs. Material and labor for fabricating the signs amount to \$40.00 each. Both neighborhood watch organizations state that they are willing to pay for the sign fabrication.

No doubt there will be other neighborhood watch organizations established and they will want the same service. It is recommended that the Council authorize the Engineering Dept. to fabricate these signs at cost to these two neighborhood organizations and also authorize their erection on street right-of-way.

Following some discussion, Mr. Satsky offered motion to follow the recommendation of the Acting City Manager and City Engineer and approve the foregoing requests for these signs. Motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to the updating of an ordinance to conform with previous City Council action to allow parking along a section of Slater Avenue. The City Engineer presented this matter and stated that at the council meeting of July 27 the city council took action to re-establish parking on the east side of Slater Avenue. There is an existing ordinance prohibiting parking on the west side of Slater Avenue from Langdon Street northwardly 1370 feet. The proposed ordinance will bring the traffic schedules in compliance with the action taken by the Council. The signing along the street, of course, is in conformance with the Council's action.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, N.C. SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 11 "PARKING PROHIBITED" ALONG A PORTION OF SLATER AVE. ORD. NO. NS-1976-125.

Following brief discussion, Mr. Satsky introduced the foregoing ordinance and moved its adoption, seconded by Mr. Shields and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book NS-1976.

Council next gave consideration to an ordinance prohibiting parking along Russell Street at the Burns Street intersection. The City Engineer presented this matter and stated that the public

works commission has asked for parking to be prohibited along an area of Russell Street on each side of Burns Street intersection. Vehicles frequently park in these areas which block the view of Burns Street traffic entering Russell and also PWC vehicular traffic exiting their driveway at the corner of Russell Street and Burn Street. The portion west of Burn Street is abutting PWC's property and the portion east of Burns Street abutts the residence of Mr. Frank Williston. PWC advises that Mr. Williston concurs with this recommendation.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, N.C. SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 11 "PARKING PROHIBITED" ALONG THE NORTH SIDE OF RUSSELL STREET AT THE BURNS STREET INTERSECTION. ORD. NO. NS-1976-126.

Following brief discussion, Mr. Satisfsky introduced the foregoing ordinance and moved its adoption, seconded by Mr. Dawkins and carried unanimously. A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book NS-1976.

Council next gave consideration to an ordinance prohibiting parking on Blount Street adjacent to Robeson Street. The City Engineer presented this matter and stated that Blount Street width is only adequate to accommodate this traffic movement and when cars park along this street it causes considerable congestion including delays of traffic movement through the intersection. A large percentage of traffic is trucks proceeding to and from the various commercial and industrial establishments along Blount Street and Glidden Street.

The ordinance would provide for no parking for 145 feet from Robeson Street to improve the traffic flow. On the north side of the street is a rented residence. The resident is in concurrence with this proposal and assures the city that the owner also concurs. On the south side of Blount Street is the substation owned by Carolina Power & Light Company. They have not been contacted; however, it is believed they would have no reason to object.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, N.C. SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 11 "PARKING PROHIBITED" BLOUNT STREET AT ITS INTERSECTION WITH ROBESON STREET. ORD. NO. NS-1976-127.

Following brief discussion, Mrs. Beard introduced the foregoing ordinance and moved its adoption, seconded by Mr. Dawkins and carried unanimously. A copy of the foregoing ordinance is on file in the City Clerk's Office in Ordinance Book NS-1976.

Council next gave consideration to a request to fly street flags in the downtown area on Constitution Day. Acting City Manager Thomas presented this matter and stated that the Robert Rowan Chapter of the Daughters of the American Revolution has requested that the downtown area street flags be flown all day on Friday, Sept. 17, 1976 to commemorate Constitution Day. He recommended that the request be approved.

Following brief discussion, Mr. Dawkins offered motion to follow the foregoing recommendation and approve the request to fly the flags on Constitution Day. Motion seconded by Mr. Shields and carried unanimously.

Council next gave consideration to a resolution authorizing the Mayor to execute a request for Federal matching grants for the purchase of a Rescue Ambulance Vehicle for the Fire Dept. Acting City Manager Thomas presented this matter and stated that the adoption of the resolution states that under the terms of public law 89-564 as amended, the United States of America has authorized the Dept. of Transportation through the N.C. Governors Highway Safety Program to make federal grants to assist local governments in the improvement of highway safety and that the filing of this application resolution would make the city eligible for federal funding in the amount of \$10,000.00 to assist in defraying the cost of the project described in the application.

RESOLUTION AUTHORIZING THE FILING BY THE MAYOR OF THE CITY OF FAYETTEVILLE FOR FEDERAL FUNDING IN THE AMOUNT OF \$10,000.00 TO ASSIST IN DEFRAYING THE COST OF AN EMERGENCY MEDICAL SERVICES VEHICLES. RES. NO. R-1976-37.

Following brief discussion, Mr. Dawkins introduced the foregoing resolution and moved its adoption, seconded by Mr. Shields and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book R-1976.

Council next gave consideration to the award of several bids. Acting City Manager Thomas informed Council that bids had been received for awarding a contract for fencing materials and recommended that the low bidder meeting specifications, Allison Fence Company, be awarded the contract for their bid of \$3,755.00.

Mrs. Beard offered motion for acceptance of the foregoing low bid as recommended. Motion seconded by Mr. Shields and carried unanimously.

Mr. Thomas reported that bids were open on July 7 for fuel, lubricants and anti-freeze and all bids were rejected due to the lack of competitive bids.

Invitations to bid were duly readvertised and in addition individual invitations to bid were mailed to each of the major oil companies serving this area. Only four suppliers responded. When the bids were opened on August 26 two of the bidders submitted an overall no bid. Since we have satisfied all legal requirements and have already gone beyond the time limits of our fiscal year 75-76 contracts, it is recommended that the following contracts be awarded: (Item 1) Gasoline leaded and unleaded - Union Oil Company, (Item 2) Automotive Oil, Greases and Gear Lubes - Texaco, Inc., (Item 3) Transmission Fluid, (Item 4) Diesel Fuel, (Item 5) Fuel Oil, (Item 6) Kerosene

to Union Oil Company, (Item 7) Anti-freeze to Texaco, Inc.

After brief discussion, Mr. Satisfsky offered motion for approval of the foregoing bids as recommended. Motion seconded by Mrs. Beard and carried unanimously.

The Assistant City Manager Thomas reported that bids were opened on August 30 for fire and police dept. winter and summer uniforms and recommended that American Uniform Company be awarded the fire and police dept. winter and summer uniforms contract for their bid of \$17,354.10 for police uniforms and \$7,655.50 for fire uniforms.

Mr. Satisfsky offered motion for approval of the foregoing bids as recommended. Motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to a request by Police Chief Danny Dixon for temporary use by the Police Dept. of the parking lot (Municipal lot #3) on the northwest corner of Dick Street and Russell Street. This matter was presented by Acting City Manager Thomas who stated that in a memorandum from Chief Dixon he requested this metered parking lot be assigned to the Fayetteville Police Dept. for parking purposes and that the meters be removed or bagged and that signs be erected designating the lot for police parking only.

Since moving into the new Law Enforcement Building on Dick Street in July 1975, Chief Dixon stated, 50 police vehicles have been damaged by acid dropping from the upper parking deck. To have these vehicles repainted would cost the city approximately \$10,000.00.

The upper parking ramp has been resealed on two occasions without success and a suit is presently pending with the contractor. On the upper parking ramp the department has a total of 14 assigned spaces. This leaves a total of 46 vehicles without parking facilities. It is hoped that this drainage problem will be eliminated in the near future therefore we are requesting the parking area for a limited time only. Mr. Thomas informed Council that it would appear they may not comply with Chief Dixon's request inasmuch as under the provisions of the parking facilities ordinance adopted in 1967 for the construction of offstreet parking facilities revenue derived from this lot and other lots in the city must be used for the retirement of the bonds. Therefore the lot may not be used for other than metered revenue producing parking. Mr. Thomas stated he had informed Chief Dixon of this restriction and Chief Dixon has withdrawn this request and is presently arranging for parking of police vehicles on the east side of the Law Enforcement Building on a temporary basis. In the event that difficulties are encountered with this arrangement some alternate provision will have to be made and Mr. Thomas stated he would report this situation to the Council at that time.

Council next gave consideration to the approval of taxi cab driver permits and upon motion by Mrs. Beard, seconded by Mr. Dawkins and carried unanimously, permits were approved for the following named as recommended by the City Taxi Cab Inspector and Chief of Police: MARCUS ALLEN MARSH, ROBERT WALTER PLANTIKO, WILLIAM EDWARD CLAYTON, KENNETH ODELL HUCKS, WILLIAM CHARLES LEACH, JR., JEWEL LOUISE GRAY, CARROLL W. HARDY, JOHN RICHARD AXFORD, FRANK A. CLEMMONS, MARION DWIGHT HALL JOSEPH ROGER WINTERRATH.

Council next gave consideration to appointments to the Education Development Council of the Fayetteville City School System and upon motion by Mr. Dawkins, seconded by Mr. George and carried unanimously the following named were appointed to this council: Mr. J.P. Jones, Mrs. James Fleishman Mrs. Dorothy Rachlin.

Mayor Finch reported that the term of office of Dr. Holland would expire this month on the Fayetteville Metropolitan Housing Authority. This is a mayoral appointment and Mayor Finch stated she had contacted Dr. Holland who had agreed to serve again. There is also one other appointment pending on this authority. Mayor Finch stated she would make a report on this matter at the next regular meeting.

No delegations responded to the invitation for recognition issued by Mayor Finch.

CITY MANAGER REPORTS

Acting City Manager Thomas reported that the following named had been certified by the Civil Service Commission for appointment to the Police Dept. and approved by the Chief of Police and himself: ROBERT A. PRONIER

Mr. Satisfsky offered motion, seconded by Mrs. Beard and carried unanimously to rehire the aforementioned as recommended. Motion carried unanimously.

Mr. Thomas reported the resignation from the Police Dept. of patrolman Garland Bullock. Council noted the resignation.

The Assistant City Manager informed Council that police sergeant J.E. Wade had been certified by the Civil Service Commission for promotion to the rank of captain. This promotion is also recommended by the Chief of Police and the Assistant City Manager.

Mr. Satisfsky offered motion, seconded by Mr. Dawkins that police sergeant J.E. Wade be promoted to the rank of captain. Motion carried unanimously.

Mr. Thomas informed Council that four patrolman had been certified by the Civil Service Commission for promotion to the rank of sergeant. They were Patrolman J.R. Cook, W. P. Dalton

W.G. Campbell, Jr. and R.C. Smith. These promotions also have the recommendation of the Chief of Police and the Assistant City Manager.

Mr. Dawkins then offered motion that patrolman Cook, Dalton, Campbell and Smith be promoted to the rank of sergeant as recommended. Motion seconded by Mrs. Beard and carried unanimously.

MATTERS OF INTEREST TO THE CITY COUNCIL

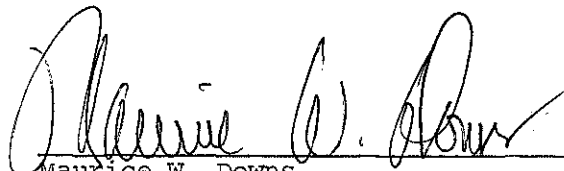
Mrs. Beard raised the question of the City Clerk being in attendance at all meetings of the Council. Mayor Finch stated that she had not informed the Clerk to be present since some meetings were called on short notice and in the Kyle House and Mr. Thomas who is the duly appointed Deputy Clerk was present and it appeared to be more expeditious to handle it in this manner. Mayor Finch also stated that it was her impression and possibly a provision of the code that she could exercise this prerogative. The minutes were still submitted to the Council for approval or correction and then placed on file with the Clerk in the Minute Docket.

Mrs. Beard stated that she was of the opinion that since Mr. Thomas was now filling the positions of Assistant City Manager and Interim City Manager his increased duties would preclude his acting in the capacity as Deputy City Clerk and the City Clerk should fulfill his function by attending all meetings of the Council.

Following brief discussion, Mr. George offered motion, seconded by Mrs. Beard that the Clerk be informed of meetings and be required to be present at all meetings held by the City Council special or otherwise. Mayor Finch then called for vote on the motion and it was as follows: FOR: Mr. Shields, Mr. George, Mrs. Beard; AGAINST: Mr. Dawkins and Mr. Satsky. Mayor Finch declared the motion carried.

Meetings were then set by the Council with the Chief of Police on Thursday, Sept. 16 at 7:00 P.M. in the Kyle House and tentatively for Monday, Sept. 20 with the Civil Service Commission. Mayor Finch reminded the Council members of the League of Municipalities meeting in Charlotte in October and of the October 8th deadline for registration.

Thereafter, all matters of business having been completed, this meeting was adjourned at 11:00 P.M. upon motion made and duly seconded.



Maurice W. Downs
City Clerk

SPECIAL MEETING
THURSDAY, SEPTEMBER 16, 1976
7:00 P.M.
COUNCIL CHAMBER, KYLE HOUSE

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Gene Plummer, Marion George, Vincent Shields,
Steve Satsky

Also Present: Mr. W.G. Thomas, Interim City Manager
Mr. Billy Clark, City Attorney

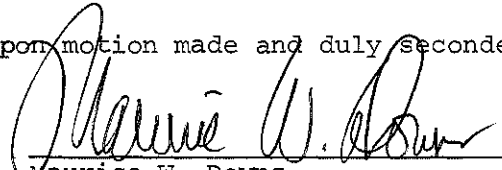
Mayor Finch called this special session to order at the request of the City Attorney Clark.

Mr. Clark was recognized and stated that due to an error on the part of the Fayetteville Publishing Company in publishing the resolution of intent to hold a public hearing on the annexation of the Ft. Bragg-Pope Air Force Base Military Reservation on October 6, 1976 which was adopted by the City Council on Monday, September 13, 1976, a new resolution of intent needed to be adopted by the Council immediately resetting the public hearing date to October 8, 1976.

RESOLUTION OF INTENT TO ANNEX FT. BRAGG AND POPE AIR FORCE BASE MILITARY RESERVATION
AND THE SETTING OF A PUBLIC HEARING THEREON FOR OCTOBER 8, 1976. RES. NO. R-1976-38

Following a very brief discussion, Mr. Plummer introduced the foregoing resolution and moved its adoption as requested by the City Attorney and Mr. Satsky seconded the motion. Mayor Finch then called for vote and the motion carried unanimously.

The meeting was then adjourned at 7:05 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
SEPTEMBER 27, 1976
8:00 P.M.

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Marion George, Vincent Shields, Steve Satisfsky, Gene Plummer

Others Present: Mr. William Thomas, Interim City Manager
Mr. Billy Clark, City Attorney
Mr. Robert Butler, PWC

Mayor Finch called the meeting to order and the invocation was offered by Mrs. Kenneth Adams, Pastoral Assistant Snyder Memorial Baptist Church. Following the invocation, Mayor Finch led the assembly in the Pledge of the Allegiance to the Flag.

Mayor Finch then recognized the following city employees and presented them with service pins.

FIVE YEAR SERVICE

Kenneth Hall, Engineering Dept.
Debbie Lindsay, Fire Dept.
Harold Hubbard, Sanitation Dept.
Thomas Whitley, Cemetery Dept.
Robert Pebernatt, Inspection Dept.
Johnny Raynor, Engineering Dept.
George C. Hall, Fire Dept.

TEN YEAR SERVICE

Paul Adams, Engineering Dept.

TWENTY YEAR SERVICE

Walter R. Bagley, Fire Dept.
John Tally, Fire Dept.
Robert Tart, Fire Dept.

Mayor Finch recognized Fayetteville Youth Council representatives.

The first order of business was the approval of the minutes.

Upon motion by Mr. Satisfsky, seconded by Mr. George and carried unanimously, Minutes of the Regular Meeting of Sept. 13, 1976 were approved as submitted by the Clerk.

Upon motion by Mr. Shields, seconded by Mr. Satisfsky and carried unanimously, Minutes of a Special Meeting of Sept. 16, 1976 were approved as submitted by the Clerk.

A public hearing had been published for this date and hour on the construction and reconstruction of a storm sewer and drainage system in a portion of Scotty Hills Subdivision (project #2). The Clerk certified in writing that all persons subject to assessment should this project be undertaken had been duly notified of this public hearing by first class mail on Sept. 14, 1976.

Assistant City Manager Thomas presented this matter and with City Engineer Bennett displayed a map and provided Council with background on this proposed project. Mr. Thomas stated and indicated on the map four lots which were subject to flooding from run off water from the Bragg Blvd. direction and indicated the direction the drainage would take once the storm sewer is constructed to alleviate the situation. Mr. Thomas stated the proposed basis for assessments would be on a value added basis and the proposed percentage of assessment is 100% per dollar of the value added to each parcel subject to assessment. Mr. Thomas added that an appraisal had been made and the appraisal indicated a \$500.00 benefit to each piece of property. He stated that easements had been granted to the city by the property owners at no cost. He stated the estimated cost of this project would be \$60,000.00 of which \$2,000.00 would be returned to the city leaving a net cost to the city of \$58,000.00.

There was no opposition present.

FINAL RESOLUTION ORDERING THE CONSTRUCTION AND RECONSTRUCTION OF THE STORM DRAINAGE SYSTEM OF THE CITY OF FAYETTEVILLE IN A PORTION OF SCOTTY HILLS SUBDIVISION. RES. NO. R-1976-39.

Following brief discussion, Mr. Satisfsky introduced the foregoing resolution and moved approval of the foregoing construction and assessments as recommended by the Assistant City Manager by the adoption of the resolution. Motion seconded by Mr. Shields and carried unanimously. A copy of the foregoing resolution is on file in the City Clerk's Office in Res. Book R-1976.

A public hearing had been published for this date and hour on the rezoning from C1 Local Business District to C3 Heavy Commercial District or to a more restrictive zoning classification of an area located at 230 South Cool Spring Street. Planning Board recommended approval.

There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM C1 LOCAL BUSINESS DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED AT 230 SOUTH COOL SPRING STREET. ORD. NO. NS-1976-128.

Mr. Plummer introduced the foregoing ordinance and moved its adoption as recommended by the Planning Board. Motion seconded by Mr. Satsky and carried unanimously. A copy of the foregoing ordinance is onfile in the City Clerk's Office in Ordinance Book NS-1976.

Upon motion by Mr. Dawkins, seconded by Mr. Plummer and carried unanimously, public hearings were set for October 25, 1976 in the City Hall Council Chamber on the following items.

- A. The proposed annexation of property on Cliffdale Road to be used to construct a fire station.
- B. The proposed annexation of the Nato Drive - Owen Drive - Jesse Anderson property - Terminex Lively Knit properties.
- C. The proposed annexation of property located on Raeford Road between Owen Drive and Montclair east of Buckhead Creek.
- D. The proposed annexation of property known as Country Club North, Section 3.
- E. The proposed annexation of property known as Huntington Park, Section 2, Part 2.
- F. A special use permit for a Childrens Treatment Center located at 519 Oakridge Avenue between Hilltop Avenue and Woodland Drive.
- G. The rezoning from M1 Industrial District to P2 Professional District of an area located at 204 Parnell Street.
- H. The rezoning from R10 Residential District to C1 Local Business District of an area located at 117 Tokay Drive.
- I. The rezoning from R10 Residential District to C1P Shopping Center District of an area located at 1807 Conover Drive.
- J. The paving and installation of curbs and gutters as requested by the Community Development dept. on Camden Road, Ira Street, Henry Street and Orlando Street. (see Resolution No. R1976-39A)

Council recognized a Mr. James Ratchford, the petitioner, for a rezoning action which was presented to and denied by the Council at the March 25, 1976 regular meeting. Mr. Ratchford stated the area involved was 2310-2312 Murchison Road and he requested a reconsideration of this rezoning action. Mr. Ratchford stated that due to circumstances beyond his control on the evening of the meeting in March, he was unable to gain access to the Council Chamber due to the number of people present, so he could not present his case. His petition was for rezoning from R5A to C1.

