

Regular Meeting
City Hall Council Chamber
January 10, 1977
8:00 P.M.

Present: Mayor Beth Finch

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

Others Present: William G. Thomas III, City Manager
William E. Clark, City Attorney
Ray Muench, PWC Manager

Mayor Finch called the meeting to order and the invocation was offered by Mrs. E.C. Garber, President of the Womans Missionary Union, Snyder Memorial Baptist Church. Following the invocation Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch recognized the following Youth Council representatives present in the audience to observe Council proceedings. Andy Brawn, Jeff Cameron, and Lee Baker.

Upon motion by Mr. Plummer, seconded by Mr. Satsky, and carried unanimously minutes of the regular meeting of December 13, 1976, were approved as submitted by the clerk.

Mayor Finch then announced to those present in the assembly that at the end of this meeting, council would hold a brief executive session on Item 5B on the agenda, consideration of a housing site for the elderly and then return with a final decision.

Council then moved to the first item of business which was a public hearing to be set for the 1977-78 Community Development Application. The suggested City Council dates were January 25 and 27, 1977 for these public hearings.

Council recognized Mr. Ron Hickman, Executive Director of Community Development, who stated that these public hearings are requested on this matter for the following reasons and that activities on this matter are as follows: 1. First week in February it is anticipated that public hearings will be held on January 25 and 27th or sometime the last week in January. 2. The second week in February Council will be asked to consider all proposals made and to establish priorities for funding for the coming year. 3. The third week in February: Community Development will ask authority to prepare the application for submission. 4. Fourth week in February: That the final public hearing be held on the application as put together and ready to submit before March 1, 1977.

Following a brief discussion, Mr. Dawkins offered motion to advertise public hearings on January 25 and 27, 1977 on the foregoing matter at 7:30 P.M. in the City Hall and if necessary to continue said public hearings to do so. Motion seconded by Mr. Plummer, and carried unanimously.

Council next considered the setting of a public hearing on the Mass Transit Grant Application Amendment. City Manager Thomas was recognized and stated that the setting of half-fare transit schedules for the elderly and handicapped during non-peak hours had been done and now it was proposed and recommended that the application be amended so that the elderly (65 and over) and physically handicapped person be provided half fare transit services during all periods of the day during the bus operations rather than just at non-peak hours only. This recommendation was approved without objection from the Council.

Mr. Satsky then offered motion, seconded by Mr. Dawkins, and carried unanimously that a public hearing be set for the amended Mass Transit Grant Application for February 14, 1977 at 8:00 P.M. in the City Hall.

Planning Board Matters:

Council next considered McDonalds Restaurant addition preliminary and final CLP review, located on Raeford Road at Emeline Avenue. Planner Mitchell presented this matter and stated that Planning Board recommended conditional approval per their memo of January 10.

Mr. Satsky offered motion for approval of the foregoing as recommended, seconded by Mr. Plummer, and carried unanimously.

Council next considered Green Valley Estates, Section 4, Subdivision Preliminary and final extension review, located off Helen Street. Planner Mitchell presented this matter and stated that Planning Board recommended conditional approval per their memo of January 10.

Mr. Plummer offered motion for approval of the foregoing as recommended, seconded by Mr. Dawkins, and carried unanimously.

Council next gave consideration to Three Colonies Subdivision Preliminary and Final Extension Review, located on Cliffdale Road. Planner Mitchell presented this matter and stated that Planning Board recommended conditional approval per their memo of January 10.

Mr. Satsky offered motion for approval of the foregoing as recommended, seconded by Mr. Shields, and carried unanimously.

This concluded Planning Board matters.

Public Works Commission Matters:

Council recognized PWC Manager, Ray Muench, who presented the following items:

Mr. Muench informed the council that bids had been received on November 30, 1976, for the purchase of Protective and Electric Switching Equipment. The low bid was submitted by Joslyn Manufacturing Company in the amount of \$43,000.00 for five 1200 Amp, 69 KV Load Interruptor Switches was recommended. The low bid submitted by R.W. Chapman Company (S&C Electric) in the amount of \$19,044.00 for 1200 Amp 69 KV Fault Interruptor Switches was recommended.

Mrs. Beard offered motion for approval of the two foregoing low bids as recommended by PWC, motion seconded by Mr. Satsky, and carried unanimously.

Mr. Muench stated that the Commission recommends that Contract # 668-D1 with Pittsburgh-DeMoina be extended for an additional 500,000 gallon fuel oil storage tank for the Electric Generation Project, at a cost of \$54,150.00. Mr. Muench informed the Council that this company had already installed two 500,000 gallon tanks and the recommendation was that their contract be extended for an additional 500,000 gallon tank.

Mr. Plummer offered motion for approval of the foregoing request for contract extension as recommended by PWC, motion seconded by Mrs. Beard and carried unanimously.

Mr. Muench informed council that bids were received on December 15, 1976 for one 20,000 lb. GVW Truck with hydraulic aerial lift device and utility body. The low bid submitted by LaFayette Ford in the amount of \$25,979.00 was recommended.

Mr. George offered motion to following the foregoing recommendation of PWC and award the bid to LaFayette Ford, motion seconded by Mr. Shields and carried unanimously.

Mr. Muench further informed council that bids were received on December 14, 1976, for Water and Wastewater Chemicals for the Water Treatment Plant for 1977. The Commission recommends the following low bids: For aluminum sulphate, 1,500,000 lbs., Cities Service Company for their bid of \$32,831.25. For caustic soda, 800,000 lbs., Encee Chemical Company for their bid of \$31,356.00. For liquid chlorine, 550,000 lbs., Thompson-Heyward Chemical Company for their bid of \$43,395.00.

Mr. Muench informed council that the Cities Service Company bid and the Encee Chemical Company bid were the low bids meeting specifications.

Mr. Plummer offered motion for approval of the three foregoing bids as recommended by the Commission, motion seconded by Mr. Satsky, and carried unanimously.

PWC Manager Muench next presented and requested approval of the following applications for outside City Utility Service.

For Mr. J.H. Fields, one one inch water connection to serve a residence at the corner of Dyke Street and West Hudson Street. This property is contiguous to the City and the owner has petitioned for annexation, he stated.

Mr. Dawkins moved for approval of the foregoing as recommended by PWC, motion seconded by Mr. Satsky and carried unanimously.

For Mr. Carl E. Behling, one one inch water connection to serve a residence on Raleigh Road outside the City.

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

For Mr. James A. Chesnutt, one four inch sanitary sewer connection to serve a commercial establishment (a restaurant) at 6112 Cliffdale Road. Water will be furnished to this location by Montclair Water Company, Mr. Muench stated.

Mr. Plummer moved for approval of the foregoing as recommended by PWC, seconded by Mrs. Beard, and carried unanimously.

Councilman Dawkins addressing himself to PWC Manager Muench, stated that on New Years Eve past, he was visiting the home of a minister friend of his, in Huntington Park when an electrical interruption occurred about 9:20 P.M. Mr. Dawkins stated he wished to commend the PWC electrical workers who stayed on the job until 2:30 A.M. that morning, restoring the electrical power to the area. Mr. Dawkins told Mr. Muench, he was especially proud of the diligence and thoroughness displayed by the PWC employees during this emergency. Mr. Muench thanked Mr. Dawkins for his expression of appreciation and replied that he would pass the commendation along.

All PWC matters having been completed, the PWC representatives were excused from this meeting.

Council next gave consideration to Community Development matters, and recognized Community Development Director, Ron Hickman on a request for submitting of the Redevelopment Plan for Southeast Fayetteville Neighborhood Development Program for 1976-1977 to the Planning Board for review. Council approved Mr. Hickman's request without objection.

The next item was consideration of a housing site for the elderly and Mayor Finch reminded council that this matter would be discussed in executive session at the end of this meeting.

Council next considered 1976-1977 Budget Ordinance Amendment and recognized City Manager Thomas who presented this matter.

Mr. Thomas informed council that to date the City has received an estimated \$25,000 from the Federal Government as the City of Fayetteville's allocation under the Countercyclical Program of the anti-recession fiscal assistance title two of the Public Works Employment Act of 1976.

This estimated amount will have been received by quarters beginning July of 1976 and estimated through June 1977.

The quarterly allocations are computed by the Office of Revenue Sharing based on a formula which takes into account, general revenue sharing data and excess employment, he stated.

Funds received under this program, he continued must be used for salaries and fringe benefits, and the Counter-cyclic funds must be budgeted by a budget ordinance amendment or revision and must be committed within 6 months of receipt. Mr. Thomas stated, in his opinion, the City's most pressing need is for increasing the engineering capabilities of the Engineering Department, and recommended that the funds provided by the Counter-cyclical Program be utilized for the employment of an additional engineer in the Engineering Department.

There then followed a lengthy general discussion of the City Manager's recommendation for the additional engineer, and for the pressing need expressed by the council for park patrols. Mrs. Beard stated that vandalism was running quite high in some of the parks, and that park equipment and even parts of some of the buildings were being vandalized and actually burned. Mr. Dawkins stated that the need for park patrols would even be greater with the advent of warmer weather when parks use would increase with outdoor activities.

Mr. George then offered the following motion: that we use the amount of funds necessary from the Counter-cyclical Program to employ and equip two Police Officers to be trained and assigned principally to the park area patrol. Motion seconded by Mr. Shields and carried unanimously.

Council next gave consideration to a request for a 90 day extension for a building permit from Ms. Sally Parker, Vice President of "This End Up" Furniture Company in Eutaw Shopping Center.