In response to inquiry, the City Attorney informed Council that they may consider a matter of this nature at anytime they choose.

Following Mr. Ratchford's presentation and some discussion by the Council, Mr. Plummer offered motion to refer this matter back to the Planning Board for advertisement for a public hearing and for reconsideration by the Council at a subsequent date. Motion seconded by Mr. Shields and carried unanimously. Mayor Finch informed Mr. Ratchford that he would be notified as to the public hearing date of this matter before City Council.

PLANNING BOARD MATTERS

Upon motion by Mrs. Beard, seconded by Mr. Plummer and carried unanimously, Hilddendale extension Subdivision preliminary revision and final review located on Rosehill Road was given conditional approval as recommended by the Planning Board.

On a second planning board matter, upon motion by Mr. Satsky, seconded by Mr. Plummer and carried unanimously, Northleigh Shopping Center addition preliminary and final C1P review located on Ramsey Street at Eastwood Avenue was given conditional approval as recommended by the Planning Board.

Upon motion by Mr. Plummer, seconded by Mr. Satsky and carried unanimously, Vanstory Hills Section VII, Part D subdivision preliminary and final review located off Morganton Road was given conditional approval as recommended by the Planning Board.

On a final planning board matter, upon motion by Mr. Plummer, seconded by Mr. Dawkins and carried unanimously, an extension of two one-inch water connections and one four inch sanitary sewer connection to an existing main to serve MacDonald's Restaurant on 401 by-pass at Morganton Road was given conditional approval as recommended by the Planning Board and upon condition that annexation agreements would be signed.

PUBLIC WORKS COMMISSION MATTERS

Council recognized PWC Chairman Robert Butler.

Upon motion by Mr. Satisfsky, seconded by Mr. Shields and carried unanimously, approval was given to an application by Robert A. Monroe for a one-inch water connection to an existing water main in River Road (outside the City) to serve an existing residence as recommended by PWC and that the developer make this connection at his own expense.

Upon motion by Mr. Plummer, seconded by Mr. Satisfsky and carried unanimously, the low bid submitted by Patrick Ford, Inc. in the amount of \$17,150.00 for two 24,000 pound GVW flat body dump trucks was approved as recommended by PWC.

Council next gave consideration to a resolution providing for the issuance of \$8,000,000.00 Electric Bonds, Series B. The City Attorney presented this matter and stated that this balance of the original \$18,000,000.00 electric bonds approved in October 1975 was now needed in order to complete the PWC electric generation facility.

RESOLUTION PROVIDING FOR THE ISSUANCE OF \$8,000,000.00 ELECTRIC BONDS, SERIES B. RES. NO. R-1976-40.

Following brief discussion, Mr. Satisfsky introduced the foregoing resolution and moved its adoption, seconded by Mrs. Beard and carried unanimously. A copy of the foregoing resolution is on file in the City Clerk's Office in Res. Book R-1976.

Council next recognized PWC Manager Muench who stated that the Cumberland County Commissioners have requested PWC to extend water on Frederick Avenue outside the city. This area is contiguous to the city and the county wants to contract with PWC for the extension of utilities which will cost approximately \$14,000.00. Mr. Muench stated that annexation agreements will be executed and that the PWC has approved this agreement.

Following brief discussion, Mr. Plummer offered motion for approval of the foregoing agreement between PWC and the County as recommended by PWC. Motion seconded by Mr. Satisfsky and carried unanimously.

Council next gave consideration to a proposed resolution accepting Blue Ridge Road right-of-way off Pinecrest Drive the western side. The Assistant City Manager Thomas presented this matter and the resolution but recommended postponement of any action by Council to the October 11 meeting due to unresolved problems with this right-of-way. Without objection Council postponed this matter to the October 11 meeting.

Council next gave consideration to the approval and acceptance of a grant from the Federal Aviation Administration for airport construction. Mr. Bernard Stein, Airport Commission Chairman, was recognized and presented this matter and informed Council that the Federal Aviation Administration has awarded a grant of \$936,000.00 for construction at the airport. This construction includes aircraft parking ramps, two connecting taxiways, ramp flood lighting and security fencing around the aircraft parking areas. Mr. Stein requested that the City Council authorize the Mayor and Clerk to execute the grant documents.

Following brief discussion, Mr. Plummer offered motion to approve the foregoing request and application for grant and that the Mayor and Clerk be and they hereby are authorized and directed to sign said grant documents for the city all as recommended by the Airport Commission, Motion seconded by Mr. Dawkins and carried unanimously.

Council next discussed the Downtown Revitalization Plan and the possible restructuring of the Downtown Revitalization Commission at the request of the Fayetteville Area Chamber of Commerce.

Mr. Mason Hicks was recognized with some brief remarks. He stated that in his opinion the use of city and county tax funds by the Chamber of Commerce is questionable. Among other things he stated that in his opinion the downtown revitalization plan commission should be under the Planning Board.

Mr. Cliff Strassenburg, Executive Director of the Joint Planning Dept., was recognized and presented, as he stated, the viewpoint of the planning board on this matter. He read excerpts from a letter which stated in essence that (1) a planning board representative should be a member of the downtown revitalization commission, (2) there should be a stipulation in the charter of the commission that the commission be guided by the downtown revitalization plan, (3) that all revitalization projects be reviewed by the planning board, (4) that all requests for grants in aid be through the planning board and (5) that the planning board continuously monitor the downtown revitalization plan. He stated the Planning Board suggests further that a specific commission be established and that the city and county attorneys, the Chamber of Commerce, the Downtown Fayetteville Association and the Planning Board be members. He stated in conclusion that the Planning Board wholeheartedly supports the downtown revitalization plan.

Bill Scott, a local young black citizen, was recognized. Young Scott stated that he was opposed to the commission being under the Planning Board and recommended that it be a separate entity.

Mayor Finch then offered remarks to Council to give careful consideration to the opinions that have been expressed and to any action that might be contemplated and reminded Council that their last action was to place the commission under the planning board.

Mr. Bernard Stein, President of the Fayetteville Area Chamber of Commerce, a downtown Fayetteville

Businessman and a long time resident of the city, was then recognized and stated that the Chamber of Commerce had formulated the downtown revitalization plan that he had no recommendation but that the City Council and Cumberland County Commissioners had set up their own commission and the Chamber of Commerce will have no further major function in this matter, but stated that he was of the opinion that the commission should be autonomous.

Mr. Dawkins suggested that the commission be made up of 12 members, six appointed by the Council and six appointed by the County Commissioners plus the planning dept. director and City Engineer and two members of the City Council and Cumberland County Commissioners as non voting members.

Following some brief discussion, Mayor Finch asked Council Members if they wished to take any action and Mr. George offered motion that the action taken by the City Council in special session on August 15 be rescinded, Motion seconded by Mr. Plummer and carried Mr. Satisfsky voting no.

At the Council's request, City Attorney Clark had projected on the screen two tables of organization. The first table depicted the City Council and County Commissioners at the top level with the Advisory Commission on the second level the Joint Planning Staff Director, on the third level and the downtown revitalization director on the fourth level with a line of communication from the downtown revitalization director to the advisory commission. The second table depicted the City Council and Cumberland County Commissioners on the first level the advisory commission on the second level and the downtown revitalization director on the third level with a line of communication out to the right to the Joint Planning Staff director.

Following some discussion, Mr. Plummer commented that Mr. Stein should be commended and then offered motion to adopt Plan #2 as it appears on the screen (this being the plan that there shall be an advisory commission appointed jointly by the City Council and County Commissioners and there shall be a downtown revitalization director who shall answer directly to the advisory commission). Motion seconded by Mr. Dawkins.

Following some discussion, Mr. Satisfsky offered a substitute motion that the organization of the downtown revitalization commission be as outlined by Mr. Strassenburg in his letter from the Planning Board. Motion seconded by Mr. Shields. Mayor Finch then called for vote on the substitute motion and the vote was as follows: FOR: Mr. Satisfsky, Mr. Shields and Mr. George; AGAINST: Mr. Dawkins, Mr. Plummer and Mrs. Beard. Mayor Finch declared a tie vote, cast her vote against the substitute motion, and declared it lost. Mayor Finch then called for vote on the original motion which was to adopt Plan #2 and the vote was as follows: FOR: Mr. Plummer, Mr. Dawkins and Mrs. Beard; AGAINST: Mr. Shields, Mr. George and Mr. Satisfsky. Mayor Finch again declared a tie vote cast her vote in favor of the original motion and declared it carried.

Council next gave consideration to a request by a Mrs. Beatrice Semel regarding Mims Cemetery on Camden Road. Mrs. Semel informed Council that this was a cemetery formed as the result of a gift of land by her great great grandfather a number of years ago for the use of his family and friends since no cemetery existed in the Massey Hill section. Mrs. Semel stated that the oldest grave in the cemetery dated back to 1817. Mrs. Semel informed Council that she and several other owners of lots in this cemetery in Sept. 1969 offered to assign their ownership and interest in the cemetery to the City if the city would agree to maintain the same. At that time the city declined their offer. Mrs. Semel's stated that she and several other members had attempted to maintain the cemetery over the years but now it was in a state of extreme deterioration due to one reason and another and requested city to assume ownership.

In response to inquiry, City Attorney Clark stated that under North Carolina law, the city may take title to the cemetery land property.

Following further discussion, Mr. Plummer offered motion that the city take over and maintain Mims Cemetery as best we can and that the City Engineer be instructed to draw a description of Mims Cemetery and present it to the Council for action. Motion seconded by Mr. Dawkins and carried unanimously.

Council next heard a presentation by a representative from residents of East Collier Drive regarding street sewage. A Mr. Harry Hill was recognized representing what he called the East Fayetteville community consisting of East Greer Avenue, East Collier Drive, Old Wilmington Road, Dean Street, New Bern Avenue and Brock Street extension. Mr. Hill stated that he and other residents desired improvements to their neighborhood namely sanitary sewer since most areas already had water from Community Development Funds. Mayor Finch informed Mr. Hill that this request had been mentioned at the community development public hearings on August 23 and Sept. 13. Mr. Hill stated that he had several signed petitions for the utility service mentioned.

PWC Manager Muench informed Council that this matter had been heard in April of this year and City Council had asked for petitions from the property owners. He stated the estimated cost for sanitary sewer for this area was approximately \$400,000.00.

Following some discussion of this matter, Mr. George suggested using funds from either revenue sharing or community development for this purpose.

Mr. Plummer then offered motion to accept the petitions and check the percentage for validity. Motion seconded by Mr. Dawkins.

Following some further discussion, Mr. George offered substitute motion that this City Council proceed at its next budget session to displace revenue sharing funds and or community development funds to make sufficient money available to improve that area with water sewer or with sewer drainage paving and gutter and subsidize it to the extent that the people will not be required to

pay more than \$10.00 per linear foot for all jointly. Motion seconded by Mrs. Beard.

Following some further discussion, Mr. Satsky offered an amendment to the foregoing motion that the city council not set a rate of assessment until the work is completed and following some further discussion, Mr. George offered a further amendment to the motion that we will also look at the petitions and proceed with the work and City Council consider using revenue sharing and/or community development funds to displace money to subsidize a portion of the improvements in this area. Mayor Finch then called for vote on the substitute motion and it was as follows: FOR: Mr. Satsky, Mr. Shields, Mr. George and Mrs. Beard; AGAINST: Mr. Plummer and Mr. Dawkins. Mayor Finch declared the motion carried by a vote of four to two.

Council next gave consideration to a request for city participation in drainage construction pursuant to city policy on the J.J. Barnes property north of Drake Street. The City Engineer presented this matter and stated the J.J. Barnes Company owns property on each side of the ditch that serves the storm water pumping station at the Ramsey Street underpass of the SCL Railroad. The ditch has previously been piped with city participation except for this 100 feet across Mr. Barnes property.

The company has granted an easement for the piping and is asking that the city participate pursuant to city drainage policy in the amount of 50%. The City Engineer stated that he had received quotes to do this work and the low bid had been submitted by J.J. Barnes, Inc. in the amount of \$2,856.45.

City participation in this pipe line installation will be in accordance with the drainage policy and it was recommended approval of 50% of the low bid \$1,428.23.

Following brief discussion, Mr. Plummer offered motion for approval of the foregoing request and for city participation in the amount of \$1428.23 as recommended. Motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a request from Mr. David Sawyer for the city to purchase right-of-way needed for Topeka-Cochran Avenue extension.

Assistant City Manager Thomas presented this matter and recommended that Council take no action on this request at this time because additional dedication is needed from the property owners on the east and west side of the Sawyer tract. He recommended that council take Sawyer's request and hold it for negotiations with the property owners on the east and west sides to give City Council a combined package for the area at a future date.

Following brief discussion, Mr. Plummer offered motion to follow the foregoing recommendation of the Assistant City Manager. Motion seconded by Mr. Satsky and carried unanimously.

Council next gave consideration to a recommendation from the City Engineer for the cleaning out of Branson Creek abutting the city park off McBain Drive. In a memorandum to the City Manager, Mr. Bennett stated the section of Branson Creek abutting the city owned Woodland (Highland) park has gradually become clogged with sediment to the extent that the culverts under McBain Drive have approximately only one-half of the water openings remaining. If the stream is allowed to remain clogged with sediment, it will spread out into the low lying area and more seriously into the back yard of private homes on the north side of the park and the east side of McBain Drive. The cost for dredging to eliminate this problem is estimated at \$3,000.00. The south side of the park is undeveloped and the dredged sediment can be spread without damaging any part of the developed park.

It is also noted that the forest lake owners downstream from this section of Branson Creek are complaining about sediment eroding into the lake. Dredging of Branson Creek within the park area would be of some benefit by cutting off sediment from upstream being transported through the park area and ultimately into forest park.

Following some discussion of this matter, Mr. Satsky offered motion to follow the foregoing recommendation of the Assistant City Manager and City Engineer and allocate the requested \$3,000.00 for this dredging. Motion seconded by Mr. Shields and carried Mrs. Beard voting no.

Council next gave consideration to the authorizing of condemnation within the Massey Hill Program Area, No. 1. Community Development Director Ron Hickman presented this matter. Mr. Hickman stated that there were four parcels for condemnation. They are as follows: Parcel A-4 Winfred Greene - \$38.00, Parcel A-7 Annie L. Butler - \$36.00, Parcel A-8 Howard Maddox - \$38.00, Parcel A-10 S. Claude Sessoms - \$434.00. Mr. Hickman stated the four property owners do not agree with the offer of compensation; therefore condemnation authorization is requested. Mr. Hickman stated that appraisals had been made and the offers are in accordance with the appraisals.

Following brief discussion, Mr. Satsky offered motion that authorization be and it hereby is granted to administration to proceed with condemnation action against the foregoing as recommended. Motion seconded by Mr. Dawkins and carried unanimously.

Council next considered bids. These matters were presented by Mr. Thomas. The first bid was on the award of fence relocation and extension around Southeast Fayetteville storm water pumping station. Mr. Thomas stated that bids had been received on August 31 for this project and the low bid was submitted by Williford Hardware, Inc. in the amount of \$3,990.00 and is the bid recommended.

Mr. Plummer then offered motion to follow the foregoing recommendation of the Assistant City Manager and award the bid to the low bidder Williford Hardware, Inc. for \$3,990.00. Motion seconded by Mr. Satisfsky and carried unanimously.

The second bid was opened on Sept. 20, 1976 for the paving of Duncan and Topeka Streets. The low bid was submitted by Herring, Inc. in the amount of \$71,272.84. However, Mr. Thomas stated that problems had been encountered with Mr. Herring's work that is the quality, lateness of completion and other problems and for this reason the second low bidder E.G. Plyer Construction Company, Inc. in the amount of \$74,573.70 is recommended. Mr. Thomas stated the difference between the low bid and second low bid was \$3300.00.

Council recognized Attorney Larry Thompson, representing Herring, Inc., who stated among other things that although Mr. Herring had had problems in the past with his contractual obligations and with his health that both problems had been resolved now and he was capable of handling this contract.

Some discussion followed and then Mrs. Beard offered motion to follow the recommendation of the Assistant City Manager and award the foregoing bid to E.G. Plyer Construction Company, Inc. for their second low bid of \$74,573.70. Motion seconded by Mr. Shields.

Following some further discussion, Mr. Dawkins offered substitute motion to award the foregoing bid to the low bidder Herring, Inc. for his bid of \$71,272.84. Motion seconded by Mr. Plummer and carried Mrs. Beard voting no.

Mr. Thomas stated that bids had been received for Police Dept. vehicles on Sept. 15 for 15 sedans and one pick up truck. He recommended that the low bidder for the 15 sedans be Royal Dodge for their bid of \$69,004.05 and that the low bidder for the pick up truck LaFayette Ford in the amount of \$3,723.68 be awarded. Mr. Thomas also recommended that the Interim City Manager be authorized to negotiate for an additional sedan to the 15 sedans for a total of 16. The additional sedan is included in the budget for this fiscal year and is needed by the Police Dept.

Mr. Plummer then offered motion to follow the foregoing recommendation of the Assistant City Manager award the contract for the 15 sedans to Royal Dodge, the contract for the pick up truck to LaFayette Ford and authorize the Assistant City Manager to negotiate an additional sedan to the 15 for a total of 16. Motion seconded by Mr. Satisfsky and carried unanimously.

Mr. Thomas stated that bids had been received on Sept. 23 for a tractor for the Street Dept. The low bidder was Cumberland Tractor Company in the amount of \$5,964.00 and is the bid recommended.

Mr. Plummer offered motion to follow the foregoing recommendation of the City Manager award the bid to the low bidder Cumberland Tractor Company for their bid of \$5,964.00. Motion seconded by Mr. Satisfsky and carried unanimously.

Council next gave consideration to the type of curbs to be used in construction of Topeka Street.

The City Engineer presented this matter and stated that the proposed paving of Topeka Street is an extension through a residential area. The street is proposed for connection to a previously constructed section of West Cochran Avenue. The mutually adopted city and state thoroughfare plan calls for the roadway to ultimately extend across Rosehill Road to tie into Cochran Avenue at Ramsey Street.

Jasper Street, a section of Topeka Street, and West Cochran Avenue have previously been constructed with 30 inch wide vertical curbs since this is a secondary arterial and will ultimately carry a large volume of traffic and in order to match curbs on each end of this section of Topeka, it is recommended that the 30 inch wide vertical curb be used on Topeka Street.

Following brief discussion, Mr. Plummer offered motion, seconded by Mr. Satisfsky to follow the foregoing recommendation of the City Engineer and install 30 inch wide vertical curb on Topeka Street. Motion carried unanimously.

Council next gave consideration to the approval of Taxi Cab franchises or certificates. Mr. Thomas presented this matter and stated that a public hearing was held in the Law Enforcement Center on Friday, Sept. 24 regarding six vacancies for certificates of public necessity and convenience for the operation of taxi cabs. The Taxi Cab Inspector and Chief of Police made the following recommendation. Willie A. Melvin - 1 certificate, Sam F. Gerald - 1 certificate, Essie M. Gerald - 1 certificate, Carlton Stewart - 1 certificate, Hollis Ray Williams - 1 certificate and Arthur Edwin Cross - 1 certificate.

Attorney Larry Thompson was recognized for Sam F. Gerald and requested that Mr. Gerald be given two certificates, one for himself and the other for Essie Mr. Gerald who is Sam's mother and who lives in Clarkton not in the City of Fayetteville.

Following some discussion of this matter, Mr. Plummer offered motion to approve certificates for Willie Melvin, Sam Gerald, Carlton Stewart, Hollis Ray Williams and Arthur Cross and that Essie M. Gerald not be awarded a certificate but that such certificate be awarded to Sam Gerald for a total of two. Motion seconded by Mr. Shields and carried unanimously.

Council next considered appointments.

Upon motion by Mr. Satsky, seconded by Mr. Dawkins and carried unanimously, the following named were appointed to the Education Development Council of the Fayetteville City School System: MRS. Ellie Fleishman and Mrs. L.M. Williford

Mayor Finch reported that she did not as yet have a mayoral appointment ready for the Fayetteville Metropolitan Housing Authority.

DELEGATIONS

Council recognized Mr. Harry F. Shaw, appearing in behalf of the Historic and Scenic Sites Committee, on the Horne House located on Green Street which has been given to the City by the owner with a request that it be relocated from its present site. Mr. Shaw reminded Council that a site had been located on Ramsey Street such north of the St. Joseph's Episcopal Church; a gift to the city by the Hutaff family and the Fayetteville Coca-Cola Bottling Company. Mr. Shaw informed Council that there was a very good possibility of the commission securing a federal matching grant through the Bureau of Outdoor Recreation for the restoration of the Horne House and for the development of the site on Ramsey Street as a culture center complex. However, the deed to the Ramsey Street property should not pass to the city prior to the application and approval of such grant by the Historic and Scenic Sites Committee. However, the committee is badly in need of immediate funds from the city to protect the house from the elements, from vandalism, and from possible theft of the valuable mantle pieces and other furniture now stored in the house. (Council had acted several meetings ago to appropriate \$20,000.00 for this purpose but predicated on the condition that a clear deed would pass to the city first before such funds are released)

Following some moments of discussion of this matter, Mr. Plummer offered motion to accept title to the property in escrow and advance the requested funds to the commission. Motion seconded by Mr. Shields.

Following some further discussion, Mr. Satsky offered substitute motion to continue this matter to the next meeting of the Council on October 11 to look at the deed. Motion seconded by Mr. Shields and carried unanimously.

Concerning Mr. Shaw's request for immediate funds for preservation of the Horne House, Mr. Dawkins offered motion to rescind the motion passed at the earlier meeting by the Council to turn down the \$750.00 appropriation requested by the Commission for preservation purposes. Motion seconded by Mr. Plummer and carried unanimously.

Mr. Plummer then offered motion to immediately advance the Historic and Scenic Sites Committee the sum of \$750.00 for the purpose of securing the Horne House against the elements and vandalism. Motion seconded by Mr. Dawkins and carried unanimously.

CITY MANAGER REPORTS

The Assistant City Manager reported the following named men had been certified by the Civil Service Commission and recommended by himself and the Chief of Police for promotion to Sergeant: W.D. Barefoot, Jr. and M.T. Pirro.

Mr. Plummer offered motion that the aforementioned police officers be promoted to the rank of sergeant as certified and as recommended. Motion seconded by Mr. Shields and carried unanimously.

The Assistant City Manager reported the following resignations from the Police Dept. James R. Morrison and Jack T. Laurie. Council noted the resignations.

The Assistant City Manager informed Council that they should take official action on Chief of Police Danny Dixon's recommendations at the Council conference meeting of Sept. 16. These recommendations were (1) the reorganization of the police dept., (2) the establishment of starting pay for sergeants at \$10,872.00 per annum and the uniform change (the new style hat)

After brief discussion, Mr. Satsky offered motion that Council formally approve the foregoing recommendations of the Chief of Police. Motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to exceptions to the hire resolution. The Assistant City Manager presented this matter and stated that on June 14, 1976 the City Council adopted the following resolution "ALL JOBS OR POSITIONS IN CITY GOVERNMENT BE ANNOUNCED IN THE INFORMATION BE AVAILABLE IN THE CITY CLERK'S OFFICE FOR AT LEAST TWO WEEKS PRIOR TO THE FILLING OF SUCH JOB OR POSITION SO AS TO BE MADE AVAILABLE FOR INFORMATION TO THE GENERAL PUBLIC.

Based on the experience gained over the past three months, it is recommended that three exceptions to the above resolution be approved.

(1) Promotions from within a department. Promotions from within a department is considered a good personnel practice. It is a visible demonstration of the intention of management to follow a career progression program. If a subordinate is capable of meeting the requirements of a higher position which is vacant and the department head desires to promote that individual, it would not be fair to prospective job applicants to advertise the vacancy for two weeks when there is no intention of hiring outside the department. Not only are we wasting the time of the applicant

but we are also wasting the time of the City in personnel processing and pointless interviews. Of course, there will be times when a vacancy cannot be filled from within due to lack of a trained replacement. In that case, the position would be advertised in accordance with the existing resolution.

(2) Absorption of CETA employees. The commitment of the City in taking CETA employees paid by the Federal Government is to train those individuals in a job so that they can qualify for employment should vacancies occur. The goal is to absorb as many of these employees as possible. Therefore, if a vacancy occurs in a department in which a CETA employee is by virtue of training and ability capable of performing the duties required by the vacant position, that CETA employee should be absorbed by the City into the vacant position. Once again, it would be deceiving to job applicants as well as wasteful of effort to advertise the job vacancy for two weeks when there is every intention of absorbing an on-hand CETA employee. Of course, if no CETA employee is considered capable of filling a vacant position, then the vacancy would be advertised in accordance with the existing resolution.

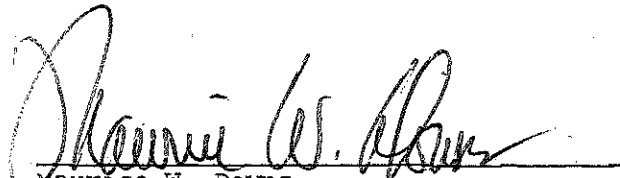
(3) Work Release Program. We have been a participant in the work release program for many years. The extent of our participation is not large --- no more than two or three persons at any one time. In order for a prisoner to be paroled to work for the City, the city must promise that a specific job and salary will be available at the time the prisoner is released. Due to administrative processing requirements, this promise must be given a minimum of three weeks in advance of the planned date of release. To meet the requirements of this program it is requested that vacancies held for the work release program not be advertised.

Following brief discussion, Mr. Dawkins offered motion, seconded by Mr. Satsky to approve the foregoing exceptions to the hire resolution as recommended by the Assistant City Manager. Motion carried Mr. George voting no.

Mr. Plummer then offered motion to do away with the personnel policy adopted several months ago and place this procedure back in the City Manager's hands. Mayor Finch ruled Mr. Plummer's motion out of order.

Mr. Plummer then offered motion that the City Attorney be instructed to draw a new ordinance pertaining to personnel hiring. Motion seconded by Mr. Dawkins. Mayor Finch called for vote on the motion and it failed by the following vote: FOR: Mr. Plummer and Mr. Dawkins; AGAINST: Mr. George, Mr. Satsky, Mr. Shields and Mrs. Beard.

Thereafter, upon motion made and duly seconded, this regular session was adjourned at 11:45 P.M.


Maurice W. Downs
City Clerk

SPECIAL MEETING (PUBLIC HEARING)
FRIDAY, OCT. 8, 1976
CITY HALL COUNCIL CHAMBER
12:00 NOON

Present: Mayor Pro Tem Marion George

Council Members: Marie Beard, J.L. Dawkins, Vincent Shields, Steve Satisfsky

Absent: Mayor Beth Finch and Gene Plummer

Others Present: Mr. William Thomas, Assistant City Manager
Mr. Billy Clark, City Attorney

Mayor Pro Tem George, presiding in the absence of Mayor Finch, called this special session to order and announced its purpose was to consider the annexation of the Ft. Bragg-Pope Air Force Base Military Reservation. The hearing had been published for this date and hour as required by general statutes. Mr. George stated to the Council that other information and material had just been received by them at the beginning of the meeting.

Mayor Pro Tem George recognized City Attorney Clark who informed Council Members letters had been recently received by the City of Fayetteville and the Town of Spring Lake from the U.S. Army (General Emerson) requesting a continuation of this annexation matter by both towns. Mr. Clark stated that he had consulted with the JAG, Ft. Bragg and Attorney Seavy Carroll, Town Attorney for the Town of Spring Lake.

Mr. Clark stated that a temporary restraining order had been issued against the action of annexation, and a consent order (stipulation and consent to imposition of temporary restraining order).

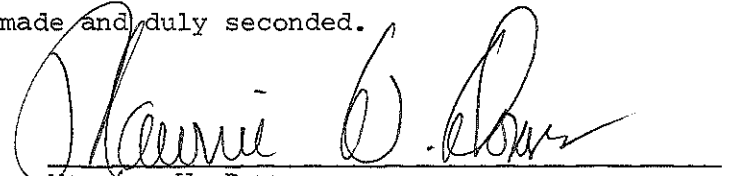
Mr. George asked Mr. Clark to read the third paragraph from the letter from General Emerson which he did as follows: "we must therefore at this time request that Fayetteville withdraw its annexation petition, or in the alternative, delay scheduled hearings and legislative actions so that the annexation assembly evaluation report can be finalized as you can appreciate if postponement or delay of procedure is not immediately accomplished measures will necessarily have to be taken to protect the interests of this installation".

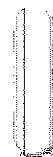
Mr. Clark also read the temporary restraining order against annexation. Mr. Clark also read from the consent order that Fayetteville stipulate a delay of its hearing to June 8, 1977 and the Town of Spring Lake delay its hearing until June 14, 1977.

Mr. Clark recommended to City Council that it sign the consent order and continue this hearing until 8:00 P.M., Monday, October 11, 1976.

After brief discussion, Mr. Dawkins offered motion, seconded by Mr. Shields to continue this public hearing to 8:00 P.M., Monday, October 11, 1976 as recommended by the City Attorney. Mr. George asked if there was any opposition to this action from anyone in the audience, and there was none. Mr. George then called for vote on the motion and it carried unanimously.

The meeting adjourned at 12:20 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
OCTOBER 11, 1976
8:00 P.M.

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Gene Plummer, Marion George, Vincent Shields, Steve Satsky

Others Present: Mr. William Thomas, Assistant City Manager
Mr. Billy Clark, City Attorney
Mr. Ray Muench, PWC

Mayor Finch called the meeting to order and the Rev. J.W. Stonebraker, Associate Minister First Presbyterian Church, offered the invocation. Following the invocation, Mayor Finch led the assembly in the Pledge of the Allegiance to the Flag.

Mayor Finch recognized the following Youth Council representatives present in the audience to observe Council proceedings: Susan Morris, Charlotte Shumate and Bruce Herrmann. Mayor Finch also recognized Fayetteville Youth Council President Kenneth Fleishman as a Morehead nominee and offered congratulations to him for this signal honor.

First order of business was the approval of minutes.

Upon motion by Mr. Satsky, seconded by Mr. Shields and carried unanimously, Minutes of the Regular Meeting of September 27 were approved as submitted by the Clerk.

Council then moved to set a public hearing on the proposed annexation of property located on Raeford Road between Owen Drive and Montclair East of Buckhead Creek. City Attorney Clark informed Council that this annexation had been set for public hearing originally on October 25 however; due to an error in the legal description it would have to be readvertised and a new hearing set.

Mr. Plummer then offered motion to rescind the resolution of intent to annex the foregoing area on October 25. Motion seconded by Mrs. Beard and carried unanimously.

Mr. Plummer then offered motion that a public hearing be set on the foregoing annexation matter on November 8, 1976. Motion seconded by Mrs. Beard and carried unanimously.

Council then moved to an extra matter which was approval of the minutes of a special meeting (public hearing) held on October 8 at 12:00 noon in the City Hall Council Chamber on the question of annexing the Ft. Bragg Military Reservation.

Upon motion by Mr. Dawkins, seconded by Mr. Satsky and carried unanimously, the foregoing minutes were approved as submitted by the Clerk.

Mayor Finch informed Council that the action taken at that meeting on October 8 was to continue the public hearing until 8:00 P.M. tonight this date and that such public hearing would be held at this time. Mayor Finch called on City Attorney Clark who reiterated that the stipulation and consent to imposition of temporary restraining order was that the respondents the City of Fayetteville and Town of Spring Lake, had been requested to hold the matter of the annexation of Ft. Bragg in abeyance until June 8 and June 14, 1977 respectively. Mr. Clark recommended to Council that it ratify the consent order.

Following brief discussion, Mr. Dawkins offered motion to follow the foregoing recommendation of the City Attorney and enter into the consent order as requested by the Army and reconsider this matter again on June 8, 1977. Motion seconded by Mr. Plummer and carried unanimously.

PUBLIC WORKS COMMISSION MATTERS

Council recognized Mr. Ray Muench PWC Manager.

On the matter of an ordinance and resolution allowing the city of Fayetteville to join and appoint a commissioner to the North Carolina Municipal Power Agency Number 3, Mr. Muench requested Council to take no action inasmuch as Public Works Commission needs additional information.

Mr. Satsky offered motion to follow the foregoing recommendation of PWC and take no action on this matter at this time. Motion seconded by Mr. Plummer and carried unanimously.

On another PWC matter, Mr. Muench stated that an application had been received from Mrs. Edith Lockey, 2721 Southern Avenue, for one 1-inch water connection outside the city. PWC recommended approval.

Mr. Plummer moved for approval of the foregoing application as recommended by PWC. Motion seconded by Mr. Satsky and carried unanimously.

Council next gave reconsideration to a resolution accepting Blueridge Road right-of-way. (This matter continued from the Sept. 27 meeting) Mr. Thomas presented this matter and stated that Blueridge Road off Pinecrest Drive is a dead end street with an unopened portion at the southern end adjacent to the McGill property. The McGill's attorney, Mr. Larry Thompson, requests that this

street be extended to the McGill's property to give them full access inasmuch as the only access to their properties now is through a trail. Mr. Thomas stated that Blueridge Road was dedicated in 1949 and about 150 feet of the southwestern end has never been opened.

Presently this unopened portion of street has several trees and a ditch crossing the roadway. The estimated cost for clearing this tract piping the ditch and all weather soil base road is \$2,700.00. Mr. Thomas recommended acceptance of the Blueridge Road right-of-way dedication but to do no work on the unopened portion until a street plan is approved and a trail constructed from the McGill property to connect with the opening to Blueridge Road.

Following brief discussion of this matter, Mr. Shields offered motion to follow the foregoing recommendation of the City Manager and for the adoption of the resolution accepting Blueridge Road right-of-way. (Res. No. R-1976-41 bearing the foregoing title) Motion seconded by Mr. Satisfsky and carried unanimously. A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book R-1976.

Council next recognized a Mr. Bryan Bizzel on the city and county combining landfill operations. Mr. Bizzel was recognized and presented drawings and a plan for the consolidation of landfill operations. Mr. Bizzel stated that implementation of his plan could save the city and county considerable sums of money. In a memorandum to the Council, Mr. Thomas stated that Mr. Bizzel had appeared before the Board of County Commissioners on October 4 with the same recommendation. The County Commissioners directed the County Manager to work with City Administration and report back his recommendations.

Mr. Thomas recommended that the Council take no action on Mr. Bizzel's recommendation at this time other than directing the City Manager to work with the County Manager in preparing a proposal for the county commissioners and the City Council's consideration.

Following Mr. Bizzel's presentation, Mr. Dawkins extended thanks to Mr. Bizzel for his presentation and suggestion and offered motion that the City Manager meet with the County Manager to work out the plan along with Mr. Jimmy Jones, the City Street Dept. Supt., and then make recommendation back to the City Council. Motion seconded by Mr. Plummer and carried unanimously.

Council next gave consideration to a resolution authorizing the Mayor to sign an application for Federal Assistance in the development of Cross Creek park. Mr. Jimmy Tyer, Recreation and Parks Dept. Supt., was recognized and presented this matter. Mr. Tyer displayed a projection of the proposed construction in Cross Creek Park on the east side of Ann Street between Bow Street and Cross Creek. The improvements, Mr. Tyer stated, consisted of walkways extending from the pedestrian bridge across the creek and winding northwardly along Ann Street to a proposed gazebo and paved lot beside Cross Creek at the Ann Street bridge. Mr. Tyer requested Council to adopt a resolution that an application be made to the Bureau of Outdoor Recreation through the state of North Carolina for a development grant of \$24,000.00 which represents 50% of all costs, \$48,000.00 including preparation, plans and construction of recreational facilities to be completed in the fiscal year 1977-78.

RESOLUTION AUTHORIZING THE DEVELOPMENT OF A FAYETTEVILLE CITY PARK BY THE FAYETTEVILLE CITY COUNCIL. RES. NO. R-1976-42.

Following brief discussion, Mr. Plummer moved for approval of the request made by Mr. Tyer and for the adoption of the foregoing resolution and for the authorization of the Mayor to sign said application for said grant for the City of Fayetteville. Motion seconded by Mrs. Beard and carried unanimously. A copy of the resolution is on file in the office of the City Clerk in Resolution Book R-1976.

Council next gave consideration to a request for city participation in Ravenhill Road and Executive Place street construction, sidewalks and drainage; however, Assistant City Manager Thomas stated that he had received a request from Attorney Larry Thompson representing, Mr. Robert McNeill, general partner in the Fayetteville Mall, requesting a postponement of this matter until the next regular meeting of the Council on October 25 due to the fact that Mr. McNeill had been called out of town and was unable to be present this evening.

Mr. Plummer offered motion, seconded by Mr. Dawkins to postpone the foregoing matter to October 25 as requested. Motion carried unanimously.

Council next gave consideration to a request by Ms. Sally Parker for a 90 day extension on permitting a wood frame structure at 901 Elm Street. Assistant City Manager Thomas presented this matter and stated that in a letter Mrs. Parker on April 7, 1976 made application for and received from the City Inspection Dept. a temporary permit to position a wood frame structure at this location for a period of 6 months. Mrs. Parker in her letter requested permission to leave this structure in its present location for an additional 90 days and had already received written approval from the Inspection Dept. Supt. and the Fire Chief. The structure, Mrs. Parker explained, is being used by "this end up" furniture company of which she is Vice President. She stated she was presently negotiating for a permanent building in which to move the business and it is anticipated that a suitable building will be made available and the move accomplished within 60 to 90 days. Mrs. Parker stated that a denial of this request would create financial hardship for her and her family. She requested favorable consideration of this request.

Following brief discussion, Mr. Shields offered motion, seconded by Mr. Dawkins that Ms. Parker be granted the 90 day extension requested in her letter. Motion carried unanimously.

Council next considered several bids.

The Assistant City Manager presented these matters. Mr. Thomas stated that a bid opening was held on August 25 for two motorcycles for the police department. Only one bidder was present, Meridian Motorcycle. This bid was rejected due to the lack of competitive bids.

Invitations to bid were duly readvertised and a new bid opening held on September 10. Again only one bid was presented, Meridian Motorcycle. Since we have satisfied all legal requirements, he stated, it is recommended that the contract be awarded to Meridian Motorcycle.

Mr. Plummer then offered motion, seconded by Mr. Shields to follow the foregoing recommendation of the Assistant City Manager and award the bid for the two motorcycles to Meridian Motorcycle. Motion carried unanimously.

Mr. Thomas stated that bids were opened on October 6 for uniforms for the transit department. The low bid meeting specifications was submitted by American Uniform Company in the amount of \$2,208.00 and is the bid recommended.

Mr. Plummer offered motion to follow the foregoing recommendation of the Assistant City Manager and accept the bid of American Uniform Company. Motion seconded by Mrs. Beard and carried unanimously.

Mr. Thomas stated that on Thursday, Sept. 23, bids were received for equipment for the Street and Sanitation Dept. and recommended that contracts be awarded to the low bidders meeting specifications as follows.