In a written request to the Mayor and council, Ms. Parker stated that on April 7, 1976, she made application for and received from City Inspection Department for a temporary permit which permitted her to position a wood frame structure at 901 Elm Street for a period of 6 months. On September 30, 1976, she requested and council granted a 90 day extension.

She then requested that she be granted an additional 90 days at the present location. She stated she had already obtained the written approval of the Inspection Department Superintendent and the Fire Chief. Ms. Parker stated that the structure is now being used by the furniture company of which she is the Vice President. She stated that she had signed a lease for a permanent building in which to move the business, and it is anticipated that she would moving to this new location approximately March 15, 1977. If this request for an extension is denied, she stated, she would experience a large financial loss which she could ill afford, which in turn would create a tremendous hardship on her family. She concluded by requesting council's favorable consideration of the request for the extension.

Following a brief discussion, Mr. Shields offered motion that Ms. Parker be granted the 90 day extension as requested. Motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to the approval of Taxicab driver permits. The City Manager presented this matter and stated that the following named person were approved and recommended by the Taxicab Inspector, the Chief of Police and himself for Taxicab driver permits: Robert Earl Morris, Ira Swain Bush, Eugene Matthews, Charles Ray Eastman, Ronald Wayne Parker, Willie Henry Holmes, Michael Wayne Allen, Hugh Davis Bouchelle, Charles E. Lawler, David Wayne Nunnery, John Kenneth Nunnery.

Mr. Plummer moved for approval of Taxicab driver permits for the afore named as recommended, seconded by Mr. Satsky, and carried unanimously.

Council next gave consideration to several appointments. Mayor Finch stated that one appointment existed on the Education Development Advisory Council due to the resignation of Cobby Reaves whose term runs to June 1977. Mayor Finch stated that one appointment needed to be made to the Fayetteville Redevelopment Commission, for a term of office which expired in December 1976, and that one appointment needed to be made to the Board of Trustees of the North Carolina Firemans Relief Fund for a term of office expiring in January 1977.

All of the foregoing appointments were carried over until the next regular meeting of the council.

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

There were no further City Manager reports.

Matters of interest to the City Council.

Mrs. Beard informed council that she had received several complaints from residents on Cain Road concerning the general deterioration of Cain Road, and suggested that it be resurfaced.

This matter was discussed at some length with the question being raised as to whether or not this resurfacing could be accomplished under the City's present policy. It was also mentioned that the property owners had objected to a proposal for the widening and resurfacing of Cain Road proposed several months ago. City Attorney, Clark suggested that this matter be held in abeyance for two

weeks to see if the present paving policy would also require the installation of curbs and gutters rather than just resurfacing.

Following this discussion, Mrs. Beard offered motion that the council resurface Cain Road according to the policy from 401 By-pass to Bragg Boulevard. Motion was seconded by Mr. Shields.

Following some further discussion Mr. Plummer offered substitute motion to continue this matter to the January 24 meeting and hear the policy. Motion seconded by Mr. Dawkins and carried by the following vote: For; Councilmembers Shields, Satsky, George, Plummer, and Dawkins. Against: Councilmember Beard.

Mr. Plummer informed council that his appointee to the Downtown Revitalization Commission, Mr. Lewis Prewitt, had found it necessary to resign this position for reasons of health. Mr. Plummer then appointed Mrs. Stewart Kerr to the Downtown Revitalization Commission to replace Mr. Prewitt.

Mayor Finch informed council that the initial Downtown Revitalization Commission meeting would be held tomorrow night at 7:30 P.M. in the Kyle House.

Mrs. Finch informed the council that the Region M annual meeting would be held on January 27, 1977.

Mrs. Finch asked councilmembers when they wished to meet in conference session to discuss the City Charter Revision and any other local bills to be presented to the State Legislature which would hold its first meeting on January 12. This was discussed for several moments and it was decided to hold a decision on this until after the executive session.

Council then moved into executive session for the announced purpose of discussing the housing site for the elderly at 9:25 P.M.

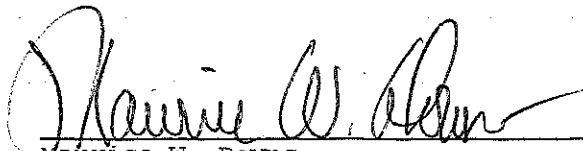
Following a thirty minute executive session, council reconvened in regular session at 10:00 P.M. and Mayor Finch announced that the executive session was held to discuss a third possible site for housing for the elderly, but they were still not at liberty to reveal this location but it would be considered and announcement made at a later date.

Mayor Finch stated that the other two sites recommended by HUD are: Site number 6, Grove and Ramsey Street, Site number 7, off Ames Street and Adams Court.

Mayor Finch announced that there will be public hearings on these sites at a later date and she encouraged all those present tonight to be back at that time and to tell others to be present.

Returning to the setting of a conference meeting to discuss the City Charter Revision, council delayed the setting of this meeting until January 24.

Thereafter all matters of business having been completed this regular session was adjourned at 10:10 P.M.


Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JANUARY 24, 1977
8:00 P.M.

Present: Beth Finch, Mayor

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

Others Present: William G. Thomas III, City Manager
Billy Clark, City Attorney
Ray Muench, PWC

Mayor Finch called the meeting to order and the invocation was offered by Reverend Lawrence White, Associate Pastor, Bible Way Holiness Church. Following the invocation Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch then recognized the following Youth Council Members present in the audience to observe Council proceedings: Roy Bullock, Carl Patterson and Michelle Thompson.

Council then moved to the first order of business which was approval of the minutes of the regular meeting of January 10, 1977, and upon motion by Mr. Satsky, seconded by Mrs. Beard, and carried unanimously, such minutes were approved as submitted by the Clerk.

Council then moved to hear and consider several annexation matters.

A public hearing had been published for this date and hour on the annexation of Walking Shores Subdivision Area located in the vicinity of Bloomfield Drive and Country Club Lake. The Annexation Technical Review Committee recommended approval. The City Clerk certified that all property owners had received due and proper notice of this public hearing.

There were no proponents present. Attorney Jerome Clark, representing the McDaniels, the property owners of a large portion of this tract in opposition to the annexation of the McDaniel property. Mr. Clark stated that the McDaniels did not need or want the services provided by the City, as a result of this annexation.

Planner Mitchell displayed a map of the area and pointed out the Walking Shores Subdivision. portion of this proposed this annexation which constituted a small triangular tract on the western side. The balance of the property, the McDaniel property, was located to the north and east.

Following some discussion, Mr. Satsky offered motion for the adoption of an ordinance annexing to the City only the Walking Shores Subdivision "Walker-King property" and excluding all of the rest. Motion seconded by Mr. Plummer and carried unanimously.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE THE WALKING SHORES SUBDIVISION (NCGS160A-24) ORDINANCE NO. 189

A copy of the foregoing ordinance is on file in the City Clerk's Office in Annexation Book 1977.

A public hearing had been published for this date and hour on the annexation of 313 Longview Drive pursuant ot petition by the property owner. The Annexation Technical Review Committee recommended approval and the City Clerk certified that a notice had been sent to the property owner informing him of this public hearing.

There were neither proponents nor opponents present.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE 313 LONGVIEW DRIVE. ANNEXATION NO. 190. (N.C.G.S. 160A-31)

Mr. George 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 Annexation Book 1977.

A public hearing had been published for this date and hour on the annexation of property located in the Brenda Drive-Murchison Road Area. The Annexation Technical Review Committee recommended approval. The City Clerk certified that all property owners in the area had received due and proper notice of this public hearing.

There were no proponents present, however a Sgt. Morton, an area resident was recognized and stated that he was stationed in Charleston, South Carolina and had just recently received notice of this public hearing and of the annexation and requested a postponement of this public hearing to study the matter.

A Mr. DeMatters, another area resident was also recognized in opposition to annexation until more residents of the area expressed a desire for annexation and until Ft. Bragg is annexed to the City. The City Engineer informed council that a petition for annexation bearing approximately ten names had been submitted.

Following some discussion, Mr. Plummer offered motion for adoption of an ordinance annexing Brenda Drive Area to the City. Motion seconded by Mr. Dawkins and carried unanimously.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE THE BRENDA DRIVE -MURCHISON ROAD AREA. (NCGS160A-24) ANNEXATION NO. 191.

A copy of the foregoing ordinance is on file in the City Clerk's Office in Annexation Book 1977.

A public hearing had been published for this date and hour on the annexation of property located north of Morganton Road, west of McPherson Church Road, south of 401 By-pass and east of Owen Drive Expressway. (This area fronts along McPherson Church Road in its entirety and extends back to the Owen Drive Expressway just east of Cross Creek Mall). Planner Mitchell stated the Annexation Technical Review Committee subsequently rescinded its recommendation to annex this area and now recommends that the area not be annexed.

The Clerk certified that all property owners had been mailed due notice of this public hearing.

There were neither proponents nor opponents present.

Following a brief discussion, Mr. Shields offered motion to follow the foregoing recommendation of the Annexation Technical Review Committee and not annex this area. Motion seconded by Mr. Plummer, and carried unanimously.

Council then moved into consideration of zoning matters.

A public hearing had been published for this date and hour on the rezoning from P2 Professional District and C2P Central Business District to C3 Heavy Commercial District, or to a more restrictive zoning classification, an area located at 336 Ray Avenue. Planning Board recommended against C2P and C3 Zoning and recommended for approval of P2 zoning.