- Item 1. Two 31,000 GVW trucks - Patrick Ford \$22,316.00
- Item 2. One GVW 10,000 lbs. truck - Patrick Ford \$4,270.00
- Item 3. Two GVW 4,200 pick up trucks - LaFayette Ford \$7,858.98
- Item 4. Two rear end loading compaction bodies and rear loading hoppers - Worth Keeter \$14,268.00

Mrs. Beard offered motion to follow the recommendation of the Assistant City Manager and accept the foregoing low bids meeting specifications on all items of equipment. Motion seconded by Mr. George and carried unanimously.

Mr. Thomas stated that bids had been received for the relocation of the Horne House from its present location on Green Street to the new location on Ramsey Street. Bids were received as follows: Bentley-Adams House Moving Company \$8,750.00 without the chimneys; McCrary Moving Service Seagrove, N.C. \$16,000.00 with the chimneys and \$10,000.00 without the chimneys. ~~recommended~~ recommended

Mr. Thomas awarded the bid to Bentley-Adams House Movers for their low bid of \$8,750.00 without the chimneys since the chimneys can be rebuilt.

Mr. Harry Shaw of the Historic and Scenic Sites Committee was then recognized concerning the relocation site of the Horne House on Ramsey Street and of the deed for same and asked Mr. John Raper to give an explanation.

Mr. Raper was then recognized and suggested that Council approve the deed in form and authorize receipt of the deeds to the house and the property in escrow pending disposition of the grant and with himself as the escrow agent.

Mr. Harry Shaw was again recognized and requested Mr. Bill Laslett, Architect, to exhibit the proposed plan of the of the cultural center at the Ramsey Street location. Mr. Laslett displayed a drawing showing the proposed location of the Horne House and other buildings and structures of historic significance proposed to be placed on this site.

Mr. Shaw was again recognized and extended thanks to the Council for the funds granted by Council for the preservation of the Horne House and requested that the Historic and Scenic Sites Committee be authorized to raise additional funds on its own for this purpose and for future needs.

Mrs. Beard then offered motion, seconded by Mr. Dawkins that the two deeds be accepted in escrow and that Mr. Raper be appointed escrow agent. Motion carried unanimously.

Mayor Finch then extended thanks to the Historic and Scenic Site Commission members for their work on this project.

Mr. Satsky then offered motion to accept the low bid of Bentley-Adams House Moving Company in the amount of \$8,750.00 for the relocation of the Horne House without the chimneys. Motion seconded by Mr. Plummer and carried unanimously.

It had been determined from the commission that the chimneys could be dismantled and the same bricks used to reconstruct the chimneys after relocation.

Mr. Dawkins then offered motion, seconded by Mrs. Beard that the City Council give support to the Historic and Scenic Sites Committee for their fund raising effort. Motion carried unanimously.

Council next gave consideration to a request by Mr. John Pate, President of the Chamber of Commerce, that the Chamber of Commerce be considered for occupancy of the Horne House on a long term lease.

Mr. Pate was recognized and stated that the Chamber of Commerce's proposal was that the Chamber use the Horne House on a long term basis as an office for the chamber and that some time after the Horne House is moved, renovated and furnished the chamber will donate \$40,000.00 toward the renovation of the Horne House and in return for the \$40,000.00 donation, the chamber will be given a 20 year rent-free lease on the Horne house and in those 20 years the chamber will pay \$350.00 a month toward utilities, maintenance and up keep of the Horne House and in those 20 years the chamber will occupy the Horne House as an office to be open Monday - Friday 8:30 A.M. TO 5:00 P.M. and on those days and during those hours, the Horne House would be open for visitors and for tourists. In other words he stated, the Horne house will be to the Chamber what the Kyle House is to the City of Fayetteville. The decor of the Horne House would be exactly as the Historic and Scenic Sites Committee desires. The Chamber would work hand in hand with the commission. Mr. Pate stated that this was an informal proposal submitted tonight but that the chamber desired to be first with their request. In response to an inquiry from Mr. Plummer about insurance for the Horne House, Mr. Pate stated that the Chamber would provide such insurance inasmuch as the property would be tax exempt.

Following brief discussion, Mayor Finch requested Mr. Pate to put the foregoing proposal in letter form and submit it to the Council and Mr. Pate agreed to do so.

Council next considered appointments.

Mayor Finch informed Council that she had appointed Mrs. Catherine McNeill to the Fayetteville Metropolitan Housing Authority to replace Mrs. Inez Easley who had found it necessary to resign and Mrs. McNeill would fill the unexpired portion of Mrs. Easley's term of office which runs to Sept. 1980.

Three appointments to the Advisory Recreation and Parks Commission were deferred until the next meeting of the Council.

No delegations responded to the invitation by Mayor Finch for recognition.

CITY MANAGER REPORTS

Council next gave consideration to several position reclassifications. The Assistant City Manager made the following reclassification action recommendations. In the Engineering Dept. that a construction inspector I position grade 21 be reclassified to Engineer Technician, Grade 25, that two of five mechanic I, grade 21 positions in the City Garage be reclassified to Mechanic II, Grade 24 and that the present supervisor of the Animal Control Unit in the police dept. is at the same grade level in the classification plan as the two animal control officers under his supervision. The Animal Control Officers are listed as grade 20. It is therefore recommended that the position of Animal Control Unit Supervisor be reclassified to Grade 22.

The Assistant City Manager stated that although there are other reclassification recommendations that he would like to present to the City Council he was holding them in abeyance until he could present an overall city-wide change to the City Classification Plan which would incorporate all of the recommended changes.

Following brief discussion, Mr. Plummer offered motion to follow the foregoing recommendation of the Assistant City Manager and approve the position reclassifications as presented. Motion seconded by Mrs. Beard.

Following some further discussion, Mr. George offered substitute motion that the matter be continued and that we request Mr. Thomas to make a general outline of the suggested or proposed changes and that it be presented to us when it is worked out. The motion received no second.

Mayor Finch then called for vote on the original motion and it carried Mr. George voting no.

Council next gave consideration to a local public works capital development and investment act of 1976. The Assistant City Manager presented this matter and stated that the act will make available to North Carolina communities between \$17 million and \$26 million for local construction projects. The bulk of this will likely be spent in areas with unemployment above the national rate, but Fayetteville can compete with other areas with less severe unemployment for some of the funds. Neither Fayetteville nor Cumberland County is guaranteed any funds.

Region M recommends that we submit one project we feel will stand the best chances for funding based on Economic Development Administration Guidelines. We must notify Region M and the State Clearinghouse which project we intend to pursue by October 15. In order to meet the deadline for submission to Region M of our notification of intent to apply, we need to select a project or projects now. If we submit more than one project, a priority should be indicated. The following two projects are submitted for your consideration. (1) Neighborhood Project: East Collier Drive Area and Massey Hill area total \$748,000.00. (2) Thoroughfare Project: Rosehill Road, Camden Road and Cain Road for a total of \$1,075,000.00.

Following brief discussion, Mr. Plummer offered motion to file for intent to apply for funds for the Thoroughfare project as number 1 priority. The motion received no second.

Mr. George then offered motion to authorize the City Manager to file the application or

intent and that he use the priority listed by him, that is the neighborhood project as number 1 and the thoroughfare project as number 2. Motion seconded by Mr. Satisfsky and carried unanimously. (see Res. No. R-1976-40A)

The City Manager reminded Council that they had recently adopted a policy concerning the solicitation of funds by city employees. He stated he had recently received a request from Sgt. J.M. Riddle, President of the Fayetteville Police Club, for authorization to employ Mr. J. Paul James, an advertising coordinator, to solicit ads for the police yearbook.

Following brief discussion, Mr. Shields offered motion, seconded by Mrs. Beard to follow the recommendation of the City Manager and that the Police Dept. be authorized to employ Mr. James for the purpose of the police yearbook. Motion carried unanimously.

MATTERS OF INTEREST TO THE CITY COUNCIL

Mr. Plummer asked about the status of the Hull Road extension and Mr. Clark replied that this has been taken care of.

Mr. Satisfsky raised the question concerning the display of alcoholic beverages and particularly about an ordinance concerning the consumption of alcoholic beverages in public. City Attorney Clark replied that he had no additional information on consumption but that he would check the matter and report back.

Mayor Finch reminded Council that on Friday, October 15 at 1:30 P.M. on Doc Bennett Road, the Dept. of Transportation would hold its groundbreaking ceremony for the I-95 by-pass. Governor Holshouser will be in attendance.

Mayor Finch stated that Mr. Hickman of Community Development had requested a conference meeting on approving the amendments to the community development budget on which the public hearings were held. It was decided that this matter would be approved at the October 25 regular meeting of the Council.

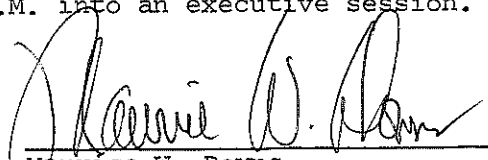
In this connection Mrs. Beard asked Mayor Finch if Mr. Hickman could be requested to provide budgetary information and a report on their expenditures. Mayor Finch stated she would contact Mr. Hickman concerning this.

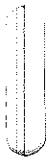
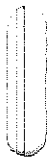
Mayor Finch reminded Council that on Thursday, October 14, at 7:30 P.M. there would be a Civil Preparedness exercise in the Civil Preparedness room in the Law Enforcement Center. All members of Council are invited and encouraged to attend.

Mayor Finch reminded Council of the N.C. League of Municipalities Meeting in Charlotte on October 17, 18 and 19.

Mayor Finch asked the Assistant City Manager Thomas to introduce the new city employee present in the audience tonight and Mr. Thomas introduced Mr. Fred Harris, the new City Buildings Maintenance Supervisor, who had started work on the 1st of October. Mayor Finch welcomed Mr. Harris to the city family.

Thereafter, this session was adjourned at 9:45 P.M. into an executive session.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
OCTOBER 25, 1976
8:00 P.M.

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Gene Plummer, Marion George, Vincent Shields, Steve Satisfy

Others Present: Mr. William Thomas, Acting City Manager
Mr. Billy Clark, City Attorney
Mr. Ray Muench, PWC

Mayor Finch called the meeting to order and the Rev. Clyde E. Smith, Fayetteville Seventh-Day Adventist Church, offered the invocation. Following the invocation, Mayor Finch led the assembly in the Pledge of the Allegiance to the Flag.

Mayor Finch recognized the Fayetteville Youth Council Representatives but none were present in the audience.

First item of business was the approval of minutes and upon motion by Mr. Satisfy, seconded by Mrs. Beard and carried unanimously, Minutes of the Regular Meeting of October 11 were approved as submitted by the Clerk.

PUBLIC HEARINGS

A hearing had been published for this date and hour on the rezoning from R5 Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located at 502 Eastern Blvd. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R5 RESIDENTIAL DISTRICT TO C1 LOCAL BUSINESS DISTRICT AN AREA LOCATED AT 502 EASTERN BLVD. ORD. NO. NS-1976-129.

Mr. Plummer 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 City Clerk's Office in Ordinance Book NS-1976.

A public hearing had been published for this date and hour on the rezoning from R10 Residential District to R5A Residential District or to a more restrictive zoning classification of an area located on the west side of Cambridge Street between Raeford Road and Tallywood Drive. Planning Board recommended approval but Planner Mitchell stated the applicant has requested that the application be returned to the Planning Board for reconsideration of less restrictive rezoning. The request had been received in a letter from Tallywood Merchants Association.

Mayor Finch stated that since this public hearing had advertised she would hear proponents or opponents to this rezoning. There were none.

Mrs. Beard then offered motion to return this matter to the Planning Board for further consideration and for the payment by the applicant of an additional filing fee. Motion seconded by Mr. Plummer and carried unanimously.

A public hearing had been published for this date and hour on the initial zoning under the City of Fayetteville Zoning Ordinance to R6 Residential District or to a more restrictive zoning classification of an area located on the north side of Cumberland Street between Coffman Street and Ira Street. Planning Board recommended approval.

Mr. I.B. Julian, a property owner in this area, was recognized and informed Council that this area was not inside the corporate limits of the City.

City Attorney Clark informed Council that a petition for annexation had been received from Mr. Julian and under these circumstances recommended a continuation of this public hearing.

Following brief discussion, Mr. Dawkins offered motion that this public hearing be continued as recommended by the city attorney. Motion seconded by Mr. Plummer and carried unanimously.

A public hearing had been published for this date and hour on the rezoning from M1 Industrial District to P2 Professional District or to a more restrictive zoning classification of an area located at 204 Parnell Street. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM M1 INDUSTRIAL DISTRICT TO P2 PROFESSIONAL DISTRICT AN AREA LOCATED AT 204 PARNELL STREET. ORD. NO. NS-1976-130.

Mr. Shields 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 City Clerk's Office in Ordinance Book NS-1976.

A public hearing had been published for this date and hour on the rezoning from R10 Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located at 117 Tokay Drive. Planning Board recommended denial.

Attorney Stacy Weaver was recognized representing Myrtle Blackburn, the property owner. He stated the purpose of this rezoning request was to permit the storage of vehicles on a lot while in the process of being repaired. Mr. Weaver presented a petition signed by 68 persons having no objection to this rezoning and displayed photographs of the area.

Mr. James Cooper, a resident of the area, was then recognized in opposition to this proposed rezoning and presented a petition signed by 97 persons also opposed. Mr. Cooper informed Council that the lot was an attractive nuisance in the area; that cars were towed in and out, and police radios could be heard at all hours of the day and night. Mr. Cooper also stated that the lot constituted an attractive hazard to the children in the neighborhood. Mr. Cooper concluded by requesting Council to refuse the rezoning and for enforcement of the law as it pertains to a non-conforming use and for the removal of the business from the area.

A Mr. Clinton Harris of Chloe Drive was also recognized in opposition.

Council recognized Mr. Al Albritton, Inspection Supt. for the City, who reported that this non-conforming use had been called to the attention of several of the city's attorneys in prior years and that they had left office before anything could be done about it but that the present City Attorney says that this non-conforming use could have been eliminated in 1964 under the non-conforming law.

Following some discussion, Mr. Plummer offered motion to deny the request for rezoning as recommended by the Planning Board. Motion seconded by Mr. Dawkins and carried unanimously.

A public hearing had been published for this date and hour on the rezoning from R10 Residential District to C1P Shopping Center District or to a more restrictive zoning classification of an area located at 1807 Conover Drive. Planning Board recommended denial.

Attorney Owen Cook was recognized representing the petitioner, Mrs. Rose Bsheer and displayed photos of the area and concluded his remark by requesting P2 zoning by City Council.

Council recognized Mr. Bryan Holmes, 1819 Conover Drive, in opposition to the rezoning and representing others in the area also in opposition by the signing and submitting of petitions.

Following some discussion, Mr. Plummer offered motion to deny the request for rezoning as recommended by the Planning Board. Motion seconded by Mr. Shields and carried unanimously.

A public hearing had been published for this date and hour on a request for a special use permit for a Childrens Treatment Center located at 519 Oakridge Avenue between Hilltop Avenue and Woodland Drive. Planning Board recommended approval.

A Mr. Woodrow Bowen, representing the Mental Health Center as petitioner, was recognized and gave a brief explanation of the Childrens Treatment Center.

Mr. Bowen then called on Mrs. Harriet Harrison, Director of the Facility, who gave a complete explanation of the operation of the center and stated that the center receives and treats children with emotional problems and returns them to their homes.

A Doctor Davis, President of the Cumberland County Mental Health Association, was recognized and stated that their organization is behind this program.

A Mr. Joe Roberts, a private citizen living on Rollingwood Circle in the neighborhood, was recognized in favor of the center.

A Dr. Stan Stilios of the Cumberland County Mental Health Center was recognized in support of this center.

Mayor Finch then recognized opposition to this proposed special use permit and Mrs. Ruth Brown Bandy, an area resident living on Hilltop Avenue, was recognized and provided Council with a list of infractions of city and state code ordinances regarding structures in which this center is located. Approximately 35 to 40 persons resident in the area were present and stood representing their opposition to the granting of this special use permit.

Mrs. Al Mason, 502 Forest Road, was recognized and suggested referring this matter back to Planning. Mrs. Mason stated that this facility should be relocated from its present position to a better location for the benefit of the children. She suggested that Council withhold approval and refer this matter back to the Planning Dept.

The City Attorney informed Council that the R6, R5 and R5A districts permit a use of this type and so advised Council to not refer this matter back to the Planning Board.

Following some further discussion, Mrs. Beard offered motion to approve the special use permit as requested. Motion seconded by Mr. Dawkins.

Mayor Finch then asked Mrs. Harrison if she would bring the house into compliance with all laws if this action is approved and Mrs. Harrison stated that she would.

Mayor Finch then asked what would happen to the program if the motion does not pass and Mrs. Harrison stated that she was not sure at this point.

Mr. Plummer then offered substitute motion to refer this matter back to the Planning Board for further consideration. Motion seconded by Mr. Shields. City Attorney ruled that this was not a proper motion.

Mr. Plummer then offered substitute motion that the request be denied. Motion seconded by Mr. Shields and Mayor Finch ruled this motion out of order inasmuch as a no vote on the original motion would carry the same consequence.

Mayor Finch then called for vote on the original motion which was to grant the special use permit with an amendment that all conditions in violation of all laws be met within 6 months and the vote was as follows: FOR: Mr. Satisfsky, Mr. George, Mr. Dawkins and Mrs. Beard; AGAINST: Mr. Shields and Mr. Plummer. Mayor Finch declared the motion carried by a vote of 4 to 2.

A public hearing had been published for this date and hour on extending the corporate limits of the city to include property on Cliffdale Road to be used to construct a fire station. The Annexation Technical Review Committee recommended approval. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL ANNEXING PROPERTY ON CLIFFDALE ROAD TO BE USED TO CONSTRUCT A FIRE STATION (160A-31) ANNEX. #177.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Dawkins and carried unanimously.

A public hearing had been published for this date and hour on extending the corporate limits of the city to include Nato Drive - Owen Drive - Jesse Anderson property - Terminex - Lively Knit properties. Planning Mitchell stated that the Annexation Technical Review Committee recommends approval of this annexation with the exception of the Jesse Anderson property. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL ANNEXING NATO DRIVE - OWEN DRIVE - TERMINEX - LIVELY KNIT PROPERTIES. (160A-24) ANNEX. #178.

Mr. Dawkins introduced the foregoing ordinance and moved its adoption, seconded by Mr. George and carried unanimously.

A public hearing had been published for this date and hour on extending the corporate limits of the city to include property known as Country Club North, section 3. The Annexation Technical Review Committee recommended approval. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL ANNEXING PROPERTY KNOWN AS COUNTRY CLUB NORTH, SECTION 3. (160A-31) ANNEX. #179

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Shields and carried unanimously.

A public hearing had been published for this date and hour on extending the corporate limits of the city to include property known as Huntington Park, Section 2, Part 2. The Annexation Technical Review Committee recommended approval. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL ANNEXING PROPERTY KNOWN AS HUNTINGTON PARK, SECTION 2, PART 2 (160A-24) Annex. #180.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Satisfsky and carried unanimously.

A public hearing had been published for this date and hour on the annexation of property located on Raeford Road between Owen Drive and Montclair east of Buckhead Creek. The Annexation Technical Review Committee had recommended approval; however, Acting City Manager Thomas reminded Council that they had cancelled this public hearing at the last meeting on October 11 and reset the hearing for November 8, 1976 due to an error in the legal description and at this time no action is required on this matter. Council took no action.

A public hearing had been published for this date and hour on paving, curbs and gutters on Camden Road from Orlando Street to Cumberland Mills Road, Orlando Street from Camden Road to Burnett Avenue, Ira Street from Burnett Avenue to Cowan Street and Henry Street from Orlando Street to Eugene Street without petition from the property owners. This hearing had been requested by the Community Development Dept. The Clerk certified that all property owners in these areas had received written notice by first class mail of this public hearing.