Attorney Bobby Deaver was recognized representing American Legion Post Number 3, for the rezoning. Mr. Deaver stated that C2P and C3 zoning was the highest and best use of this site for commercial development.

Mr. Dan Perry was recognized representing an adjacent property owner in opposition and indicated that his mother owned the adjacent apartments to the north of the site in the request and the existing private club was a nuisance in the neighborhood which was still predominantly residential in character.

Mr. Harry Sherman was recognized representing the Masonic Temple in opposition and stated that the entire site should be zoned P2 Professional District because the surrounding area was considered historic and would be better preserved with the use of this district.

Following some discussion, Mr. Plummer offered motion for adoption of an ordinance rezoning this area to P2 Professional District as recommended by the Planning Board. Motion seconded by Mr. Shields and carried unanimously.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS:
REZONE FROM P2 PROFESSIONAL DISTRICT TO P2 PROFESSIONAL DISTRICT AN AREA LOCATED AT 336 RAY AVENUE. ORDINANCE NO. NS1977-1.

A public hearing had been published for this date and hour for 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 recommended approval.

Attorney Marla Reid representing the Manna Church, the petitioner was recognized. Mr. Reid stated that this rezoning would increase the value of the site since it was not suitable for residential use, and that it was his client's desire to sell the site to the highest and best use which was professional.

There was no opposition present, however Mr. Jim Warner was present and was recognized with comments.

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 912 HAY STREET. ORDINANCE NO. NS1977-2.

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 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 recommended denial.

Attorney Mitchell Gadsden, partner in the law firm desiring to locate their law offices at this location was recognized with comments. Attorney James Swindell, a partner in the same law firm, was also recognized and requested the rezoning for the purpose of relocating their law offices to this site.

A Mr. William S. Ellis, a real estate agent for the property, was recognized and requested the rezoning, stating that the establishment of the professional law office at this site would be an improvement.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R6 RESIDENTIAL DISTRICT TO P2 PROFESSIONAL DISTRICT AN AREA LOCATED AT 1332 RAMSEY STREET. ORDINANCE NO. NS1977-3.

Mr. George 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 R6 Residential District or to a more restrictive zoning classification, of an area located at 523 Country Club Drive. Planning Board recommended approval.

Attorney Dolph Berry representing the petitioner, Whispering Pines Nursing Home, was recognized and stated that the existing nursing home on the site was nonconforming. This request would bring it into conformity provided that the special use permit was approved. Mr. Berry stated that a 20 bed addition would be constructed to the existing building and he indicated it was vitally needed by the nursing home. Mr. Berry also stated that this extension would not be detrimental to the surrounding uses since there was a community need for this facility.

There was no opposition present, however a Mr. Harris was recognized with a comment that if council approved this rezoning provisions should be made along Country Club Drive for a sidewalk for use by the residents of this nursing home. Attorney Berry replied in rebuttal that a sidewalk along a busy thoroughfare such as Country Club Drive could place any residents in jeopardy and the nursing home liable.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R10 RESIDENTIAL DISTRICT TO R6 RESIDENTIAL AN AREA LOCATED AT 523 COUNTRY CLUB DRIVE. ORDINANCE NO. 1977-4.

Mr. Plummer introduced the foregoing ordinance and moved its adoption. Seconded by Mr. Satsky, and carried unanimously.

A public hearing had been published for this date and hour on a request for a special use permit for the establishment of a nursing home in an R6 Residential District as provided for in Section 32-24 (3) of the Fayetteville Zoning Ordinance in an area located at 523 Country Club Drive. Planning Board recommended approval.

Planner Mitchell stated that this was the area just considered by council in the rezoning matter.

There was no opposition present.

Mr. Plummer offered motion for approval of the foregoing special use permit as requested. Motion seconded by Mr. Dawkins, and carried unanimously.

A public hearing had been published for this date and hour on the initial zoning to C1 Local Business District of an area located at the southwest corner of the intersection of Camden Road and Cumberland Mills Road. Planning Board recommended approval.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL INITIALLY ZONING C1 LOCAL BUSINESS DISTRICT AN AREA LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF CAMDEN ROAD AND CUMBERLAND MILLS ROAD. ORDINANCE NO. NS1977-5.

Mr. Plummer introduced the foregoing ordinance and moved its adoption. Seconded by Mr. Satsky and carried unanimously.

A public hearing had been published for this date and hour on the initial zoning to R10 Residential District and 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 recommended approval.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: INITIALLY ZONE 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. ORDINANCE NO. NS1977-6.

Mr. Satsky 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 initial zoning to R10 Residential District an area located between Morganton Road and Sycamore Dairy Road and known as Section 2, Part 2, Huntington Park Subdivision. Planning Board recommended approval.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS:
INITIALLY ZONE R10 RESIDENTIAL DISTRICT AN AREA LOCATED BETWEEN MORGANTON ROAD AND
SYCAMORE DAIRY ROAD AND KNOWN AS SECTION II, PART II, HUNTINGTON PARK SUBDIVISION.
ORDINANCE NO. NS1977-7.

Mr. Satsky 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 initial zoning to R10 Residential District an area located north of Country Club North Subdivision. Planning Board recommended approval.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS:
ZONE INITIALLY R10 RESIDENTIAL DISTRICT AN AREA LOCATED NORTH OF COUNTRY CLUB NORTH
SUBDIVISION. ORDINANCE NO. NS 1977-8

Mr. Satsky 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 initial zoning R10 Residential District an area located on the south side of Cliffdale Road between McPherson Church Road and Owen Drive Expressway. Planning Board recommended approval.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS:
ZONE INITIALLY R10 RESIDENTIAL DISTRICT AN AREA LOCATED ON THE SOUTH SIDE OF CLIFFDALE ROAD
BETWEEN MCPHERSON CHURCH ROAD AND OWEN DRIVE EXPRESSWAY. ORDINANCE NO. NS1977-9.

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

Copies of all of the foregoing zoning-rezoning ordinances are on file in the City Clerks Office in Ordinance Book NS1977.

A public hearing had been published for this date and hour on the paving without a petition from the property owners of portions of McLamb Street, Winslow Street, Willborough Avenue and Fairway Drive. The City Clerk certified that all property owners within these areas had been mailed due and proper notices of this public hearing.

Council recognized the following named persons either in opposition to the paving or to the assessment rate.

Mr. Howard Barrett, of Winslow Street representing himself and others in opposition. Mr. William Johnson of Comfort Presbyterian Church was recognized and requested Council to investigate federal funds to pay for this project, and not assess the property owners who were in the low income group.

Attorney Charles Kirkman, representing Mrs. Louise (D.M.) Jordan, a Winslow Street resident who was an elderly widow living on a low fixed income, in opposition to the assessment. Mrs. Margaret C. Booth of Willborough Avenue was recognized in opposition to the assessment rate. Mrs. Ethel Harp Blanton, Willborough Street, was recognized in opposition to the paving. Mr. Vat Pjetraj, a Willborough Street resident, was recognized in opposition. Attorney Don Grimes, representing Par Gas of Fayetteville, McLamb Street, was recognized in opposition to the proposed paving but requested the relief in the form of drainage for the street. Mrs. Hill, McLamb Street resident, was recognized and was in favor of the improvement but did not want the assessment.

Following some discussion, Mr. Plummer offered motion that the Council proceed with the paving of McLamb Street and Fairway Drive according to City policy by the adoption of a resolution. Motion seconded by Mrs. Beard and carried unanimously. The resolution title appears below.

FINAL RESOLUTION ORDERING THE PAVING, WITHOUT A PETITION, OF PORTIONS OF MCLAMB STREET AND FAIRWAY DRIVE. RESOLUTION NO. R1977-1.

Mr. Plummer offered motion that Community Development Director, Ron Hickman be, and he is instructed to study Winslow Street for Community Development funds. Motion seconded by Mr. Shields and carried unanimously.

Mrs. Beard then offered motion to eliminate Willborough Avenue from paving until a valid paving petition is submitted. Motion seconded by Mr. Dawkins and carried unanimously.

A public hearing had been published for this date and hour on the paving of portions of Michael Street, Fargo Drive and Sandhill Drive. The Clerk certified that property owners along these streets had been mailed due and proper notice of this public hearing.

In response to a question of opposition to the paving of any of these streets, the City Clerk informed the Mayor that he was in receipt of a letter of opposition to the paving of a portion of Michael Street by Mrs. Clara B. Jackson. The opposition was noted by the council.

Following some discussion, Mr. Plummer offered motion for the adoption of a resolution ordering the paving of Michael Street, Fargo Drive and Sandhill Drive according to City policy. Motion seconded by Mr. Dawkins and carried unanimously.

A copy of the resolution title appears below.

FINAL RESOLUTION ORDERING THE PAVING, WITHOUT A PETITION, OF PORTIONS OF MICHAEL STREET, FARGO DRIVE AND SANDHILL DRIVE. RESOLUTION NO. R1977-2.

Copies of the foregoing resolutions are on file in the City Clerk's office in Resolutions Book R 1977.

A public hearing had been published for this date and hour on a proposed amendment to the City of Fayetteville Zoning Ordinance defining and regulating yard sales. Planner Mitchell presented this matter, read through the proposed ordinance and stated that the Planning Board recommends approval of the amendment as written with the recommendation that Section 17-24.6 indicates "yard sales for one day only" be increased to two days and that this provision also be changed to permit residents to conduct two yard sales instead of one during the calendar year.

There was no opposition present.

Following some discussion of this proposed amendment, Mr. George offered motion for the elimination of Section 17-24.10 entitled "Display of Sale Property". Motion seconded by Mr. Shields and carried unanimously.

Mr. Satisky then offered motion for adoption of the ordinance as recommended by the Planning Board and as amended by the City Council. Motion seconded by Mr. Dawkins and carried unanimously. The ordinance title appears below.

AN ORDINANCE AMENDING CHAPTER 32 "ZONING" AND CHAPTER 17 "LICENSES" OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, REGULATING YARD SALES. ORDINANCE NO. S1977-1.

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book S1977.

Council next gave consideration to the setting of several public hearings, and upon motion by Mr. Plummer, seconded by Mr. Dawkins, public hearings were set for February 28, 1977 on the following items:

- A. Consideration of the rezoning from R10 Residential District to C1P Shopping Center District or to a more restrictive zoning classification an area located at 3110 and 3114 Boone Trail.
- B. Consideration of the rezoning from R10 Residential District to R6 Residential District or to a more restrictive zoning classification an area located on Morganton Road between Woodrow Street and Camellia Street.
- C. Consideration of the rezoning from R10 Residential District to P2 Professional District or to a more restrictive zoning classification an area located at 137 Hunter Circle.
- D. Consideration of the rezoning from R5A Residential District to C1 Local Business District or to a more restrictive zoning classification an area located at 2803 Murchison Road.
- E. Consideration of the rezoning from R5 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification an area located at 524 Hillsboro Street.
- F. Consideration of the rezoning from R10 Residential District to P1 Professional District or to a more restrictive zoning classification an area located at 3401 Village Drive.
- G. Consideration of the rezoning from R6 Residential District to C1A Area Commercial District or to a more restrictive zoning classification an area located at the southeast corner of Parnell Street and Breezewood Avenue.
- H. Consideration of the rezoning from R6 Residential District and P2 Professional District to C1 Local Business District or to a more restrictive zoning classification an area located at 1905, 1911, 1913, 2001, 2005 and 2013 Murchison Road.
- I. Consideration of the initial zoning under the City of Fayetteville zoning ordinance to R5A Residential District, C1 Local Business District and C3 Heavy Commercial District or to a more restrictive zoning classification an area located on Pamalee Drive between Karen Street and Swain Street.
- J. Consideration of the initial zoning under the City of Fayetteville zoning ordinance to R10 Residential District, P2 Professional District, C1 Local Business District, C1P Shopping Center District and M2 Industrial District or to a more restrictive zoning classification an area located on both sides of Raeford Road between Montclair Subdivision and McPherson Church Road.

- K. Consideration of the initial zoning under the City of Fayetteville zoning ordinance to C1P Shopping Center District or to a more restrictive zoning classification an area located at the southwest corner of Stacy Weaver Drive and Ramsey Street.
- L. Consideration of the initial zoning under the City of Fayetteville zoning ordinance to R10 Residential District or to a more restrictive zoning classification an area located on Sugar Cane Circle abutting Huntington Park Subdivision.
- M. Consideration of the initial zoning under the City of Fayetteville zoning ordinance to R10 Residential District or to a more restrictive zoning classification an area located on Rustburg Drive and know as Howard Acres Subdivision, Section III.
- N. Consideration of the initial zoning under the City of Fayetteville zoning ordinance to P2 Professional District, C1P Shopping Center District and C3 Heavy Commercial District or to a more restrictive zoning classification an area located at the intersection of the 401 Bypass and Morganton Road.
- O. Consideration of a resolution confirming the assessments for water and sewer improvements in Boone Trail, Carlos Avenue, Dillon Drive, Fargo Drive, Redstone Avenue and Sandhill Drive.
- P. Consideration of the proposed annexation of the College Arms Motel and trailer park and a portion of Raleigh Road from Longview Drive to the vicinity of Meadowcroft Drive. (Right-of-way-only).

And, by the same motion a public hearing was set for February 14, 1977 on a proposed zoning ordinance amendment creating an adult entertainment district to be known as CE-Commercial Entertainment District.

Planning Board Matters:

Council next considered Photo Express and Ice Cream Shoppe (Talleywood Shopping Center Addition) preliminary and final C1P review located on Raeford Road. Planner Mitchell stated that Planning Board recommends conditional approval, in accordance with their memo to Council dated January 24.

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

Public Works Commission Matters:

PWC Manager, Ray Muench presented these matters.

Mr. Muench presented for approval as recommended by the Commission an agreement with Seaboard Coastline Railroad Company for an electric line crossing the railroad track near Hillsboro Street.

Mr. Plummer offered motion for approval of the foregoing as recommended by PWC and that the Mayor and Clerk be and are hereby are authorized and directed to sign said agreement for the City. Motion seconded by Mr. Dawkins and carried unanimously.

Mr. Muench presented for consideration and for approval of an agreement with Seaboard Coastline Railroad Company for Construction of electric lines crossing the railroad tracks at Rowan Street. Commission recommended approval.

Mr. Plummer offered motion, seconded by Mr. Satisfsky, for approval of the foregoing as recommended by PWC and that the Mayor and Clerk be and they are hereby authorized and directed to sign the agreement for the City. Motion carried unanimously.

Upon motion by Mr. Plummer, seconded by Mrs. Beard, and carried unanimously approval was given an application by Mr. Joe Cimaglia for one one inch water connection to serve a residence at 305 Andover Road, Northwood Subdivision, as recommended by PWC. Motion carried unanimously.

This concluded PWC matters.

Airport Commission Matters:

Council recognized Mr. Bernard Stein, of the Airport Commission who presented the following matters for consideration of approval by council.

Mr. Stein stated that on November 1, 1974, the City of Fayetteville accepted an FAA Grant in the amount of \$105,892.00 for security fencing and automatic gates, fire truck and asbestos suits, radio equipment and removal of the old terminal building.

It was subsequently determined that the additional asbestos suits and one piece of radio equipment were not required and FAA has requested an amendment deleting these two items from the Grant and reducing the grant to \$102,092.00. This project has been completed, paid in full, has been audited and this action is to finalize the necessary FAA requirements, Mr. Stein stated.

The Airport Commission requests the City Council to approve the amendment and authorize the Mayor to execute the documents.

Mr. Plummer offered motion for approval of the amendment reducing the grant to \$102,092.00 and authorize the Mayor to execute the documents as recommended by the Airport Commission. Motion seconded by Mr. Satisfsky and carried unanimously.

Mr. Stein then stated the State of North Carolina has approved a grant of \$99,950.00 in state aid as their share of the cost of lengthening and strengthening the runway 3-21. The Airport Commission requested the council to approve the grant and authorize the Mayor and other City Officials to execute the documents.

Mr. Satsky then offered motion, seconded by Mr. Shields for approval of the grant and authorize the Mayor and other City Officials to sign the documents for the City as recommended by the Airport Commission. Motion carried unanimously.

Mr. Stein then informed the Mayor and Council that the Airport Commission had^{met} with Piedmont Airlines and the other concessionaires at the airport concerning the proposed closing of runway 3-21 for ten days for resurfacing sometime in March or April of this year. Mr. Stein assured the Council that the closing of this runway would not hamper the airport operation. Council gave tacit approval to this action.

On an additional matter, Mr. Stein asked the council if it was his correct understanding that the council had approved the LBC & W plan for the Downtown Revitalization Project as recommended by the Chamber of Commerce. This matter was discussed for several moments by the council and Mr. Stein and finally it was decided that the question could not be resolved from memory and the Mayor suggested and it was agreed upon that Mr. Stein present his question in further detail in a letter to the Mayor and council and City Council would act on the matter at the February 14 meeting.

Council next gave consideration of the City Policy on street resurfacing concerning Cain Road. (The resurfacing of Cain Road was discussed briefly at the last meeting when Mrs. Beard informed council that she had received complaints from the residents about the generally deteriorating condition of Cain Road and of the resurfacing of it).

Mr. George then offered motion that council resurface Cain Road from Pamalee Drive to Stamper Road with no assessments of cost to the property owners. Motion seconded by Mr. Shields.

There then followed some discussion of the matter and council recognized Mr. Bob Cogswell, an area resident who stated that he traveled Cain Road in his automobile extensively and cited the need for resurfacing.

Mrs. Nancy Bruns, another area resident, was recognized and requested resurfacing as proposed.

Mayor Finch then called for a vote on the motion to resurface Cain from Pamalee Drive to Stamper Road with no assessment cost to the property owners and it carried, with Mr. Plummer voting no.

Council next gave consideration of approving a lease proposal for an accounting machine for the Finance Department.

The City Manager presented this matter in a memorandum to the Mayor and members of the council stated that several months ago, he had become convinced that the accounting equipment in the Finance Department should be replaced as soon as possible. The excessive downtime of the obsolete equipment was disrupting the normal work flow within the department producing one crisis after another, particularly in the payroll program. He stated he encouraged the Finance Director to solicit proposals from manufactures of such equipment on a lease basis to carry the City over until the City and PWC would be operational in a joint use computer facility.

Leasing proposals were received from Burroughs Corporation, IBM and National Cash Register. After extensive review of each of the proposals, he and the Finance Director selected the Burroughs Corporation's proposal for the B731-704 Accounting Machine System as the equipment meeting our requirements for the best price. We presented our analysis of the three proposals which led to the selection of the Burroughs Corps. proposal to Mr. Everett Chalk, Chief of the Accounting Advisory Section N.C. local government commission who concurred in our selection.

The City Manager submitted a more detailed report by the Finance Director which included capability and cost comparison among the three proposals for their information.