Community Development Director Ron Hickman presented this matter and in a memorandum to the Mayor and Council, stated that the above streets are to be paved, curbed and guttered with Community Development money in fiscal year 1976-77. As you will recall, Cowan Street is to be paved, curbed and guttered with Community Development funds out of the 1975-76 budget.

The purpose of the public hearing is to determine if the project is to proceed and to hopefully set the rate of assessment. The 1976-1977 Community Development Application approved by HUD contained a maximum \$6.00 per foot assessment. Please recall that Cowan Street assessment was set

by Council at \$4.00 per foot.

I respectfully respect that Council consider the rate of assessment at \$4.00 per foot to be consistent with previous action in the project area.

Mayor Finch then asked if there were proponents and there were none. Mayor Finch then asked for opponents and a Mrs. Mildred Hardee was recognized in opposition. Mr. John Tyndall was recognized in opposition. Mr. I.B. Julian was recognized opposed to the closing of a portion of Ira Street and to the paving. Mr. Ruby Guy was recognized not opposed to paving but stated that she could not pay the assessment. Peggy Brent was recognized and requested Council to pave all of Ira Street rather than close a portion or the extension of Cowan Street would take her house.

Mrs. William Ray of Ira Street was recognized not opposed to the paving but to the assessment. A Mr. Powell Britt was recognized and stated that he had worked with Mr. Charles Fairley several years ago on this proposed project and it had been his understanding that HUD had agreed to do this project at no cost to the property owners. Mayor Finch explained to Mr. Britt that Urban Renewal had now been replaced by Community Development and there was a difference in programs. Eloise Hollingsworth was recognized and stated that she could not pay the assessment although she was in favor of the paving. A Mr. Robert R. Raymes was recognized in favor of the paving program and requested that it begin immediately.

There then followed discussion by the Council as to the possibility of completing this project without cost or assessment to the property owners in view of the fact that Mr. Hickman stated he thought this could be done in this fashion.

Following this discussion, Mr. George offered motion that this public hearing be continued to November 22, 8:00 PM. City Hall Council Chamber. Motion seconded by Mr. Plummer and carried unanimously.

Upon motion by Mr. Plummer, seconded by Mr. Dawkins and carried unanimously, public hearings were set on the following matters for November 22, 1976.

- A. The rezoning from R6 Residential District and R5A Residential District to C1P Shopping Center District or to a more restrictive zoning classification of an area located on Springfield Road on the west side of Murchison Road
- B. The rezoning from R5A Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located at 2310 and 2312 Murchison Road.
- C. Special use permit for a child day care center in an R6 Residential District as provided for in Section 32-24 (3) of the Fayetteville Zoning Ordinance of an area located at 400 Pelt Drive.
- D. Initial zoning under the City of Fayetteville Zoning Ordinance to R10 Residential District the City of Fayetteville Watershed Lands from the current city limits to Ft. Bragg Reservation between Ft. Bragg Blvd. and Murchison Road.
- E. Initial zoning under the City of Fayetteville Ordinance to C1P Shopping Center District or to a more restrictive zoning classification of an area located on the west side of McPherson Church Road adjacent to Best Stores.
- F. The rezoning from R10 Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located at 3400 Village Drive.
- G. The rezoning from R5 Residential District to P2 Professional District or to a more restrictive zoning classification of an area located at 1001, 1005, 1011, 1013, 1015 and 1017 Arsenal Avenue.

Public hearings were also set by the same motion above for the assessing of Jasper and Topeka Streets for paving and also for assessing Mr. Evelyn Durham for sidewalk construction at the corner of Seabrook Road and Jasper Street by the adoption of the following resolutions.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT ON JASPER STREET BETWEEN MURCHISON ROAD AND TOPEKA STREET. RES. NOR. 1976-43.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT ON TOPEKA STREET FROM JASPER STREET EASTWARDLY TO THE NORTHEAST CORNER OF LOT #49. PLAT BOOK 16, PAGE 63. RES. NO. R1976-44.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR THE LAYING OF SIDEWALKS AND OTHER IMPROVEMENT ON JASPER STREET-SEABROOK ROAD FROM THE END OF EXISTING SIDEWALK NORTHWARDLY AND WESTWARDLY ALONG JASPER STREET TO THE WESTERN PROPERTY LINE OF LOT 9, BLK B, PLAT BOOK 22, PAGE 16. RES. NO. R1976-45.

Copies of the foregoing annexation ordinances are on file in the City Clerk's Office in Annexation Ordinance Book 1976 and copies of the foregoing resolutions are on file in the Clerk's Office in Resolution Book R-1976.

PLANNING BOARD MATTERS

Upon motion by Mr. Plummer, seconded by Mr. Dawkins and carried unanimously, conditional approval as recommended by the Planning Board on the extension of a water main to serve property owned by Tiger Construction Company from an existing water main on Legion Road with the applicant assuming the total cost.

Upon motion by Mr. Shields, seconded by Mr. Satisfsky and carried unanimously, conditional approval was given as recommended by the Planning Board to Howard Acres Section III Preliminary and final review located off Morganton Road.

Upon motion by Mr. Shields, seconded by Mr. Satisfsky and carried unanimously conditional approval was given to James Place Historic Site preliminary and final group development review located on Ramsey Street near Moore Street.

PUBLIC WORKS COMMISSION MATTERS

Council recognized Mr. Joe Stowe, Assistant Manager.

Upon motion by Mr. Plummer, seconded by Mr. Dawkins and carried unanimously, approval was given to an application for the extension of a sanitary sewer main to serve Lewis Chapel elementary school and Ann Chestnut Junior High School by the Cumberland County Board of Education located outside the city.

Upon motion by Mr. Plummer, seconded by Mr. Dawkins and carried unanimously, approval was given to an extension of one 6 inch water main and one 1 inch water connection to serve the residence of Tommy Bryant located at 227 West Jenkins Street outside the city.

ON an additional PWC matter, Mr. Stowe requested approval of the bid of Rise American, Inc. in the amount of \$37,908.66 for control equipment at the new PWC electric generation site.

Mr. Satisfsky offered motion for approval of the foregoing bid as recommended by PWC. Motion seconded by Mr. Shields and carried unanimously.

On the next item which was consideration of an ordinance requiring the Building Inspector to correct conditions at 224 West Rowan Street owned by Mrs. Rossie Wiggs, (Mrs. Wiggs was given a 90 day extension at the July 26 meeting) Acting City Manager Thomas stated that due to the lateness of the hour, Mrs. Wiggs who was elderly had to leave the meeting and requested that this matter be continued.

Mr. Dawkins offered motion, seconded by Mrs. Beard that the foregoing matter be continued to the November 8 meeting. Motion carried unanimously.

Council next gave consideration to a request for city participation in Ravenhill Road and Executive Place street construction, sidewalks and drainage. This matter continued from the October 11 meeting due to Mr. Robert E. McNeill, the General Partner, being out of town.

Acting City Manager Thomas introduced this matter and City Engineer Bennett presented the matter for Council. In a letter to the City Manager dated Sept. 23, Mr. McNeill requested participation per city policy in the cost of intersection, extra street widths and sidewalks along Ravenhill Road and Executive Place which are streets to serve the new Middle School off Raeford Road. Mr. McNeill requested participation in 30 inch vertical curb versus 24-inch roll curb as recommended by competent planners.

Mr. McNeill stated further in his letter to Mr. Thomas that as discussed with him, it had become necessary for McNeill to install extra drainage in the Ravenhill Street due to the fact that the city of Fayetteville utilized and overloaded existing drainage installed already in the area of this street to serve this street by installing drainage under Raeford Road to tie into the existing 48 inch line that Fayetteville Mall installed at its expense. The cost of this excess drainage over our original approved design and installation is \$9,464.64.

In a memo to the City Manager, the City Engineer stated that concerning Fayetteville Mall Section II city participation and intersections, extra width, sidewalks and drainage that the estimated requested participation is as follows: (1) Ravenhill Road and Executive Place intersections \$500.00; (2) Executive Place has been constructed at a width of 37 feet between Winding Creek Road and Ravenhill Road. The portion of Ravenhill from Ravenhill Road northwardly through the shopping center is planned for a full three lane width or 41 feet. The extra width cost for both roadways is \$10,600.00; (3) Sidewalks are planned on both sides with one side of sidewalk being constructed in this project at a cost of \$4,300.00.

The above items are standard participation costs in accordance with existing city policies.

The requested participation in drainage construction is estimated at \$9,465.00. This is for drainage line along Ravenhill Road and the developer's reason for requesting this participation is stated in his letter. The total cost of city participation is \$24,865.00. City Engineer Bennett recommended approval of Mr. McNeill's request.

Following considerable discussion, Mrs. Beard offered motion to follow the foregoing recommendation of the City Manager and City Engineer and participate to the extent requested by the developer in the cost. Motion seconded by Mr. Satisfsky and carried by the following vote: FOR: Mr. Satisfsky, Mr. Shields, Mr. Dawkins and Mrs. Beard; AGAINST: Mr. George and Mr. Plummer

Council next gave consideration to a request by Mr. Jack Thompson for his client, Herring Inc., regarding partial payment for construction completed on Dick-Franklin Street improvements. Assistant City Manager Thomas presented this matter and in a memorandum to the Mayor and Members of the Council stated that: (1) Status of Dick-Franklin Street improvements: (a) Contract awarded June 28, 1976, time limit 150 days with \$50 per calendar day for liquidating damages for time over run. Project completion date December 9, 1976.

(b) On September 13, 1976 City Council approved request of Herring, INC. to proceed with contract despite a late start; (c) To date, 60% of the construction time has elapsed; (d) the estimated percentage of work completed to date is 20%.

(2) Mr. Herring requested that he receive a partial payment for work completed to date. This request was denied by the Interim City Manager for the following reasons: (a) Although 60% of the total construction time has elapsed, only 20% of the work on Dick-Franklin Street has been completed; (b) Herring, Inc. is currently 40 days beyond the specified completion date on Turnpike Road. (\$40 per liquidating damages.)

(3) Mr. Jack Thompson, representing Herring Inc., will appear before Council requesting that a partial payment for work completed on Dick-Franklin Streets be approved for payment to Herring, Inc.

Attorney Jack Thompson was recognized for his client, Herring, INC., and stated that Mr. Herring was not asking for an advance from the city on his contracts but for payment for work already completed for the Dick-Franklin Street improvements.

There was considerable discussion of this matter and following this discussion, during which time the City Engineer verified from his records that a certain amount of work had been completed, Mr. Plummer offered motion that a payment in the amount of \$15,000.00 be made to Herring, Inc. Motion seconded by Mr. Dawkins.

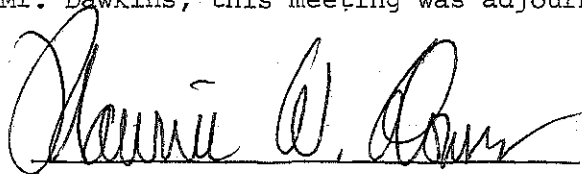
Following brief discussion, Mr. George offered substitute motion that a payment of \$12,000.00 be made to Herring, Inc. Motion seconded by Mr. Shields and carried by the following vote: FOR: Mr. Shields, Mr. George, Mr. Plummer and Mr. Dawkins; AGAINST: Mr. Satisfsky and Mrs. Beard.

Following some further discussion of this same matter, Mr. George offered motion that Herring, Inc. be made a payment of \$9,000.00 for the work completed on Turnpike Road project. Motion seconded by Mr. Shields.

Mr. Plummer then offered substitute motion that Herring, Inc. be paid \$10,000.00 on the Turnpike Road project. The motion received no second.

Mayor Finch then called for vote on the original motion and it carried as follows: FOR: Mr. Shields, Mr. George, Mr. Plummer and Mr. Dawkins; AGAINST: Mr. Satisfsky and Mrs. Beard.

Thereafter, upon motion by Mr. Plummer, seconded by Mr. Dawkins, this meeting was adjourned at 12:00 midnight.



Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
NOVEMBER 8, 1976
8:00 P.M.

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Marion George, Vincent Shields, Steve Satsky

Council Member Absent: Gene Plummer

Others Present: Mr. William Thomas, City Manager
Mr. Billy Clark, City Attorney
Mr. Ray Muench, PWC

Mayor Beth Finch called the meeting to order and the Rev. John Hedgepeth, Northwood Temple Pentecostal Holiness Church, offered the invocation. Mayor Finch then led the assembly in the Pledge of the Allegiance to the Flag.

Mayor Finch recognized the following Fayetteville Youth Council Representatives Robbie McNeill, Sammy Crumpler and Michelle Holanek.

Upon motion by Mr. Satsky, seconded by Mr. Shields and carried unanimously, Minutes of the Regular Meeting of October 25, 1976 were approved as submitted by the Clerk.

Mayor Finch then suggested to Council that it should confirm the appointment of Mr. William G. Thomas, III as City Manager. Mr. Dawkins then offered motion, seconded by Mr. Shields that Mr. William G. Thomas, III, presently the interim City Manager, be and the same is hereby appointed City Manager of the City of Fayetteville effective immediately. Motion carried unanimously.

A public hearing had been published for this date and hour on the proposed annexation of property located on RaeFord Road between Owen Drive and Montclair east of Buckhead Creek (between Owen Drive expressway and Buckhead Creek) The Annexation Technical Review Committee recommended approval.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE PROPERTY LOCATED ON RAEFORD ROAD BETWEEN OWEN DRIVE AND MONTCLAIR EAST OF BUCKHEAD CREEK. (GS160A-24). ANNEX. #181.

There being no opposition present, Mrs. Beard introduced the foregoing ordinance and moved its adoption, seconded by Mr. Shields and carried unanimously. A copy of the foregoing ordinance is on file in the Clerk's Office in Annexation Ordinance Book 1976.

Council next gave consideration to the setting of public hearings, however prior to this and in view of the fact that Christmas Day falls on Saturday this year, Mr. Dawkins offered motion that the Regular Meeting of the Council on December 27, 1976 be and the same is hereby cancelled. Motion seconded by Mr. Shields and carried unanimously.

Returning to the public hearings to be set, Mr. Satsky offered motion, seconded by Mr. George and carried unanimously, that a public hearing be set on a proposed City of Fayetteville Zoning Ordinance Amendment defining and regulating yard sales for January 24, 1977.

Mr. Satsky further moved, seconded by Mr. George and carried unanimously that public hearings be set for November 22, 1976 on the following items:

- A. Annexation of the Thompson-Beasley property located on U.S. 401 Bypass (Pamalee Drive)
- B. Annexation of the I.B. Julian property located on Cumberland Road.
- C. Annexation of Howard Acres, Section 3, near Huntington Park.
- D. Annexation of Accent Homes property abutting Huntington Park Subdivision.
- E. Annexation of the McLean property located on Ramsey Street.

Upon further motion by Mr. Satsky, seconded by Mr. George and carried unanimously, public hearings were set for December 13, 1976 on the following matters:

- A. Annexation of the Green Lantern Restaurant area located on U.S. 301 South.
- B. Annexation of the Morganton Road - 401 Bypass area.

PUBLIC WORKS COMMISSION MATTERS

Council next gave consideration of a report on the Public Works Commission decision to decline at this time the invitation to participate in the proposed Municipal Power Agency Number 3. Council recognized PWC Manager Muench who informed the Council that the PWC plans to meet with Mr. Marshall Lancaster, Executive Director of Electric-Cities of N.C. on Thursday, November 11, at 2:30 P.M. in the PWC building and the City Council Members are invited to be present. Mayor Finch thanked Mr. Muench for the invitation and encouraged all council members to be present at this meeting and Council took no action on this matter.

Council next gave reconsideration to a proposed ordinance requiring the building inspector to correct conditions at 224 West Rowan Street owned by Mrs. Rossie Wiggs.

The structure at this location is one considered substandard by the building inspector and Mrs. Wiggs was given a 90 day extension at the July 26, 1976 meeting to correct sub conditions.

City Manager Thomas stated that Mr. Anthony L. Maccy, Chief Housing Inspector, had reinspected this structure on Sept. 30, 1976 and that thenecessary corrections had not been made. This matter was continued from the October 25, 1976 meeting.

Council recognized Mr. Joe McLeod, representing Mrs. Wiggs, who stated that repairs had been made to the structure in the nature of painting, wiring and rewiring and building repairs. Mr. McLeod stated that the downstairs apartment was in his opinion in compliance with the city ordinance, however the upstairs apartments were not to be rented and the stairway leading to these apartments is to be sealed off so as to make access impossible.

Mr. Al Albritton, City Building Inspector, was recognized and stated that the structure does not now meet housing standards and the national electric code and in his opinion only minimum repairs have been made and the doorway to the upstairs apartments is open.

Mr. McLeod was asked by the Council if this doorway would be sealed and he stated that it would.

Following brief discussion, Mr. Dawkins offered motion that we allow Mrs. Wiggs to rent that apartment we are speaking of and to seal off that stairway door to the best of her ability and to the satisfaction of the builing inspector and to go ahead and be allowed to rent her property. Motion seconded by Mr. Shields and carried unanimously.

Council next gave consideration to a request by Mr. Quincy Scarborough representing Eastern Carolina Craftsmen to fly a banner on the Market House on November 26, 27, and 28, 1976. City Manager Thomas reported this was an oral request received from Mr. Scarborough and that he wishes to fly a cloth banner on the west side of the Market House from the railing.

Following brief discussion, Mrs. Beard offered motion for approval of the request with the stipulation that the banner be removed on November 29, 1976. The motion received no second and Council took no further action on this matter.

Council next gave consideration to an amendment to the 1975-1976 Community Development program. Council recognized Ron Hickman, Director of the Community Development Dept., who presented information indicating each project suggested by the public for the amendment to the program. The majority of the requests Mr. Hickman stated, were for two projects: Continuation and expansion of the Urban Renewal Program in Southeast Fayetteville and Revitalization of Downtown Fayetteville. HUD had advised Mr. Hickman in a letter in September that the proposal for downtown Fayetteville revitalization did not appear to meet eligibility criteria. Mr. Hickman stated the projects that could possibly be eligible were (1) continuation of southeast Fayetteville urban renewal, (2) paving Humphrey and Italy streets, (3) neighborhood recreation facilities and (4) historic preservation. Mr. Hickman requested that Council consider expending the \$260,000.00 to continue the urban renewal efforts in southeast Fayetteville. The area in southeast Fayetteville, Mr. Hickman proposed was in the vicinity of the PWC electric substation site at the corner of Buxton Blvd. on southeastern blvd. as shown on the map which he presented.

Some discussion followed with the suggestion that Council consider the paving of Humphrey and Italy streets along with urban renewal efforts in southeast Fayetteville and following such discussion, Mr. George offered motion that \$70,000.00 be appropriated of the 1975-1976 Community Development Program Amendment to pave Humphrey and Italy streets and that the remaining \$190,000.00 be used to continue the southeast Fayetteville urban renewal program. Motion seconded by Mrs. Beard and carrried unanimously.

Mr. Satsky suggested and it was agreed that Mr. Hickman be requested to study a long range use plan for the southeast Fayetteville area and return to City Council with a recommendation.

Mrs. Beard suggested further that Mr. Hickman be requested to inform the Council of the housing site for the elderly matter and Mr. Hickman so acknowledged.

Council next gave consideration to four liens against real property for the cost of demolition of substandard structures formerly located thereon. The ordinance titles in connection with the above are as follows:

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$323.00 AGAINST PROPERTY LOCATED AT 2013 MURCHISON ROAD (REAR) OWNED BY MR. ROY WILLIAMS AND WIFE RACHEL WILLIAMS. ORD. NO. NS-1976-131.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$376.50 AGAINST PROPERTY LOCATED AT 2013 MURCHISON ROAD (DUPLEX) OWNED BY MR. ROY WILLIAMS AND WIFE RACHEL. ORD. NO. NS-1976-132.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$413.00 AGAINST PROPERTY LOCATED AT 2013 MURCHISON ROAD (50'Clock Inn) OWNED BY MR. ROY WILLIAMS AND WIFE RACHEL. ORD. NO. NS-1976-133.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$250.00 AGAINST PROPERTY LOCATED AT 200½ PENNSYLVANIA AVENUE OWNED BY MR. JAMES MCNEIL. ORD. NO. NS-1976-134.

Mr. Satsky introduced the foregoing ordinances and moved their adoption at 9:00 P.M. Motion seconded by Mrs. Beard and carried unanimously. Copies of the foregoing ordinances are on file in the Clerk's Office in Ord. Book NS-1976.

Council next gave consideration to the award of several bids and City Manager Thomas stated that bids were open on Friday, October 15, for lighting installation for the South King Street ballfield. Mr. Thomas recommended that the contract be awarded to the low bidder, King Electric of Fayetteville for their bid of \$13,500.00.

Mr. Dawkins moved for the approval of the King Electric bid in the amount of \$13,500.00 as recommended by the City Manager. Motion seconded by Mr. Satsky and carried unanimously.

On a second bid matter, City Manager Thomas informed Council that bids were open on Thursday, October 7 for breathing apparatus for the fire department and the low bidder Zimmerman-Evans, Inc. in the amount of \$4,763.20 was recommended.

Mr. Satsky moved for approval of the Zimmerman-Evans bid as recommended by the City Manager. Motion seconded by Mr. Shields and carried unanimously.

Council next gave consideration to the approval of taxi driver permits. City Manager Thomas presented this matter.

Upon motion by Mr. Satsky, seconded by Mr. Shields and carried unanimously, taxi driver permits were approved for the following named as recommended by the Taxi Cab Inspector, Chief of Police and City Manager.

WENDELL M. DOVE, ALFRED L. ROYAL, LARRY D. JONES, GABRIEL R. APOLLO, ROGER DALE WHITENER, ELLIS ALEXANDER BRANCH, CLEMMON BOWDEN AND HOWARD BURNETTE.

Council next gave consideration to a recommendation that an official request be made from the Council to the Bragg Blvd. Drive-In Theater to make drainage improvements where their storm water discharges onto Drayton Road. The City Manager presented this matter and stated that in a memo from City Engineer Bennett, Mr. Bennett stated some years ago the blvd. drive-in theater developed a drainage system with a discharge location at the south side of Drayton Drive near Orchard Drive intersection. During heavy rains, large amounts of water is discharged from under the blvd. theater fence onto Drayton Road. In addition to the water flooding the street, debris such as drinking cups and paper float out from the theater's property onto the street and occasionally debris is deposited on one or two private properties near where the water is discharged on Drayton Road.

Mr. Bennett suggest that the Council make an official request for the Blvd. Drive-in Theater owners to construct an underground drainage line (48 feet long) from the northwest corner of their property to an existing underground drainage line in Drayton Road to prevent the discharge of surface drainage onto Drayton Road. The City Manager recommended that the official request be made of the blvd. drive-in theater as outlined in Mr. Bennett's memorandum and that city administration would return within 30 days with a recommendation if no action is taken by the theater.

Following brief discussion, Mrs. Beard offered motion to follow the foregoing recommendation of the City Manager. Motion seconded by Mr. Satsky and carried unanimously.

Council next gave consideration to the approval of the construction plan for the new city fire station on Cliffdale Road. Council recognized Architect Dan MacMillan who presented this matter and stated that plans and specifications were ready to go out to bid on the construction of this fire station. Mr. MacMillan stated that the construction plan for this new fire station was the same as Fire Station #3 recently completed on Rosehill Road with some improvements such as placing the heating plant on the roof of the building. Mr. MacMillan stated the low bid for fire station #3 was \$166,112.00 with a total cost of \$180,000.00 with architect fees. Mr. MacMillan requested authorization to advertise for bids on December 7 and make a report to Council at the December 13 meeting.

Following brief discussion, Mrs. Beard offered motion to approve the proposed construction plans for the new fire station on Cliffdale Road and authorize the advertisement of bids and that a report be made to the Council on December 13 as requested by Mr. MacMillan. Motion seconded by Mr. Shields and carried unanimously.

Council next gave consideration to the acquisition of the First Presbyterian Church property adjoining Cross Creek. The City Attorney presented this matter and stated the tract was bounded by the city parking lot on Bow Street on the south side by Cross Creek on the north side by the Yost Dillehay property on the east side and Anderson Street on the west side. The cost for the entire tract would be \$135,000.00.

Following brief discussion, Mr. Dawkins offered motion for approval of the acquisition of the First Presbyterian Church property foregoing as recommended by the City Attorney. Motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to a resolution of condemnation of properties for the Bow Street and Maiden Lane Extension.

The City Attorney presented this matter and stated these were the Yost-Dillehay properties

and the J.A. Burgess property.

RESOLUTION AUTHORIZING CONDEMNATION OF PARCELS FOR THE BOW STREET-MAIDEN LANE EXTENSION. RES. NO. R-1976-46.

Mr. Dawkins introduced the foregoing resolution and moved its adoption as recommended by the City Attorney. Motion seconded by Mr. Satsky and carried unanimously. A copy of the foregoing resolution is on file in the City Clerk's Office in Res. Book R-1976.

Council next gave consideration of the approval for the administration to negotiate for rights-of-way and drainage easements in connection with the two projects to be applied for under the Public Works Capital Development and Assistance Act of 1976. The City Manager presented this matter and in a memo to the Council stated that on October 11, 1976, the Council approved the submission of two projects under the local public works capital development and investment act of 1976(A) Neighborhood project: (1) East Collier Drive Area, (2) Massey Hill area; (B) Thoroughfare Project: (1) Rosehill Road, (2) Camden Road, (3) Cain Road.

The requirement to start work on approved projects within 90 days after approval indicates that the city must be prepared to start work on or about March 1, 1977 should either or both projects be approved and the city needs to start now in acquiring the necessary rights-of-way and easements to meet the March deadline.

It is recommended that the administration be permitted to commence negotiations for the acquisition of rights-of-way and easements required for our local PWC projects.

Special Note: Even if our projects are not approved for federal funding the money spent in acquiring rights-of-way and easements should not be considered as lost as we need the rights-of-way and easements in the area of the projects for future street and drainage construction and improvements.

Following brief discussion, Mr. Satsky moved for approval of the foregoing as recommended by the City Manager. Motion seconded by Mr. Dawkins.

Following some further discussion, Mr. George offered an amendment to the motion to approve the foregoing but to exclude Cain Road from the project. Motion seconded by Mr. Shields.

Mr. Dan Stout of Eutaw Shopping Center was recognized and stated that Cain Road is a hazard and suggested that postponement or exclusion of Cain Road is not the answer and recommended Council approval.

Mrs. Nancy Bruns, a Cain Road resident, was recognized in opposition to the Cain Road work and cited the relatively few vehicular accidents.

Mr. Jack Lee, a private citizen and former Mayor, was recognized and requested that Cain Road be improved.

Mr. Marvin Dickson, A Cain Road property owner, was recognized and requested the approval of Cain Road.

Mayor Finch then called for vote on the motion as amended for approval as recommended by the City Manager but excluding Cain Road and the motion carried unanimously.

The next item was consideration of condemnation of properties for the Cain Road right-of-way. However, Mayor Finch ruled in view of Council's foregoing action in excluding Cain Road from the PWC capital development and assistance act of 1976, no action would be taken on this matter.

Council next gave consideration to a petition requesting the extension of Pinecrest Drive to Raeford Road. The City Manager presented this matter and stated that a 43 signature petition had been received from the residents of McBain Drive and McPhee Drive, requesting that the city extend Pinecrest Drive eastwardly from Pinecrest-McBain Drive intersection to Raeford Road to intersect Raeford Road and Lake Shore Drive for the following reasons: (1) McBain Drive was originally designed and developed to serve as a residential subdivision, (2) other development in the area has caused McBain Drive to become a heavily travelled arterial. The heavy traffic along McBain causes congestion and is sometimes hazardous to the neighborhood. It is quite impossible during normal working hours to either get in or out of your driveway without a risk of an accident. (3) The residents believe the extension would return McBain Drive to a neighborhood street and the proposed extension would not be detrimental to any other neighborhood because there are now no houses abutting the proposed extension.

The City Engineer stated the proposed extension would be about 1150 feet in length and the construction cost estimated at \$120,000.00. This construction was first proposed by the adopted Fayetteville Urban Area Thoroughfare Plan. The project has merit, he stated, and should be considered as stated in the petition by residents from Highland Village area this connection would greatly reduce thorough traffic along McBain Drive and McPhee Drive.

The City Manager stated that the street construction budget for fiscal 76-77 indicates a total appropriation for street and drainage projects of \$1,439,413.00. Of this amount \$647,575.00 has been budgeted. This leaves a balance of \$811,838.00 for the following needed projects: (a) street construction and paving, (b) drainage, (c) railroad crossing signals.

The total estimated cost of the needed projects listed in the budget is \$3,098,000.00 which is more than three times greater than the funds available.

We are in the process of developing a recommended priority list of street construction projects for City Council consideration. Pinecrest Drive extension can be considered at that time if the City Council so desires. Construction of the extension in fiscal year 76-77 would depend upon the priority established by the City Council and the funds available.

It is recommended that the City Council take no action at this time and refer the matter for consideration when they meet to establish street project priorities.

Following brief discussion, Mr. Satsky offered motion to follow the foregoing recommendation of the City Manager. Motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a resolution applying through LEAA for fifteen additional radios for the Police Dept. The City Manager presented this matter and recommended approval.

RESOLUTION OF THE CITY COUNCIL APPLYING THROUGH LEAA FOR OPERATION COMMUNICATION (15 ADDITIONAL RADIOS FOR THE POLICE DEPT.) FOR A SUBGRANT IN THE AMOUNT OF \$17,550.00 WITH THE CITY PROVIDING A LOCAL CASH MATCHING CONTRIBUTION IN THE AMOUNT OF \$975.00. RES. NO. R-1976-47.

Mr. Satsky introduced the foregoing resolution and moved its adoption, seconded by Mr. George and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book R-1976.

Council next gave consideration to a proposed ordinance amending Chapter 3 "Advertising" of the Fayetteville City Code. The City Attorney presented this matter and stated that the ordinance dealt with signs not to constitute traffic hazards and stated that the ordinance amended the present ordinance by adding the wording "any illuminated sign shall be lighted only with non-flashing and motionless illumination but excluding time and temperature devices.

Following considerable discussion, Mr. George offered motion to take no action. Motion seconded by Mrs. Beard and carried by the following vote: FOR: Mr. Shields, Mr. George and Mrs. Beard; AGAINST: Mr. Satsky and Mr. Dawkins.

Council next gave consideration to three appointments to the Advisory Recreation and Parks Commission. Mr. Dawkins nominated Rev. Robert W. (Sandy) Saunders for a new appointment. Mr. George nominated Mr. William H. Cheshire and Mr. William T. Brown for reappointment.

Mr. Satsky then offered motion that nominations be closed and that the foregoing be appointed and reappointed by acclamation vote for three years term of office to expire in October 1979. Motion seconded by Mr. Shields and carried unanimously.

No delegations responded to the invitation by Mayor Finch for recognition.

CITY MANAGER REPORTS

The City Manager stated that the dump truck in the Cemetery Dept. (1967 international 22,000 GVW) has completely broken down and is uneconomical to repair. In the fiscal year 76-77 budget, \$3,025.00 was appropriated for the purchase of a replacement state surplus vehicle. Unfortunately, the state has tightened up on the release of vehicles to the surplus pool and as a result no dump trucks are available or expected to be available in any reasonable amount of time.

It is estimated that a new replacement dump truck would cost approximately \$7,500.00. This cost is for the chassis only as the old body can be utilized on the new chassis.

Because of the daily need for a dump truck in the Cemetery Dept., it is recommended that authorization be approved for the transfer of \$4,500.00 from the Council's contingency fund to the Cemetery Dept. to provide sufficient funds for the purchase of a new truck chassis.

Following brief discussion, Mr. Satsky moved for approval of the foregoing as recommended by the City Manager. Motion seconded by Mr. Dawkins and carried unanimously.

The City Manager reported to Council the resignation from the Police Dept. of Patrolman James R. Lively effective October 27, 1976. Council noted the resignation.

The City Manager reported that he had received a letter from the pace setter CB club requesting authorization to hold the annual Christmas parade on Sunday, December 12, 1976 at 3:00 P.M. THE parade would have 75 units consisting of bands, floats and other marching units and Santa Claus.

Mr. Satsky moved for approval of the foregoing request and that authorization be granted to hold the Christmas parade as requested. Motion seconded by Mrs. Beard and carried unanimously.

MATTERS OF INTEREST TO THE COUNCIL

Mr. Satsky informed Council that it was his understanding that the Board of Cumberland County Commissioners had made a recommendation on the downtown revitalization commission but that the recommendation was not as City Council had acted upon the structure of the commission but City Council needs to start action and suggested the appointment of the City Manager, City Attorney and a City Council member to meet with County Commission representatives to initiate action on this commission.

There was some brief discussion on this matter and Mayor Finch suggested that each Council Member talk to the County Commission members about the matter and encourage them to follow City Council action.

Mr. George suggested that Council consider reconsidering its action on the structure of the commission. Mr. Dawkins suggested that since new members of the county commissioners were coming on to the board that they be approached concerning the matter.

Mr. Satisfsky suggested a discussion of the proposed ordinance on alcoholic beverages which was included in the agenda packet for information at the October 25 meeting. Mr. Satisfsky suggested a change in the title of the ordinance from Consumption of Beer, Wine, Ale or other alcoholic beverages to Consumption of Intoxicating Liquors.

Some discussion followed and Councilman George suggested a change in paragraph (b) to add the words "unless such beverages can be lawfully consumed on the premises."

Following some further discussion, Mr. George suggested this matter as an agenda item for the next meeting.

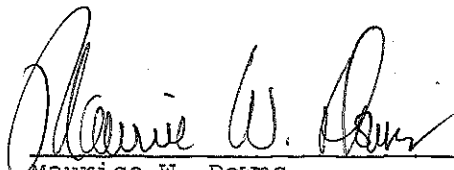
Following some further discussion, Mr. Satisfsky offered motion for the adoption of the ordinance changing the title from Consumption of Beer, Wine, Ale or other alcoholic beverages to Consumption of Intoxicating Liquors and adding as a last sentence to paragraph (b) and following the word premises, unless such beverages can be lawfully consumed on the premises. Motion seconded by Mr. Shields and carried unanimously.

AN ORDINANCE AMENDING CHAPTER 5 RELATING TO ALCOHOLIC BEVERAGES. ORD. NO. S-1976-19.

A copy of the foregoing ordinance is on file in the City Clerk's Office in Ordinance Book S-1976.

Mayor Finch then thanked the Police Officer present in the Council Chamber this evening and to Chief Dixon of the Fayetteville Police Dept. for providing the officers for the meetings.

Thereafter, all matters of business having been completed, this meeting was adjourned at 10:15 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
NOVEMBER 22, 1976
8:00 P.M.

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Marion George, Steve Satisfsky, Gene Plummer.

Council Member Absent: Vincent Shields

Others Present: Mr. William Thomas, City Manager
Mr. Billy Clark, City Attorney
Mr. Ray Muench, PWC

Mayor Beth Finch called the meeting to order and the invocation was offered by Chaplain (Maj.) Jerry L. Martin, Brigade Chaplain, First Brigade, 82nd. Airborne Division, Ft. Bragg. Mayor Finch then led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch then recognized the following Fayetteville Youth Council Representatives, present in the audience to observe council proceedings. Lanell Hill, Patricia McMillan, and Lynn Miller.

Upon motion by Mr. George, seconded by Mr. Satisfsky, and carried unanimously the November 8th Regular Meeting Minutes were approved with the following corrections: regarding the Public Works Capital Development and Assistance Act of 1976, Mrs. Nancy Brunson is a Cain Road property owner, rather than a Cain Road resident. A correction of the spelling of the last name of Mr. Marvin Dickinson, rather than Dickson.

Mayor Finch introduced the new assistant to the City Clerk. Maurice Downs, Ms. Pat Thomason, sitting in for Mr. Downs, who is ill, and replacing Mrs. Charlene Edge who has resigned from her employment with the City effective November 30, 1976, for maternity reasons.

A public hearing had been published for this date and hour on a propose annexation of the McLean Property located on Ramsey Street. The Annexation Technical Review Committee recommended approval.

Attorney Stacey Weaver was recognized for the petitioner. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL ANNEXING TO THE CITY, THE MCLEAN PROPERTY LOCATED ON RAMSEY STREET (GS160A-31) ANNEX. #182.

Mr. Satisfsky introduced the foregoing ordinance and moved its adoption, seconded by Mr. George and carried unanimously.

A public hearing had been published for this date and hour on the proposed annexation of the Thompson - Beasley property located on U.S. 401 By-Pass (Pamalee Drive). The Annexation Technical Review Committee recommended approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL ANNEXING TO THE CITY THE THOMPSON - BEASLEY PROPERTY LOCATED ON U.S. 401 BY-PASS (PAMALEE DRIVE) (GS160A-31) ORDINANCE # 183.

Mr. Satisfsky introduced the foregoing ordinance and moved its adoption, seconded by Mr. George and carried unanimously.

A public hearing had been published for this date and hour on the annexation of the I.B. Julian property located on Cumberland Road. The Annexation Technical Review Committee recommended approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL ANNEXING TO THE CITY, THE I.B. JULIAN PROPERTY, LOCATED ON CUMBERLAND ROAD. (GS160A-31). ANNEX. #184.

Mr. Plummer introduced the foregoing ordinance and moved its adoption. Seconded by Mr. Satisfsky, and carried unanimously.

A public hearing had been published for this date and hour on the proposed annexation of Howard Acres, Section 3, near Huntington Park. The Annexation Technical Review Committee recommended approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL ANNEXING TO THE CITY, HOWARD ACRES, SECTION 3, NEAR HUNTINGTON PARK. (GS160A-31). ANNEX. # 185.

Mr. Dawkins 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 proposed annexation of Accent Homes Property, abutting Huntington Park Subdivision. The Annexation Technical Review Committee recommended approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL ANNEXING TO THE CITY THE ACCENT HOMES PROPERTY ABUTTING HUNTINGTON PARK SUBDIVISION. (GS160A-31) ANNEX #186.

Mr. George introduced the foregoing ordinance and moved its adoption, seconded by Mr. Satisfsky, and carried unanimously.

Copies of all of the foregoing ordinances are on file in the City Clerk's office in Annexation Ordinance Book 1976.

Council next gave reconsideration to a resolution on paving curbs and gutters on Camden Road from Orlando Street to Cumberland Mills Road, Orlando Street from Camden Road to Burnette Avenue, Ira Street from Burnette Avenue to Cumberland Road, and Henry Street from Orlando Street to Eugene Street without petition from the property owners. (This matter was presented by the Community Development Department and this public hearing was continued from the October 25, 1976 meeting.) Community Development Department Director, Ron Hickman was recognized and presented the matter. Mr. Hickman reminded Council that they had approved the paving of Cowan Street about a year ago at the assessed of \$4.00 per foot but paving could be accomplished of the foregoing streets with Community Development funds and with no assessment to the property owner.

Reverend James Hester of Carol Memorial Baptist Church was recognized in favor of this project, but requested the consideration be given to Eugene Street and that Council affect this proposed paving without assessment to the property owners.