The City Manager presented the following cost summary of the Burroughs Corporation proposal:

Lease cost from March 1 - June 30, 1977-\$4,116.00, plus one time cost budgetary and payroll programs - \$4,400.00. Transportation - \$500.00. Total cost for the fiscal year 76-77 - \$9,016.00.

Estimated cost for the full fiscal year 77-78-\$13, 548.00.

The City Manager stated it is recommended by himself and the Finance Director that the City lease the B731-704 Accounting Machine System from Burroughs Corporation per their proposal. It is further recommended, he stated that the fiscal year 76-77 Budget be amended to transfer the \$9,016.00 from the City Council's contingency fund to the Finance Department.

Following a brief discussion of the City Manager's recommendation Mr. Plummer offered motion to follow the foregoing recommendation of the City Manager and lease the Burroughs Corporation Accounting Machine System and transfer the \$9,016.00 from contingency fund to the Finance Department.

Motion seconded by Mr. Satsky and carried unanimously.

Council next gave consideration to a proposed ordinance imposing a lien against the property located at 813 Ashley Street owned by Ms. Ruth Allison. The City Manager presented this matter for the Chief Housing Inspector. The City Manager stated the substandard dwelling had been demolished as ordered by the council and the ordinance was required to assess the property for the cost of the demolition in the amount of \$175.00.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$175.00 AGAINST PROPERTY OWNED BY MS. RUTH ADELE ALLISON LOCATED AT 813 ASHLEY STREET. ORDINANCE NO. NS1977-10.

Mr. Plummer introduced the foregoing ordinance and moved its adoption at 10:45 P.M. Motion 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 NS1977.

Council next gave consideration to several proposed ordinances requiring the Building Inspector to correct conditions with regard to substandard structures located on Owen Drive.

The City Manager presented this matter and then called on Mr. Emory Albritton, the City's Chief Building Inspector, to present additional details.

Mr. Albritton was recognized and stated that he had this morning received a telephone call from the attorney representing Melrose Associates, a New Jersey firm which owns these buildings. These four buildings located off Owen Drive designated as unfinished buildings 9, 11, 13 and 15 are in a deteriorated and unsafe condition and in violation of the City's substandard housing ordinance. Mr. Albritton stated the attorney for Melrose is requesting that the City remove these items from the agenda this evening and take no action toward demolition inasmuch as Melrose intends to place a trailer on the location with security guards to protect the general public from entering these structures and that they further intend to renovate all of these structures and bring them up to standard, with the eventual intention to lease them for housing. Mr. Albritton then made a request that council take no action on this matter for 120 days in order to give the Melrose firm an opportunity to do what it says it will do.

Following a brief discussion, Mr. Plummer offered motion to follow the foregoing recommendation of the Chief Building Inspector and extend the building permit for 120 days and that the Chief Building Inspector report at the next council meeting on February 14, 1977 on the placing of the trailer on the property and the security of the property as Melrose proposes. Motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to the approval of bids for resurfacing street previously approved for resurfacing by council.

The City Engineer presented this matter and stated that bids had been received under City Contract No. 190 for the resurfacing of various streets previously approved for resurfacing by the council. Low bid was submitted by Cumberland Paving Company in the amount of \$92,752.40 and was the bid recommended.

Mr. Dawkins then offered motion for approval of the Cumberland Paving Company bid for \$92,752.40 as recommended by the City Engineer. Motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to a proposed parking ordinance prohibiting parking on Bradford Avenue at Arsenal Avenue. The City Engineer presented this matter and stated he had received a letter from Mr. John N. Miller, Associate Director of the Cumberland County Hospital System who stated that Arsenal Avenue is extremely narrow and ingress to Bradford Avenue from Arsenal is almost impossible at certain times during the peak traffic periods with cars parked on both sides of Bradford Avenue at the Arsenal Avenue entrance. He requested that the parking spaces be eliminated on Bradford Avenue at Arsenal to increase visibility and traffic safety from both streets. City Engineer Bennett stated that he had investigated the situation and that there is a need for eliminating the on street parking at this location to improve visibility and he agreed with the request of Mr. Miller and recommended adoption of the ordinance. City Engineer Bennett stated this would eliminate three on street parking spaces.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 11 "PARKING PROHIBITED" ALONG BRADFORD AVENUE AT ARSENAL AVENUE INTERSECTION. ORDINANCE NO. NS1977-11.

Mr. Dawkins introduced the foregoing ordinance and moved its adoption as recommended by the City Engineer. 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 NS1977.

Council next gave consideration to the adoption of a resolution commemorating 100 years of dedicated service rendered by Fayetteville State University.

Mayor Finch presented this matter and read the resolution to council as follows:

RESOLUTION NO. R1977-3.

WHEREAS ON MARCH 8, 1877, THE GENERAL ASSEMBLY OF NORTH CAROLINA PASSED A BILL WHICH PROVIDED FOR THE ESTABLISHMENT OF NORMAL SCHOOLS FOR THE EDUCATION OF TEACHERS, AND

WHEREAS THE HOWARD SCHOOL OF FAYETTEVILLE WHICH HAD BEEN IN EXISTENCE FOR TEN YEARS WAS CHOSEN AS ONE OF THE SCHOOLS TO WHICH AN APPROPRIATION WOULD BE MADE, AND

WHEREAS THIS INSTITUTION IS STILL IN OPERATION AFTER 100 YEARS AND IS NOW CALLED FAYETTEVILLE STATE UNIVERSITY A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA, THE STATE OF NORTH CAROLINA AND THE NATION, AND

WHEREAS THE GRADUATES OF FAYETTEVILLE STATE UNIVERSITY ARE MAKING THEIR MARKS IN INDUSTRY, EDUCATION, GOVERNMENT AND RELIGION THROUGHOUT THE STATE AND NATION AND ARE BRINGING RECOGNITION TO THE STATE OF NORTH CAROLINA.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, RECOGNIZE THE MANY CONTRIBUTIONS MADE BY FAYETTEVILLE STATE UNIVERSITY OVER THE PAST 100 YEARS AND WISH FOR IT CONTINUED SERVICE OF EXCELLENCE IN HIGHER EDUCATION TO THE PEOPLE OF NORTH CAROLINA IN ITS SECOND CENTURY. SIGNED, BETH FINCH, MAYOR, CITY OF FAYETTEVILLE, NORTH CAROLINA

Mr. Plummer moved for adoption of the foregoing resolution, seconded by Mr. George and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1977.

Council next considered the approval of taxi cab driver permits.

Upon motion by Mr. Satisfsky, seconded by Mr. Shields and carried unanimously taxicab driver permits were approved for the following named as recommended by the Taxicab Inspector, the Chief of Police and the City Manager: Jesse F. Moyers, Robert M. Abner, Jr. and Aubrey B. Floyd.

Council next considered appointments to several boards and commissions.

Upon motion by Mr. George, seconded by Mr. Dawkins and carried unanimously, Mrs. Ruth Chesnutt was appointed to the Educational Development Advisory Council by acclamation vote.

Upon motion by Mr. Satisfsky, seconded by Mr. Shields and carried unanimously, Mr. J.T. Gibson was reappointed to the Fayetteville Redevelopment Commission for a 5 year term of office, said term to expire in December, 1981 by acclamation vote. (Mr. Gibson's term of office actually expired in December of 1976).

Upon motion by Mr. George, seconded by Mr. Dawkins and carried unanimously, City Councilman Vincent H. Shields was appointed to the Board of Trustees, North Carolina Firemans Relief Fund by acclamation vote for a 2 year term of office, said term to expire in January, 1979.

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

City Manager reports:

The City Manager reported the resignation from the Fire Department of the following named persons: Thomas E. Trogdon, Kenneth Rhodes, Larry Burchette and Cecil Wayne Harris. Council noted the resignations.

The City Manager reported the following named had been certified by the Civil Service Commission for appointment to the Fire Department and said appointments were recommended by the Fire Chief and the City Manager: Luther B. Black, Jr. and Donald A. Dunn.

Mr. Dawkins offered motion, seconded by Mrs. Beard and carried unanimously that the two aforementioned be and they hereby are appointed to the Fire Department.

The City Manager reported the Civil Service Commission certifies to the council, the following promotions within the Fire Department and said promotions are recommended by the Fire Chief and the City Manager. To Captain, Hiram H. Hall, To Lieutenant, Thomas N. Allen, Richard B. Witiak and Lester M. Anderson.

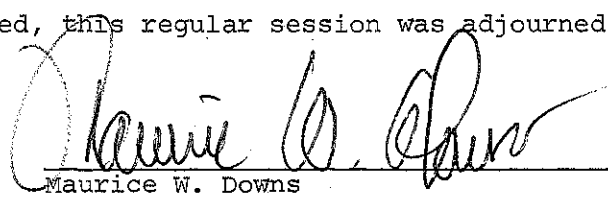
Mr. Satisfsky offered motion, seconded by Mr. Shields and carried unanimously that the aforementioned promotions be and they hereby are approved and confirmed by the City Council, as recommended.

Matters of interest to the City Council:

Mr. George informed council that he had received requests from the businessmen in the 100 block of Person Street for a pedestrian crosswalk in the middle of the first block of Person Street. The City Engineer was requested to study this matter.

Mayor Finch asked councilmembers if they wished to schedule a conference meeting to review the proposed revisions to the City Charter. No meeting date was decided upon.

Thereafter, all matters of business having been completed, this regular session was adjourned at 11:15 P.M.



Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
FEBRUARY 14, 1977
8:00 P.M.