Mr. Gerald Britt, Mildred Hardy of 1907 Burnette Avenue, Mrs. William Ray, and Mrs. Ruth Guy were all recognized and requested paving of the foregoing streets without assessment to the property owners.

Following some discussion, Mrs. Beard offered the motion that the City pave Camden Road, Orlando Street, Ira Street, and Henry Street as outlined above with no assessments to the property owners by the adoption of the resolution. Motion seconded by Mr. Satisfsky.

Discussion followed during which time City Engineer, Bennett suggested to the Council that Eugene Street be retained as a utility easement and informed Council that the cost to pave would be \$40,000.00. Mayor Finch then called for a vote on the motion and it carried unanimously.

The resolution title appears below.

FINAL RESOLUTION REQUIRING THE PAVING WITHOUT A PETITION OF CAMDEN ROAD, ORLANDO STREET, IRA STREET, AND HENRY STREET. RES. NO. R-1976-48.

A copy of the foregoing resolution is on file in the City Clerk's office in the Resolutions Book R-1976.

Mr. Hickman then suggested to Council no assessments on Cowan Street, also as approved earlier by City Council for paving. In response to the question, Mr. Hickman stated that a public hearing would have to be held on this matter by City Council, since it would be considered an amendment to the Community Development Act and Council tentatively decided to reconsider this matter at a later date.

A public hearing had been published for this date and hour on the rezoning from R-6 residential district and R-5A residential district to C-1P shopping center district or to a more restricted zoning classification, an area located on Springfield Road on the West side of Murchison Road. The planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS:
REZONE FROM R-6 RESIDENTIAL DISTRICT AND R5-A RESIDENTIAL DISTRICT TO C-1P SHOPPING CENTER DISTRICT AN AREA LOCATED ON SPRINGFIELD ROAD ON THE WEST SIDE OF MURCHISON ROAD.
ORDINANCE # NS1976-135.

Mr. Satisfsky introduced the foregoing ordinance and moved its adoption, seconded by Mr. Dawkins and carried unanimously.

A public hearing had been published for this date and hour on the rezoning from R-5A Residential district to C1 Local Business District or to a more restrictive zoning classification an area located at 2310 and 2312 Murchison Road. Planning Board recommended denial of C1 Local Business District and approval to P2 Professional District.

Mr. James Ratchford and Elizabeth Henderson petitioners were recognized and requested C1 Zoning. There was no opposition present.

Following a brief discussion Mr. George offered the motion for the adoption of an ordinance rezoning the above property from R5A Residential District to C1 Local Business District, motion seconded by Mrs. Beard. Mayor Finch called for a vote on the motion and it carried as follows: For: Council Members Shields, George, and Beard. Against: Councilmembers Plummer and Dawkins.

Mayor Finch declared the motion carried and the ordinance adopted on first reading and stated the second reading would be held at the meeting of December 13, 1976.

A public hearing had been published for this date and hour on the consideration of a special use permit for a child day care center in an R-6 Residential District as provided for in Section 32-24 (3) of the Fayetteville Zoning Ordinance in area located at 400 Pelt Drive. Planning Board recommended approval.

Mr. Larry Williams was recognized in favor in the granting of this special use permit. There was no opposition present.

Following a brief discussion Mr. George offered the motion for approval of the foregoing special use permit, motion seconded by Mr. Satisfsky and carried unanimously.

A public had been published for this date and hour on consideration of the initial zoning under the Fayetteville Zoning Ordinance to R-10 Residential District of the City of Fayetteville's Water Shed lands from the current City Limits to the Ft. Bragg Military Reservation between Bragg Blvd. and Murchison Road. The Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL INITIALLY ZONING TO R-10 RESIDENTIAL DISTRICT THE CITY OFFAYETTEVILLE'S WATER SHED LAND FROM THE CURRENT CITY LIMITS TO THE FT. BRAGG MILITARY RESERVATION BETWEEN BRAGG BLVD. AND MURCHISON ROAD. ORDINANCE # NS1976-136.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Satisfsky, and carried unanimously.

A public had been published for this date and hour on the initial zoning to C1P Shopping Center District or to a more restrictive zoning classification of an area located on the West side of McPherson Church Road adjacent to Best Stores. The Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL ZONING INITIALLY TO C1P SHOPPING CENTER DISTRICT AN AREA LOCATED ON THE WEST SIDE OF MCPHERSON CHURCH ROAD ADJACENT TO BEST STORES. ORDINANCE#NS1976-137.

Mr. Satisfsky introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Beard, and carried unanimously.

A public hearing had been published for this date and hour on the rezoning from R10 Residential District to C1 Local Business District or to a more restrictive rezoning classification of an area 3400 Village Drive. The planning Board recommended denial.

Mr. Curtis Jackson 3400 Village Drive, the petitioner was recognized and requested rezoning due to increasing commercial activities encroachment. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS:
REZONE FROM R10 RESIDENTIAL DISTRICT TO P1 PROFESSIONAL DISTRICT AN AREA LOCATED AT 3400 VILLAGE DRIVE. ORDINANCE # NS 1976-138.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Beard and carried unanimously.

A public hearing had been set for this date and hour on the rezoning from R5 Residential District to P2 Professional District or to a more restrictive rezoning classification of an area located at 1001, 1005, 1011, 1013, 1015, and 1017 Arsenal Avenue. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS:
REZONE FROM R5 RESIDENTIAL DISTRICT TO P2 PROFESSIONAL DISTRICT AN AREA LOCATED AT 1001, 1005, 1011, 1013, 1015 AND 1017 ARSENAL AVENUE. ORDINANCE # NS1976-139.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Beard, and carried unanimously.

Copies of the foregoing zoning amendment ordinances are on file in the office of the City Clerk in Ordinance Book NS1976.

A public hearing had been published for this date and hour on consideration of the levying of assessments to the paving of Jasper Street and Topeka Street and for assessing Mrs. Evelyn Durham for sidewalk construction at the corner of Seabrook Road and Jasper Street.

The City Manager recommended that the foregoing matters be continued to the December 13, 1976 meeting or later because although proper notices had been advertised and mailed to each property owner on the assessment rolls due to an administrative error, five property owners on the south side of Topeka Street were not mailed notices of this public hearing.

There being no objection, Mr. Satisfsky offered the motion for continuance of the public hearings on the foregoing assessment matters to December 13, 1976 as recommended by the City Manager. Motion seconded by Mr. George and carried unanimously.

Upon motion by Mr. Plummer, seconded by Mr. Satisfsky, and carried unanimously, a public hearing was set for December 13, 1976 on the Community Development Amendment Application.

Upon motion by Mr. Plummer, seconded by Mr. Satisfsky, and carried unanimously, public hearings were set for January 24, 1977 on the following items:

- A. Consideration of a rezoning from P2 Professional District and C2P Central Business District to C3 Heavy Commercial District or to a more restrictive zoning classification, and area located at 336 Ray Avenue. Planning Board recommends approval.
- B. Consideration of the initial zoning of the City of Fayetteville zoning ordinance to C1 Local Business or to a more restrictive zoning classification an area located at the southwest corner of the intersection of Camden Road and Cumberland Mills Road. Planning Board recommends approval.
- C. Consideration of the rezoning from R5 Residential District to P2 Professional District or to a more restrictive zoning classification an area located at 912 Hay Street. Planning Board recommends approval.
- D. Consideration of the rezoning from R6 Residential District to P2 Professional District or to a more restrictive zoning classification an area located at 1332 Ramsey Street. Planning Board recommends approval.
- E. Consideration of the initial zoning under the City of Fayetteville zoning ordinance to R10

Residential District, C3 Heavy Commercial District and M2 Industrial District an area located on Owen Drive and Enterprise Avenue adjacent to the Seaboard Coastline Railroad. Planning Board recommends approval.

- F. Consideration of the initial zoning under the City of Fayetteville zoning ordinance to R10 Residential District an area located between Morganton Road and Sycamore Dairy Road and known as Section 2, Part 2 of the Huntington Park Subdivision. Planning Board recommends approval.
- G. Consideration of the initial zoning under the City of Fayetteville zoning ordinance to R10 Residential District an area located north of Country Club North Subdivision. Planning Board recommends approval.
- H. Consideration of the initial zoning under the City of Fayetteville zoning ordinance to R10 Residential District an area located on the South side of Cliffdale Road between McPherson Road and Owen Drive Expressway. Planning Board recommends approval.

PUBLIC WORKS COMMISSION MATTERS

Council recognized Ray Muench, PWC Manager, who stated that bids had been received for two (2) 7500 KVA 69000 diagonal, 2400 diagonal, 1380 transformers for additions to the Kelly Springfield Plant. PWC recommended acceptance of the bid of Kulhman Electric Company, for \$97,160.00.

Mr. Plummer offered motion to follow the foregoing recommendation of PWC and award the bid to Kulhman Electric Company for \$97,160.00. Motion seconded by Mr. Dawkins and carried unanimously.

Mr. Muench then informed Council that the second installment of \$15,000.00 was due for Electricity's dues. he stated the total amount due was \$36,247.90, that PWC had paid \$16,347.90 leaving a balance due of \$30,000.00 of which \$15,000.00 is payable now. PWC recommended approval of the payment of the second installment of \$15,000.00.

Mr. Satsky offered motion of approval of the Payment of the foregoing \$15,000.00 as recommended by PWC. Motion seconded by Mr. Plummer and carried unanimously.

PLATS AND PLANS

Council heard recommendation from the Planning Board for conditional approval as outlined in their memo of November 22, for Walking Shores Subdivision Preliminary and final review located on Bloomfield Drive.

Mr. Plummer offered motion for approval of the foregoing as recommended by the Planning Board and subject to the conditions outlined. Motion seconded by Mr. Satsky, and carried unanimously.

Council next gave consideration to several requests from the Airport Commission. Chairman Bernard Stein was recognized and presented these matters.

Mr. Stein stated the Airport Commission recommends and requests approval by City Council of

1. Low bid for Cumberland Paving Company in the amount of \$860,744.00 for Airport ramp and taxiway construction, and authorize the Mayor to sign the contract.
2. Supplemental agreement Number 1 to above contract changes in construction items and quantities. Net reduction of \$130,660.00.
3. Engineering Contract for runway lengthening and strengthening with Engineering cost shown for phase construction:

Strengthen runway 3-21, estimated construction cost \$595,000.00. Total Engineering Fee, \$43,300.00, Engineering Fee if construction not done - none.

Lengthen runway 3-21 800 ft.- Estimated construction cost - \$696,000.00- Total Engineering fee \$71,800.00 - Engineering Fee if construction not done - none.

Strengthen and lengthen runway 3-21 same time- estimated construction cost \$1,291,000.00- total engineering fee - 101,300.00 - engineering fee if construction not done \$84,925.00.

All of the above costs construction and engineering are eligible for 90% Federal Funds and 5% State Funds.

Tentative approval has been received from FAA for the low bid. Supplemental agreement and engineering contract pending a recommendation from the Airport Commission and approval by the City Council. FAA has also verbally approved runway strengthening and lengthening pending submission of a formal request for aid.

Following a brief discussion Mr. Plummer offered motion to follow the foregoing recommendations of the Airport Commission and approve all of the foregoing items as presented. Motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration of the awarding of a contract for Fire Hoses for the Fire Dept., however the City Manager requested continuance of this matter to the December 13 meeting pending preparation of a recapitulation of the bids summary.

Mr. Plummer offered motion, seconded by Mr. Satisfy, to continue the foregoing matter to December 13 as requested by the City Manager. Motion carried unanimously.

Council next gave consideration to a resolution for the sale of surplus beds from the Fire Dept. The City Manager presented the matter and stated that the Fire Chief be allow to sell 45 single metal bed frames and mattresses.

RESOLUTION AUTHORIZING THE SALE OF SURPLUS FIRE DEPARTMENT BEDS. RESOLUTION # R1976-49.

Mr. Plummer introduced the foregoing resolution and moved its adoption as requested by the City Manager and Fire Chief. Motion seconded by Mr. Dawkins and carried unanimously.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolutions Book R1976.

The Council next gave consideration to the authorization of condemnation of a parcel within the general recreation program area #5-Turnpike Road and Savoy Heights. Community Development Dept. Director, Ron Hickman presented this matter and requested Council approval. Mr. Hickman stated that one small lot was involved in this condemnation. Mr. Hickman stated further that this was Parcel # A-8 owned by the heirs of Fanny West, that just compensation in the \$100.00 had been offered but the heirs would not accept the offer.

Following a brief discussion Mr. Plummer offered motion that authorization be and it is hereby granted to start condemnation proceedings in the foregoing matter. Motion seconded by Mr. Dawkins and carried unanimously.

No delegations responded to the invitation issued by Mayor Finch for recognition.

CITY MANAGER REPORTS

The City Manager reported the resignation from the Fire Department of Raeford B. Lockamy II and a resignation from the Police Department of Sgt. Robert E. Smith. The Council noted the resignations.

Upon motion by Mr. Plummer, seconded by Mr. George and carried unanimously, Patrolman S. Pierson of the Police Department was promoted from Patrolman to the rank of Sergeant as certified by the Civil Service Commission and recommended by the Chief of Police and City Manager.

Upon motion by Mr. Plummer, seconded by Mr. Dawkins, and carried unanimously the following named were appointed to the Police Department as certified by the Civil Service Commission and as recommended by the Chief of Police and City Manager: Larry E. Morrison, Terry W. Barnett, Floyd B. Creech, Emmett P. Starnes, Danny W. Campbell, Ernest G. McCoy, Kenneth E. Perry, and Robert V. Williams.

The City Manager reported that a request for additional leased parking in Municipal Lot #5 had been received from Wachovia Bank. The bank wants to lease one complete lane. A total of 32 spaces. The City Manager recommended approval as follows: Lease all of spaces in lane 4 to the Wachovia Bank at \$8.00 per space per month on a month to month basis. Reallocate all of the present leased spaces in lanes 2 and 3 to Lane 3, leave all of the remaining spaces in Lane 1 and 2 as metered parking spaces.

Following a brief discussion Mr. Plummer offered motion for approval of the foregoing request and recommendation as made by the City Manager. Motion seconded by Mr. Dawkins and carried unanimously.

The City Manager informed Council he had received a request from the Downtown Fayetteville Association that the City again, as in 1975, permit free on the street parking during the month of December, 1976.

Following a brief discussion, Mr. Dawkins offered the motion, seconded by Mrs. Beard to allow free parking during the month of December, 1976 as requested above. Motion carried unanimously.

The City Manager reported that the City Bus service will not function on Thanksgiving Day and that this will be publicized in the newspapers.

MATTERS OF INTEREST TO THE COUNCIL

Mr. Dawkins wished everyone a Happy Thanksgiving Day and stated that although he would not ask for a vote from the Council he was of the opinion that Thursday, November 25, Thanksgiving Day, his Birthday, be declared a Holiday and let all City Employees off with the exception of the Fire and Police Department Personnel. His suggestion earned him several wishes of a Happy Birthday and

enthusiastic support of his suggestion.

Mr. Plummer stated that he and several others had met with Sheriff Otis Jones recently and the question of City participation with the County in a float for the Governor's Innagural Parade was mentioned. Council discussed this matter for several moments but no action was taken.

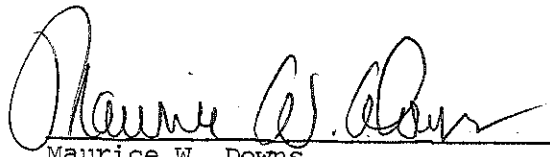
Mr. Plummer reported to the City Manager that a metal sign post was down at the intersection of Lyon and Stamper Roads.

Mr. George offered commendation to Chief of Police, Danny Dixon in his recent negotiations with the Army Authorities to retain Military Police assistance in the City.

Mayor Finch stated a conference meeting was needed this week on the aquisition of property, and said meeting was set for Tuesday, November 23, at noon at the Kyle House.

Mayor Finch stated a conference meeting was also needed to discuss roads resurfacing and street construction priorities, and a meeting was set for Tuesday, December 7, at 7:30 P.M. in the Kyle House for this purpose.

Thereafter all matters of business having been completed, this meeting was adjourned at 10:10 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
DECEMBER 13, 1976
8:00 P.M.

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Gene Plummer, Marion George, Steve Satisfsky, Vincent Shields

Others present: W.G. Thomas III, City Manager
Billy Clark, City Attorney
Ray Muench, P.W.C.

Mayor Finch called the meeting to order and led the assembly in the invocation. The Pledge of Allegiance was by Eagle Scout Mike Thornton, Troop 738. Mayor Finch also recognized the other scouts from Troop 738 and their leader who were present this evening to observe council proceedings.

Mayor Finch then recognized the following City Employees and presented them with service pins. For thirty year service, Robert Futch, Fire Dept, for five year service, Betty Godwin, Police Department, for twenty years service; John Fletcher, Police Department, for fifteen years service; Dorothy Gilmore, Recreation and Parks Department.

Mayor Finch then recognized the Youth Council Representatives Stacy Stone, Carl Patterson, and Mary Ellen Lively, present in the audience to observe council proceedings.

Upon motion by Mr. Satisfsky, seconded by Mr. Plummer and carried unanimously the minutes of the regular council meeting of November 22, 1976, were approved with the following correction: that the name of the Cain Road property owner be corrected to Marvin Dickens from Dickinson.

Public Hearings:

Council held second reading on an ordinance amending the zoning ordinance to rezone from R-5 A Residential District to C-1 Local Business District or to a more restrictive zoning classification an area located at 2310 and 2312 Murchison Road. Planning Board recommended approval to P-2. This ordinance was approved on first reading at the November 22, 1976 meeting.

Mr. James Ratchford the property owner and petitioner was then recognized and requested C1 Local Business District Zoning, rather than P2. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS:
REZONE R5 A to C1 LOCAL BUSINESS DISTRICT AN AREA LOCATED AT 2310 and 2312 MURCHISON ROAD.
ORDINANCE NO. NS1976-140.

Mr. George introduced the foregoing ordinance and moved its adoption on second reading. Motion seconded by Mrs. Beard and carried by the following vote: For: Councilmembers Satisfsky, Shields, George and Beard. Against: Councilmembers Dawkins and Plummer.

A copy of the foregoing ordinance is on file in the City Clerk's Office in Ordinance Book NS 1976.

Council next gave reconsideration to assessing Jasper and Topeka St. for paving and for the construction of a sidewalk at the corner of Seabrook Road and Jasper Street pursuant to the petition by Mrs. Evelyn Durham. (these matters were continued from the November 22, 1976 meeting due to the fact that several residents along Topeka Street had not received notice of the hearing on November 22) The Clerk certified to the Mayor and Council that all property owners had received due and proper notice of this meeting by first class mail. The City Engineer presented this matter and Jasper Street paving was considered first.

Mrs. Ann Bushrod, property owner was recognized in opposition to the assessment. Mrs. Evelyn Durham was recognized in opposition to the amount of the assessment. Annie Smith, a Jasper Street property owner was also recognized and requested Council's consideration on the amount of the assessment. Lester G. Whitted, Ruby Thomas, Willie Smith, of Topeka Street were all recognized and requested council's consideration on the amount of the assessments. A Mr. Rufus Washington, a Jasper Street property owner was recognized in opposition to the amount of his assessment, due to the fact that his lot size had been reduced by the sale of a portion of it to the City. He maintained that the remaining property was of no value to him due to the reduced size.

Following some discussion Mr. George offered motion to exclude Mr. Washington's lot on Jasper Street from the assessment roll and request an appraisal of it. Motion seconded by Mr. Shields and carried unanimously.

Following some further discussion Mr. Plummer then offered motion for approval of the assessments for the paving of Jasper Street and Topeka Street at \$10.69 per foot of abutting property owners for street paving by the adoption of the following ordinances. Motion seconded by Mr. Dawkins and carried unanimously. The ordinance titles appear below.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENTS OF JASPER STREET BETWEEN MURCHISON ROAD AND TOPEKA STREET. ORDINANCE NO. NS1976-141.

AN ORDINANCE CONFIRMING THE ASSESSMENT FOR THE PAVING AND OTHER IMPROVEMENTS OF TOPEKA STREET FROM JASPER STREET EASTWARDLY TO THE NORTHEAST CORNER OF LOT 49 PLAT BOOK 16 PAGE 63 CUMBERLAND COUNTY REGISTRY, ORDINANCE NO. NS1976-142.

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

NS1976.

Council next gave consideration to the sidewalk construction at the corner of Seabrook Road and Jasper Street pursuant to petition by Mrs. Evelyn Durham.

Following a brief discussion Mr. Plummer offered motion, seconded by Mr. Dawkins for approval of the foregoing assessment at \$3.45 per front foot by the adoption of the following ordinance.

AN ORDINANCE CONFIRMING THE ASESSEMENT ROLL FOR THE LAYING OF SIDEWALKS AND OTHER IMPROVEMENTS ON JASPER STREET-SEABROOK STREET FROM THE END OF EXISTING SIDEWALK NORTHWARDLY AND WESTWARDLY ALONG JASPER STREET TO THE WESTERN PROPERTY LINE OF LOT 9 BLOCK B, PLAT BOOK 22 PAGE 16 CUMBERLAND COUNTY REGISTRY. ORDINANCE NO. NS1976-143.

The motion carried unanimously.

A copy of the foregoing ordinance is on file in the City Clerk's Office in Ordinance Book NS 1976.

Council next gave consideration of the Community Development Amendment application. Mr. Ron Hickman, Executive Director of Community Development presented this matter and stated this was an amendment to the 1975-1976 Community Development Application and that two actions are necessary to complete the amendment. First a motion to approve the amendment and second a motion to approve a resolution. After approval and all signatures are made the application will be sent to the State Clearing House and then to the Department of Housing and Urban Development. Mr. Hickman stated that two projects were involved in this application. No 1: The street paving project for Humphrey Lane and The Italy Street, and No. 2: Southeast Fayetteville Urban Renewal Project Extension.

There was no opposition present, however a Mrs. Robinson and Mr. Bill Bowser were recognized with questions on Southeast Fayetteville and a Mr. Percy Jones of the Savoy Heights Area was recognized with a question on Weiss Avenue.

Following some discussion of this matter Mr. Plummer offered motion for approval of the amendment to the 1975-1976 Community Development Application as recommended. Motion seconded by Mr. Shield and carried; Mr. George voting no.

A public hearing had been published for this date and hour on the annexation of the Green Lantern Restaurant Area located on U.S. 301 South pursuant to NCGS160A-24. The Annexation Technical Review Committee recommended approval of this annexation.

An individual representing the McInnis Motel interest was recognized and asked if the motel property was included in this annexation, and he had not received notice of this public hearing. He was informed by the City Attorney that legal notice had been published four times in the local newspaper, pursuant to State Law, but that individual notices were not mailed as it was not the custom.

Mr. Dawkins then offered the motion that notices be given property owners by mail of annexations prior to the public hearing. Motion seconded by Mr. George and carried unanimously.

Attorney Floyd Ammons representing the owner of the property of which the Ambassador Motel and the Pancake House are located was recognized with a question of the cost of utilities. P.W.C. Manager, Ray Muench responded to the inquiry to the satisfaction of Mr. Ammons.

AN ORDINANCE EXTENDING THE CITY LIMITS OF THE CITY OF FAYETTEVILLE TO INCLUDE THE GREEN LANTERN RESTAURANT AREA LOCATED ON U.S. 301 SOUTH PURSUANT TO NCGS160A-24. ANNEXATION NO. 187.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, Seconded by Mr. Shields and carried unanimously.

A public hearing had been published for this date and hour on the annexation of the Morganton Road-401 By-Pass Area pursuant to NCGS160A-24. The Annexation Technical Review Committee recommended approval.

A Mrs. Marie Pressler of the Oaks Subdivision in the vicinity of this area was recognized in opposition to this proposed annexation, located at the intersection of Morganton Road and 401 By-Pass. Mrs. Pressler stated that her opposition was based on the presumption that their subdivision would next be annexed to the City. Mayor Finch thanked Mrs. Pressler for her expression.

AN ORDINANCE EXTENDING THE CITY LIMITS OF THE CITY OF FAYETTEVILLE TO INCLUDE THE MORGANTON ROAD-401 BY-PASS AREA PURSUANT TO NCGS160A-24. ANNEXATION NO. 188.

Following a brief discussion Mr. Plummer introduced the foregoing ordinance and moved its adoption. Seconded by Mrs. Beard and carried unanimously.

Copies of the two foregoing ordinances are on file in the City Clerk's Office in Annexation Book 1976.

Upon motion by Mr. Dawkins, seconded by Mrs. Beard and carried unanimously public hearings were set for January 24, 1977 on the following matters:

1. The annexation of Walking Shores Subdivision Area located in the vicinity of Bloomfield Drive and Country Club Lake.
2. The annexation of 313 Longview Drive.
3. The annexation of property located in the Brenda Drive-Murchison Road Area.
4. The annexation of property located North of Morganton Road, West of McPherson Church Road, South of 401 By-Pass, and East of Owne Drive Expressway.
to R6 Residential District
5. The rezoning from R10 Residential District/or to a more restrictive zoning classification of an area located at 523 Country Club Drive.
6. A special use permit for the establishment for a nursing home in an R6 Residential Area located at 523 Country Club Drive.
7. Consideration of the paving of portions of McLamb Street, Winslow Street, Willborough Street, and Fairway Drive. (See Resolution No. R1976-51)
8. Consideration of the paving of portions of Michael Street, Fargo Drive, and Sandhill Drive.
Public Works Commission matters: (See Resolution No. R1976-52)

1. Upon motion by Mr. Plummer, seconded by Mr. Satsky and carried unanimously the low bid by Westinghouse Electric Supply Company for 2.0 triplex aluminum cable was approved for 18,000 feet of 2/0 triplex aluminum cable in the amount of \$305.00 per thousand feet.
2. Upon motion by Mr. Satsky, seconded by Mr. Shields, and carried unanimously the low bid by R.T.E. Corp. in the amount of \$24,432.00 for 2 2500 KVA Transformers was approved.
3. Upon motion by Mr. Satsky, seconded by Mr. Shields and carried unanimously the low bid by Vause Equipment Company was approved as recommended by PWC for the purchase of one tractor backhoe for the amount of \$12,473.00.

Council next gave consideration to authorizing the condemnation of properties within the General Recreation Program Area No. 5 (Community Development). Mr. Ron Hickman, Executive Director of Community Development presented this matter and stated the condemnations are requested on three tracts as follows: 1. Parcel A-3-Anthony Smith heirs: compensation \$19,466.00 and the reason was cannot locate all of the heirs. 2. Parcel A-4, Kermit R. Branch-1,067.00 and the reason is will not accept the offer. 3. Parcel A-5 M.S. Minnie Morrison-\$5,800.00 and the reason is will not accept the offer.

Following a brief discussion Mr. Plummer offered motion for condemnation action approval against the foregoing as recommended by Community Development. Motion seconded by Mr. Satsky and carried unanimously.

Council next gave consideration to approval of a revision of the existing policy for assessments for improvements in Community Development areas.

Council again recognized Mr. Hickman, Executive Director of Community Development who presented this matter. Mr. Hickman stated this was a request for consideration of revision of existing policy for street improvements in Community Development areas.

Mr. Hickman stated to council that as they were aware the past two Community Development applications had contained street paving projects within maximum assessment rates set at \$6.00 per linear foot. At a recent council meeting he stated, council had voted to set aside the assessment rate and the second year Massey Hill Project.

Mr. Hickman stated he had been asked by people in the Massey Hill-Cowan Street Project why they cannot have the assessment set aside. It is possible to set the assessment aside for them as you have done for other, he stated. However, I would like you to consider a policy of no assessment for all street paving or any normal assessment project approved in the past or future using Community Development monies. There is no requirement, he stated, in the Community Development guideline that would require council to assess for work undertaken. Mr. Hickman stated the following streets were now still set up for the six dollar per foot maximum charge: Cowan Street, Elliott Street, University Avenue, Rochester Street Extension, Turnpike Road from Commerce Street to Isley Street, and Humphrey Street, and Italy Street.

Following a brief discussion Mr. Plummer offered motion for approval of the foregoing recommendation of no assessment as proposed by Mr. Hickman beginning with the Community Development year 1975. Motion seconded by Mr. Satsky and carried unanimously.

Mr. Hickman then requested that council return to item 2C on the agenda, which was consideration of the Community Development Amendment Application, and state that while council had officially approved the amendment it had not adopted the resolution required. Mr. Hickman requested council to do so.

RESOLUTION OF THE CITY OF FAYETTEVILLE PERTAINING TO FUNDING UNDER COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM. RESOLUTION NO. R1976-50.

Mr. Plummer introduced the foregoing resolution and moved its adoption. Motion seconded by Mr. Dawkins and carried; Mr. George voting no.

A copy of the foregoing resolution on file in the City Clerk's Office in Resolutions Book R1976.

Council next gave consideration to ordinances proposing the elimination of parking on the south side of Russell Street between Worth and Dick Streets and to the removal of parking meters on Russell Street.

City Engineer Bennett presented these matters and state the purpose of these ordinances was to improve the flow of traffic along Russell Street and the improvement of the turning movement of the vehicular traffic at the intersection of Russell Street and Gillespie Street.

There were several business men present in the audience representing or owning businesses in this location.

Following some discussion of this matter Mr. Satsky offered motion that we do not adopt the ordinance eliminating parking on south part of Russell Street between Worth and Dick Streets. Motion seconded by Mr. Dawkins and carried; Mrs. Beard voting no.

Mayor Finch stated that inasmuch as the second ordinance relating to the removal of parking meters was at the same location that it would be eliminated and not considered.

Council next gave consideration to a request for the removal of the traffic signal on Person Street at Racepath Street.

City Engineer Bennett presented this matter and stated that he had received a request from the North Carolina Department of Transportation requesting the removal of this signal. Mr. Bennett stated that DOT was basing this request on the traffic volume counts and low incident of accidents for this intersection and stated that in the interest of Highway Safety and maintenance funding that the signal be removed. City Engineer Bennett recommended removal of the traffic signal as requested by DOT.

Mr. Satsky offered the motion for removal of the foregoing traffic signal as requested by DOT and as recommended by the City Engineer. Motion seconded by Mr. Plummer and carried unanimously.

In connection with this matter Mr. Plummer requested the City Engineer to get a traffic count on Person Street and Mr. Bennett acknowledged the request.

Council next gave consideration to a proposed ordinance amending chapter three "Advertising" of the Fayetteville City Code. City Attorney Clark presented this matter and stated that this proposed ordinance which was considered by council but not approved several meetings ago was being resubmitted, and the ordinance proposed the change that any illuminated sign except a sign signifying time or temperature shall be lighted only with non-flashing and motionless illumination.

There was some discussion by council on the effect that passage of this ordinance would have on the various signs within the City, and following this discussion the ordinance was not considered.

Council next considered an ordinance requiring the Building Inspector to correct conditions of property located at 911 Turnpike Road (The property owner was given a 90 day extension on August 23, 1976).

In a memo to the City Council Chief Housing Inspector Tony Maccy stated that on August 23, 1976, the City Council granted the property owner, Mr. David Sherrill, 90 days to comply with the City Code and Mr. Sherrill has secured a building permit with the intentions to repair such property, therefore it is requested that the City Council take no action on this matter at this time.

Mr. Dawkins then offered motion, seconded by Mr. Plummer to follow the foregoing recommendation of the Chief Housing Inspector to take no action on this matter. Motion carried unanimously.

Council next considered ordinances requiring the Building Inspector to correct conditions of several sub-standard locations throughout the City.

Mr. Wade T. Saunders was recognized for E.J. Saunders heirs located at 349 Adams Street and requested an extension to make the necessary connections.

Following a brief discussion Mr. Plummer offered the motion, seconded by Mr. Shields that Mr. Saunders be granted a 90 day extension. Motion carried; Mr. Satsky voting no.

A Mr. Charles Glover was recognized and requested an extension to correct conditions at 526 Frink Street.

Following a brief discussion Mr. Plummer offered motion that Mr. Glover be granted a 90 day extension to make the necessary corrections as requested. Motion seconded by Mr. Dawkins and carried; Mr. Satsky voting no.

Mr. Plummer then offered motion, seconded by Mr. Shields, to follow the recommendation of the Building Inspector on the balance of the sub-standard structures by the adoption of the following ordinances. Motion carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS OR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 106 COUNTRY CLUB DRIVE AND OWNED BY ELIZABETH BELL. NS1976-144.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS OR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 507 GREER AVENUE AND OWNED BY GERALD L. WAITMAN, ORDINANCE NO. NS1976-145.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS OR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 617 GREER AVENUE AND OWNED BY GERALD L. WAITMAN AND WIFE ROSLYN W. WAITMAN. ORDINANCE NO. NS1976-146.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS OR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 619 GREER AVENUE AND OWNED BY BOOKER T. BELLAMY. ORDINANCE NO. NS1976-147.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS OR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 621 GREER AVENUE AND OWNED BY BOOKER T. BELLAMY. ORDINANCE NO. NS1976-148.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS OR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 472 WILLIAMS STREET AND OWNED BY MAUDE O. SCARBOROUGH. ORDINANCE NO. NS1976-149.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS OR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 718 WILMA STREET AND OWNED BY HENRY M. COLVIN AND WIFE ERNESTINE R. COLVIN. ORDINANCE NO. NS1976-150.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS OR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 209 WILMINGTON ROAD AND OWNED BY Q.J. SCARBOROUGH, JR. ORDINANCE NO. NS1976-151.

Copies of all of the foregoing ordinances are on file in the City Clerk's Office in Ordinance Book NS1976.

Council then recognized City Manager Thomas who requested a return to item number 10 on the agenda which was the consideration of an ordinance requiring the Building Inspector to correct conditions of property located at 911 Turnpike Road. The property owner was given a 90 day extension August 23, 1976. Mr. Thomas stated that the Building Inspector requested that a 90 day extension be granted in this matter.

Mr. George then offered motion to rescind the previous action of no action on this matter and to grant a 90 day extension. Motion seconded by Mr. Plummer and carried unanimously.

Council next gave consideration to several bids.

Upon motion by Mr. Plummer, seconded by Mr. Satsky, and carried unanimously a contract was awarded to the low bidder, Zimmerman-Evans Inc. for the bid of \$7,330.40 for fire hose for the Fire Department.

Upon motion by Mr. Plummer, seconded by Mrs. Beard and carried unanimously a contract was awarded to the low bidder, LaFayette Ford Motor Sales, Inc. for their bid of \$6,242.95 for one 20,000 lb. GVW truck, cab, and chassis only for the Cemetery Department.

Upon motion by Mrs. Beard, seconded by Mr. Shields and carried unanimously the following low bids were approved for Fire Station No. 6 on Cliffdale Road. 1. General Contractor, Patrick Construction-\$123,240.00. 2. Plumbing- Valley Plumbing-\$9,600.00. 3. Electrical-Darden Electric-\$15,458.00. 4. Heating and Air conditioning-Coggin Heating and Air Conditioning-\$11,495.00. for a total of \$159,793.00.

The City Manager next informed the council that bids were opened on December 7, 1976, for drainage in Scotty Hills Area for the Scotty Hills Drainage Improvement Project. Six bids were received ranging from a low of \$52,507.50 to \$84,388.00. The low bid was submitted by Herring Inc. but was not the bid recommended, the City Manager stated. The City Manager recommended the next low bid, that of Cumberland Utilities Inc. in the amount of \$58,887.89 and stated that this recommendation was being made because Herring was behind schedule on several present City contracts and the general work experience for Herring had not been satisfactory. The City Engineer state in a memo that if either of the first two contractors are used to perform this work, the assessment for said work will be within the previously estimated rate of \$10.00 per foot.

Following some discussion Mr. Plummer offered motion to follow the foregoing recommendation of the City Manager and award the bid to Cumberland Utilities Inc. for \$58,887.89. Motion seconded by Mrs. Beard.

Attorney Jack Thompson representing Herring Inc. was recognized and requested a delay in the awarding of the bid until the allegations were checked out.

Following some further discussion Mayor Finch called for vote on the motion and it carried. Mr. Satsky voting no.

Council next gave consideration to the approval of taxicab driver permits. The City Manager presented this matter and stated that the following named were recommended by the Taxicab Inspector, The Chief of Police, and the City Manager: Charles H. Butler, Carl M. Soles, Arthur F. Marston, Gary L. Cooper, Gene O. Prince, Eugene S. Brown, Glen H. Rogers, James T. Carter, Soumeth Rattanbandith, David R. Coates, Dennis L. Tucker, Steven E. Conerly, Bruce L. Neilson, Gary E. Walden, Edward H. Brown, Byron J. Johnson, Anthony N. Viglioni, William E. Hall, Wallace E. Berry, Nathaniel Davis, Jr., Herbert E. Dooley, Robert M. Vanduser.

Mr. Plummer then offered motion, seconded by Mrs. Beard and carried unanimously that taxicab driver permits be approved for all of the aforementioned as recommended. Motion carried unanimously.

No delegations responded to the invitation by Mayor Finch for recognition.

One appointment to the Fayetteville Redevelopment Commission was considered for information only this evening and carried over for action at the next regular meeting.

City Manager reports:

City Manager reported that four persons had been certified for appointment to the Police Department by the Civil Service Commission and were recommended by the Commission, the Chief of Police and the City Manager. They were as follows: Ora Burchette, George Lewis, Quinton McDonald, and John Stevens.

Mr. Plummer offered motion that the aforementioned be, and they are appointed to the Police Department as recommended. Motion seconded by Mr. Satsky and carried unanimously.

City Attorney Clark requested and received recognition for the purpose of presenting a proposed revision of the Fayetteville City Charter. Mr. Clark stated the proposed revision would affect such things as the Civil Service Commission, Administration, and other sections.

Following Mr. Clark's presentation of the proposed revision, Mayor Finch stated that council would set a meeting in early January to discuss it further.

Matters of interest to the council.

Mrs. Beard offered the suggestion that in view of the extensions of the City Boundaries by council's actions during the last two meetings of annexing new areas that additional Police and Fire personnel be considered in the 1977-78 budget.

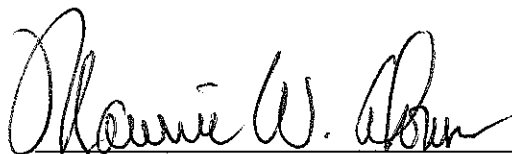
Mr. Satsky suggested that council make its appointments this evening to the Downtown Revitalization Commission, and the following named were appointed: Mr. Cade Brooks, Mr. Luke Wheeler, Mr. Moses Walker, Mr. Lewis Pruitt, Mr. Tom Lee, and Mr. Neil Reichley.

Mr. Satsky also suggested that three ex-officio members be considered consisting of one City Council member, one member from the County Board of Commissioners, and the Planning Board Director, and that the City Attorney and the County Attorney meet with the Commission to draw up the guidelines of its responsibilities and duties and sent back to the council and to the county commissioners. This was agreed upon by the council.

Mr. Ron Hickman, Executive Director of Community Development asked council if they wished him to present his information concerning a housing site for the elderly at this time.

Following a brief discussion Mr. Satsky offered motion that council not hear Mr. Hickman on this subject at this time. Motion seconded by Mr. Plummer and carried unanimously.

Thereafter, all matters of business having been completed, this regular session was adjourned into an executive session at 10:50 P.M.



Maurice W. Downs
City Clerk