Present: Mayor pro tem, Marion George

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

Absent: Mayor Beth Finch

Others Present: Mr. William G. Thomas III, City Manager
Mr. William Clark, City Attorney
Mr. Ray Muench, PWC Manager

Mayor pro tem George, presiding in the absence due to illness of Mayor Finch, called the meeting to order. The invocation was offered by the Reverend Gardner H. Altman, Pastor of Calvary Assembly Church. Following the invocation, Mayor pro tem George led the audience in the Pledge of Allegiance to the Flag.

Mayor pro tem George then recognized Dr. Charles Lyons, Chancellor of Fayetteville State University and presented him with a signed, framed, resolution adopted by the City Council at the meeting of January 24, 1977, commemorating the 100th year of founding Fayetteville State University. Dr. Lyons accepted the resolution with thanks to the council and pledged the continued quality education by Fayetteville State for the next 100 years.

Mayor pro tem George recognized the following Youth Council representatives present in the audience to observe council proceedings: Ellen Lively, Laurie Luedeke and Dee Dee Rogers.

Council then proceeded to the first item of business, which was approval of the minutes.

Upon motion by Mr. Satsky, seconded by Mr. Dawkins, and carried unanimously, minutes of the regular council meeting of January 24, 1977 were approved as submitted by the clerk.

Public hearings:

A public hearing had been published for this date and hour on consideration of the Mass Transit Grant Application Amendment for acquisition and operation of new and used facilities and rolling stock for the City Transit System for which financial assistance is being sought from the Urban Mass Transportation Administration. The City Manager presented this matter and recommended approval and adoption of the resolution authorizing the filing of the amended application for the grant, for the purposes listed therein, which were: the purchase and operation of 26 new 35 foot, 39 passenger buses, 26 fare boxes and vaults, 1 information kiosk, 1100 busstop signs, and 25 passenger waiting shelters, 1 1½ ton truck, 1 route supervisory car, 7 used 45 passenger buses, tools and equipment and 1 complete two way mobile radio communication system for the Transit Company.

Mayor pro tem George then recognized persons from the audience as follows:

Mr. Clinton Harris, 110 Chloe Drive, was recognized in favor of the passage of the resolution and suggested that shelters and pedestrian rights of way be purchased from Community Development funds. He further suggested the extension of bus service to outlying areas to conserve energy.

Mrs. Lois Stone, Executive Director of Council of Older Adults, was recognized in favor of passage of the resolution and especially for the elderly and for expanding the Transit System to serve the county.

Mr. Bill Laslett, a local architect and planner, was recognized in favor of passage of the resolution as important to downtown revitalization and for service to the handicapped. Mr. Laslett also offered service of his company in designing information and bus stop modules.

No other persons desired to be recognized.

Following a brief discussion Mr. Plummer offered motion for adoption of the resolution as presented, and that the Mayor and Clerk be, and they hereby are authorized and directed to sign said resolution for the City. The motion was seconded by Mr. Dawkins and upon being put to vote, carried unanimously.

Resolution title:

RESOLUTION AUTHORIZING THE FILING OF AN AMENDED APPLICATION WITH THE URBAN MASS TRANSPORTATION ADMINISTRATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964 AS AMENDED. RESOLUTION NUMBER R1977-4.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolutions Book 1977.

A public hearing had been published for this date and hour of the proposed amendment to the City of Fayetteville Zoning Ordinance creating an adult entertainment district to be known as CE Commercial Entertainment District. Mr. Cliff Strassenberg, Executive Director of the Joint Planning Board was recognized and presented the proposed amendment which council had requested, and stated that the Planning Board recommends approval with suggested additions. The intent of the amendment, he stated would allow council a certain measure of authority to regulate where certain adult establishments, sexually oriented bookstores, topless clubs, massage parlors and the like might locate in the community. Mr. Strassenberg indicated that this proposed district grew out of concern from many persons in the community about adult entertainment and the discussion of the need for such a district.

The Mayor and council had directed the Planning staff to research and prepare a zoning district which would satisfy the needs of the City. He indicated that lower court actions had resulted in a mixture of decisions concerning the regulation of adult entertainment that the Supreme Court had upheld the constitutionality of municipalities' right to regulate adult entertainment. He stated the first approach would be to scatter the adult entertainment and set minimum distances between establishments. The second is to concentrate adult entertainment into classified areas. Mr. Strassenberg stated that the district could be applied in more than one area of the City.

Mayor pro tem George then recognized persons from the audience on this matter.

Mr. Denny Schaffer of the Downtown Revitalization Commission, was recognized and requested council to stop the spread of topless bars, massage parlors, pornographic movies and adult book stores until a comprehensive study is made of the total problem. He requested council to vote for the amendment and requested the Planning Board delay action in rezoning CE, the 500 block of Hay Street or anyplace else until the comprehensive study is completed. He offered the services of the Commission in the study.

Mr. Joe Morris, Executive Director of the Downtown Fayetteville Association, was recognized and read a resolution adopted by the association endorsing and requesting council to pass a restrictive type ordinance that would to the maximum extent possible control, limit and regulate adult entertainment establishments and setting minimum distances between, but not concentrate such in any given area especially in downtown Fayetteville.

Mr. Lester McKnight, representing a group of downtown merchants was recognized and endorsed the Downtown Fayetteville Association request presented by Mr. Morris.

Mr. David Jones, former Secretary of Corrections for the State was recognized in opposition to the passage of the amendment. He cited an instance of a 16 year old girl who became hooked on drugs in the 500 block of Hay Street at 13 years of age and a prostitute at 14 years of age to support her drug habit. He also cited the same instance of a young man also hooked on drugs in the same location. Mr. Jones stated an adult zone would be like a magnet attracting the scum of the earth. He stated further that he had been in such areas of Chicago and Boston and they were total chaos.

Reverend C. R. Edwards, Pastor of First Baptist Church on Moore Street, was recognized in opposition and requested defeat of the amendment or at least continue this matter for 90 days for study.

Mr. Gilbert Orsonio, a private citizen, was recognized in opposition and stated the passage would create more problems.

Mayor pro tem George then called on the City Attorney to explain the effects of the passage or non passage of the amendment.

Following this, council recognized Reverend Vernon Tyson, Pastor of Hay Street United Methodist Church, who suggested further study of the proposal and a 90 day continuance.

Question was then asked of the City Attorney if an existing use would be affected and he replied that it would not.

Reverend Albert Beane, Pastor of Ebenezer Bible Church and representing the Citizens for Decency, was recognized in opposition to pornography and suggested the use of public nuisance laws to regulate adult movies and bookstores such as is used in California.

Mr. Clinton Harris, a private citizen, was recognized in opposition as to houses of prostitution and dealing in drugs in the city.

Mr. Alejandro Avilez, representing the Berean Baptist Church was recognized in opposition to the passage of the amendment.

Mr. Charles W. Pearson, a private citizen, was recognized in opposition to passage of the amendment.

Mr. Denny Schaeffer was again recognized and requested council to adopt the amendment and then appoint a committee to solve the problem after a 6 month period of not approving any additional bars, clubs, movie houses and adult bookstores.

A lengthy general discussion then followed.

Mr. John Raper, a local attorney, was then recognized and cited New York City's action in adopting a hybrid ordinance between the Boston and Detroit statutes and suggested that council invite the Institute of Government and Constitutional lawyers in the state to study the matter and consider alternatives.

Mr. Tom McCoy, a local citizen and a resident near the 500 block of Hay Street, was recognized and stated that he used to take his family and walk to the downtown movies but he could not do that any more due to the conditions existing on the streets. He stated the adoption of the amendment would do no good. He cited an instance of a prostitute knocking on his front door in the early morning hours looking for another person. He suggested the zoning was not the answer but rather enforcement of the existing laws and through the courts.

Mayor pro tem George then thanked the audience for their expressions and opinions and stated the matter would be discussed by council.

Mrs. Beard asked for an expression from the Chief of Police, and Chief Dixon was recognized.

Chief Dixon stated he was doing all he could to eliminate the problems, but it was difficult to do so under the law since the courts were releasing those arrested immediately after confinement. He stated he would continue to give the City the best law enforcement possible under the circumstances.

Mayor pro tem George then gave an explanation of the effects of the proposed amendment for the benefit of those interested in the audience.

There were then expressions and opinions from the councilmembers.

Mr. Plummer then offered motion that we not follow the recommendation of the Planning Board, and create an adult entertainment district. Motion seconded by Mrs. Beard.

A general discussion then followed of the possibilities of limiting the issuance of licenses for additional establishments for a period of 6 months.

Mr. Shields then offered a substitute motion that this matter be continued for further study and that the City Attorney work any kind of arrangements he can to protect us as just discussed here, and that these specified business operations not be permitted in any existing zone during the tenancy of this action and that all the persons who have spoken on this matter be contacted for input and help us make the decision in this thing. Motion seconded by Mr. Satisfsky.

Mayor pro tem George then called for a vote on the substitute motion and it was as follows: For the motion: Councilmembers Shields and Satisfsky, against the motion: Councilmembers Plummer, Dawkins and Beard. Mayor pro tem George declared the substitute motion lost.

Mayor pro tem George called for a vote on the main motion which was for defeat of the amendment and the vote was as follows: For the motion; Councilmembers Plummer, Dawkins and Beard. Against the motion; Councilmembers Shields and Satisfsky. Mayor pro tem George declared the main motion carried and the proposed amendment defeated.

Mayor pro tem George then requested that City Administration, or the City Attorney prepare any ordinances felt desirable on the issuances of the licenses.

Upon motion by Mr. Plummer, seconded by Mr. Satisfsky and carried unanimously public hearings were set on the following matters for March 14, 1977.

- A. On the paving of Hull Road pursuant to petition from Churchill Drive eastwardly to Cul de sac.
- B. Approval of the reconstruction of South King Street and Arsenal Avenue.
- C. Approval of the following assessments:
 - 1. Paving assessment for Turnpike Road, ^{from} Branson Street to Commerce Street.
 - 2. Paving assessment for Beverly Drive from Melrose Drive to Sandhurst Drive.
 - 3. Sidewalk assessment for the west side of Hillsboro Street from Davie Street to Walter St.
- D. Approval of the Southeast Redevelopment Plan.

Resolution titles:

PRELIMINARY RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION OF HULL ROAD FROM CHURCHILL DRIVE EASTWARDLY TO CUL DE SAC. RES. # R1977-5.

RESOLUTION AND ORDER ^{-TO} FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENT ON TURNPIKE ROAD FROM BRANSON STREET TO COMMERCE STREET. RES. # R1977-6.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENT ON BEVERLY DRIVE FROM MELROSE DRIVE TO SANDHURST DRIVE. RES. # R1977-7.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR THE LAYING OF A SIDEWALK AND OTHER IMPROVEMENT ON HILLSBORO STREET FROM DAVIE STREET TO WALTER STREET. RES. # R1977-8.

Copies of the foregoing resolutions are on file in the City Clerk's office in Resolution Book R1977.

Council next considered Community Development matters. Mr. Ron Hickman, Executive Director, presented these matters. Mr. Hickman presented a list of suggestions provided by citizens attending council public hearings held on January 25 and 27th on the Community Development Application for Fiscal Year 77-78. They were as follows: Paving and drainage of Cude, Simpson, Morgan Streets, Broadfoot Avenue, Kirkland Drive, and all streets in the Fairview Park Area. 2. Senior Service Center. 3. Urban renewal along Cumberland Street, 4. Urban renewal Program in Collier Drive Area, 5. Continuation of the Urban Renewal Program in the Wilmington Road Area, 6. Senior Service Center in Turnpike Road Area, 7. Cleanup of College Heights Area, 8. Historic Preservation, 9. Construction of the Linear Park per the Downtown Revitalization Plan.

Mr. Hickman stated the project price for these programs amounted to \$1,436,600.00 with an additional \$350,000.00 for the Senior Center, \$175,000.00 for the Urban Renewal along Cumberland Street, and 2 million for the Urban Renewal Program in Collier Drive, \$530,000.00 for continuation of the Urban Renewal and Wilmington Road Area, and no estimates for the Senior Service Center, Turnpike Road, College Heights cleanup, Historic Preservation and Lanier Park construction.

Mr. Hickman recommended the council consider funding four program areas for FY 77-78 as follows: Continue the renewal program along Wilmington Road, north of U.S. 401-\$530,000.00. Initiate an Urban Renewal Program for the area south of U.S. 301 commonly referred to as the Collier Drive Area, the 77-78 monies would be earmarked to preparation of the renewal plan and to work toward the elimination of blight on east and west Collier Drive immediately, \$516,000.00, Senior Service Center, \$250,000.00, Administration, \$147,970.00, for a total of 1,444,000.00 which is the budgeted amount.

Following some discussion of the foregoing, council set a special meeting for 7:30 P.M., Monday, February 21, 1977 to further discuss and act upon these matters.

Mr. Hickman then presented a request authorizing the condemnation of Program Area #5, General Recreation Community Development as follows: Parcel # A-7 - Mrs. A.B. Wilkins, compensation-\$4,800.00, Parcel #A-9- Heirs of Mary Hayes, \$1,500.00. Mr. Hickman requested authorization to proceed with condemnation of the two foregoing tracts by virtue of the fact that the property owners would not accept the foregoing offers.

Mr. Satisfsky then offered motion, seconded by Mr. Dawkins and carried unanimously, that authorization be and it is hereby given for condemnation proceedings on the foregoing as recommended. Motion carried unanimously.

Council next gave consideration of the sale and acquisition of property located on the southwest corner of Union Street and Mason Street.

The City Attorney presented this matter and stated that 3,657 square feet of this property was needed for the Downtown Circulation right of way. He stated it was his recommendation to transfer 2,134 square feet of excess Watt property and pay \$12,800.00 in difference to the owners, and that this amount is within the appraised value.

Following a brief discussion, Mr. Plummer offered motion, seconded by Mr. Satisfsky, for approval of the foregoing as recommended by the City Attorney. Motion carried unanimously.

Council next gave consideration to the sale of lot # 87, Holt-Williamson Street property owned jointly by the City and the County. The City Attorney presented this matter and stated that the County has received an offer of \$1,257.50 for the lot as a result of a tax foreclosure. The calculation indicates the City has a 41% undivided interest in the land and would be due \$515.58 for the proceeds, if the council approves the sale, at the above total purchase price.

The offer has been advertised for upset bids without result so it appears unlikely that a better offer will forthcoming.

This matter was brought before the County Commissioners on February 7, for its approval and if both bodies approve the sale, a deed would be drawn naming the board chairmans and the Mayor's signature.

Following a brief discussion, Mr. Plummer offered motion, seconded by Mr. Satisfsky, for approval of the foregoing sale as recommended and the motion carried unanimously.

Council next considered a resolution applying for an LEAA Grant for the purchase of a automatic breath test device for the Police Department. The City Manager presented this matter, and stated the resolution was an application for Federal funding in the amount of \$1680.00, provided the City formally appropriates the cash contribution of \$720.00 as a local cash appropriation. The City Manager recommended approval.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL MAKING APPLICATION FOR FEDERAL FUNDING IN THE AMOUNT OF \$1,680.00 FOR AN AUTOMATIC BREATH TEST DEVICE FOR THE FAYETTEVILLE POLICE DEPARTMENT. RES# R 1977-9.

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 City Clerk's office in Resolutions Book R 1977.

Council next recognized Mr. Mason Hicks on a presentation of the report regarding the Cape Fear Valley Hospital and Bordeaux area traffic plan.

Mr. Hicks stated a programmed portion of the plan the Cumberland County Commissioners set in motion some 5 months ago. They have reported to the Planning Board, the Area Traffic Advisory Board, the Hospital Authority and the Council. The County Commissioners have approved the plan and it is now presented to the council in documentary form and he will return at a later date with further explanations if desired by council.

Council accepted the report with no specific action and extended thanks to Mr. Hicks.

Council next gave consideration to a request by Broadwell Construction Company for City participation in street cost in Briarwood Hills Section 8, part II.

This matter was presented by the City Engineer, who stated that the request is pursuant to the

City's policy on street construction participation, and the amount is \$1,007.09. The street affected is Rolling Hills Road. The amount is \$1,007.09 and approval was recommended by the City Engineer.

Mr. Plummer then offered motion for approval of the foregoing as recommended. Seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration for the approval of additional streets for resurfacing.

The City Engineer presented this matter and memo form and recommended approval of the streets for resurfacing. The City Engineer stated in December and January the City Council approved 15 streets for resurfacing. Bids were received and the contract awarded for 14 of these streets on January 24. These bids revealed a very favorable cost somewhat under last years resurfacing prices. As a result of the favorable prices the City can accomplish an additional \$54,000.00 worth of resurfacing within the previously budgeted funds for resurfacing. He recommended approving the following streets for resurfacing:

Lamon Street from Ramsey Street eastwardly to dead end at City Garage- \$19,200.00. B Street, Old Wilmington Road from Link Street to East Russell Street- \$9,700.00. North King Street from Person Street to Grove Street - \$21,000.00. Beale Street from U.S. 301 to North Racepath Street - \$3,600.00. An estimated total cost of \$53,500.00.

We are proceeding with preparation of invitation for bids on Cain Road and would suggest this additional resurfacing be included for Cain Road.

Following some discussion, Mr. Plummer offered suggestion that B Street, Old Wilmington Road, be resurfaced from Grove Street to East Russell Street rather than from Link Street. Following a brief discussion, Mr. Satisfsky suggested that council hold this matter in abeyance for study and look at other streets. The suggestion was accepted without objection.

Council next considered approval of the purchase of railroad crossing material for McLamb Drive.

The City Engineer presented this matter and stated that in the present street improvement budget an item for \$16,000.00 was approved for the McLamb Drive railroad crossing improvements with surface material and signalization.

During the past year the City has purchased True Temper railroad crossing material which has been installed on South Broad Street and Jasper Street crossings. The City Engineer recommended the purchase of the same type material for the McLamb street crossing at a cost of \$6,600.00. As with the previous improvements on Jasper and South Broad Streets, the Seaboard Coastline Railroad will provide the installation. This installation should be done in conjunction with the recently approved pavement project of McLamb Drive.

Following a brief discussion Mr. Plummer offered motion for approval of the foregoing as recommended by the City Engineer. Motion seconded by Mr. Satisfsky and carried unanimously.

Council next gave consideration to several requests for drainage improvements for the Cochran Avenue area.

The City Engineer presented this matter and stated that the City has received three written requests and a number of verbal requests to eliminate a ditch that runs along the southern margin of Cochran Avenue abutting the V.A. Hospital. These requests come from the Veterans Hospital, from a Mrs. Vennie Geddie, and a Mrs. Mae C. Nordon, residents of Cochran Avenue.

The requested drainage, Mr. Bennett stated, is a portion of the drainage that will be necessary whenever Cochran Avenue, Caldwell Street, Sherrod Avenue or Kirkland Drive is paved and or drained. If this portion of the long range drainage project is constructed now, the future street assessments will be somewhat lowered.

Mr. B.E. Phillips, VA Hospital Director has made a written commitment to pay $\frac{1}{2}$ (\$4300.00) of the estimated \$17,200.00 total cost.

Since the VA Hospital has made the offer and may not have the funds available in the future we recommend the City fund the remaining \$12,900.00 and authorize construction. The \$12,900.00 can be funded from money left over from the Scotty Hills drainage project which is now expected to cost about \$25,000.00 less than the budgeted amount of \$90,000.00.

Mrs. Venie Geddie was recognized in her own behalf and requested approval.

Following a brief discussion, Mr. Dawkins offered motion, seconded by Mr. Shields, for approval of the foregoing as recommended. Motion carried unanimously.

Council next gave consideration to the acquisition of a portion of Buxton Boulevard right of way and provisions of a tract of land for southeast Fayetteville Reservoir. The City Attorney presented this matter and stated that a 20 foot strip for the reservoir and right of way for Buxton Boulevard is needed for the school. The City Attorney stated that he was not able to consummate a voluntary agreement and requested permission of the council to initiate condemnation proceedings.

Following a brief discussion, Mr. Plummer offered motion, seconded by Mr. Shields to follow the foregoing recommendation of the City Attorney. Motion carried unanimously.

Council next gave consideration to a resolution approving pavement markings on City maintained streets at railroad crossings by the North Carolina Department of Transportation.

The City Engineer presented this matter in memo form and stated that the North Carolina Board of Transportation is planning to place thermo plastic marking in advance of railroad crossings on all paved public roads and streets in North Carolina including locations on both the State Highway System in municipalities and non-state system streets in municipalities. These markings will include RXR symbols, transverse bands and stop lines.

This work is being done under Section 205 of the 1973 Federal Aid Highway Safety Act. Under this program the Federal Highway Administration will pay 100% of the cost involved therefore there will be no cost at all to the City of Fayetteville as the Board of Transportation is administering the program.

It is planned to do this work under contract in the spring of 1977 and the Department of Transportation has requested that they be furnished a resolution from the City Council approving the installation of these pavement markings on the non state system streets in Fayetteville.

Approval is needed prior to February 18, so that the Department of Transportation may take advantage of this opportunity to improve the safety of our railroad crossings.

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, PAVEMENT MARKINGS AT RAILROAD CROSSINGS. RES. # R 1977-10.

Mr. Dawkins 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 Resolutions Book R 1977.

Council next gave consideration to an ordinance prohibiting parking on Chance Street. The City Engineer presented this matter and stated that a Mrs. Anna Williams has requested a no parking ordinance in order to keep the driveway to her property open. She has somewhat of a special problem, he stated because of a V.F.W. Club on the north side of Chance Street opposite her property. Patrons of the V.F.W. Club park along both sides of Chance Street and sometimes block her driveway. The City Engineer recommended adoption of the ordinance.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE # 11, PARKING PROHIBITED, CHANCE STREET, SOUTH SIDE. ORD. # NS1977-12.

Mr. Plummer introduced the foregoing ordinance and moved its adoption, and that sign or signs be erected as recommended by the City Engineer. 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 NS1977.

Council next gave consideration to an ordinance proposing one way traffic on Hobson Street from Bragg Boulevard to Ft. Bragg Road.

The City Engineer presented this matter and stated that the City and the Department of Transportation have both exhausted every effort by signing to instruct motorists to right turn only from Hobson Street onto Bragg Boulevard.

The Department of Transportation has made a recent thorough study of this accident prone location and recommends one way traffic for Hobson Street, as a result of their studies. The City Engineer stated he concurred in Department of Transportation's recommendation that the abutting property owners along this street have been notified of the proposed action and there is no opposition.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE # 7, ONE WAY STREETS, HOBSON STREET, FROM BRAGG BOULEVARD TO FT BRAGG ROAD. ORDINANCE # NS 1977-13.

Mr. Shields 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 City Clerk's office in Ordinance Book NS 1977.

Council next gave consideration to two ordinances revising Traffic Schedule #6, stop intersections, and Traffic Schedule # 14, yield right of way.

The City Engineer presented this matter and stated that the adoption of these ordinances are necessary in view of action by the Community Development Department in changing said streets and street intersections.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE # 6, STOP INTERSECTIONS. ORDINANCE # NS 1977-14.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE. TRAFFIC SCHEDULE # 14, YIELD RIGHT OF WAY. ORDINANCE # NS1977-15.

Following a brief discussion, Mr. Plummer introduced the two foregoing ordinances and moved their adoption as recommended by the City Engineer. Motion seconded by Mr. Satsky and carried unanimously.

Copies of the two foregoing ordinances are on file in the City Clerk's office in Ordinance Book NS1977.

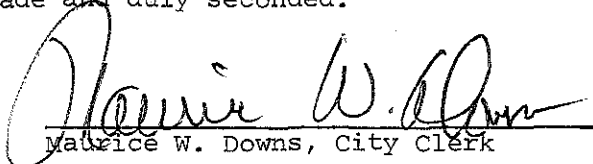
No delegations responded to the invitation by Mayor pro tem George for recognition.

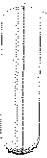
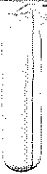
City Manager reports:

The City Manager stated that he had received a request from Mr. Bernard Stein, Chairman of the Downtown Revitalization Commission for specific approval of the deletions in the plan recommended by the Chamber of Commerce as submitted to the City Council.

Following a brief discussion, Mr. Plummer offered motion that the plan be adopted as presented. Motion seconded by Mr. Dawkins and carried unanimously.

Thereafter, all matters of business having been completed, this regular session of the City Council was adjourned at 11:10 P.M. upon motion made and duly seconded.


Maurice W. Downs, City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
FEBRUARY 28, 1977

Present: Mayor Beth Finch

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

Council Member absent: Gene Plummer

Others present: William G. Thomas III, City Manager
William E. Clark, City Attorney
Joe Stowe, PWC
Ron Hickman, Executive Director of Community Development

Mayor Finch called this regular session to order at 7:40 P.M., following a Public Hearing on the Community Development Application for FY 77-78, During which time Mr. Hickman stated that at the meeting held on February 21 after some deliberation five programs were selected to be presented to the public for funding in the third year entitlement application for FY 77-78. These items were: 1. Urban renewal, Collier Drive Area \$329,320.00, 2. Street paving in low income areas-Neville, Simpson, Morgan, Ingram, and Progress Streets-\$666,710.00, 3. Historic Preservation-50,000.00, 4. Senior Citizens Center-\$100,000.00, 5. Neighborhood Center-Turnpike Road Area-\$150,000.00 and Administration-\$147,900.00. During the public hearing, Mayor Finch gave those present in the audience, approximately 250 persons, an opportunity to speak for or against the various projects.

The following persons were recognized at that time: Mr. Albert E. Waggoner, Mrs. Mary Eldrige, Mr. Thomas Whitmeyer, Mrs. Louise Saunders, Mr. Percy Jones, Mr. Clinton Harris, Mr. Michael Evans.

Mayor Finch then asked council if they wished to take official action on the foregoing matters, and Mr. Dawkins offered motion that the Community Development money for FY 77-78 be spent in the following ways:

Street paving;\$666,710.00, Historic preservation; \$50,000.00, Urban renewal; Collier Drive Area; \$329,320.00, Administration;\$147,970.00 and the remaining \$250,000.00 be used for a Senior Citizen's Service Center. Motion was seconded by Mrs. Beard and carried, Mr. George voting no. The total of the above amounts equals \$1,444,000.00.

Mr. George offered substitute motion that Community Development money be spent as was tentatively decided by the council at a special meeting held February 21, 1977, and that no changes be made in the allocation. The substitute motion was lost for lack of a second.

Mr. Dawkins then offered motion that the council adopt resolution of the City of Fayetteville pertaining to funding under Community Development Block Grant Program authorizing filing of the application of such grant, and designating the Mayor as Chief Executive Officer. The motion was seconded by Mr. Satisfsky and carried Mr. George voting no.

Mayor Finch then called on the Reverend Robert L. Ladehoff, Rector of St. Johns Episcopal Church, for the invocation. Following the invocation Mayor Finch led the Assembly in the Pledge of Allegiance to the Flag.

Mayor Finch then recognized the following Youth Council Representatives present in the audience to observe council proceedings: Pam Cook, Lisa Cook and Lee Baker.

Upon motion by Mr. Satisfsky, seconded by Mr. Shields, and carried unanimously, the minutes of the regular meeting of February 14 were approved as submitted by the clerk.

Public Hearings:

A public hearing had been published for this date and hour on the annexation, pursuant to petition, of the College Arms Motel and Trailer Park, and a portion of Raleigh Road from Longview Drive to the vicinity of Meadowcroft Drive (right of way only). The clerk certified that the property owners had been mailed a notice of this public hearing by first class mail of February 16. The Annexation Technical Review Committee recommended approval. City Attorney Clark, informed council that the right of way portion of this annexation had been removed, and was not for consideration for annexation this evening.

There was no opposition present.

ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE THE COLLEGE ARMS MOTEL AND TRAILER PARK. ANNEXATION # 192.

Mr. Satisfsky 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 Annexation Book # 1977.

A public hearing had been published for this date and hour on consideration of an ordinance confirming the assessment roll for the extension of water and sanitary sewer mains into portions of

Boone Trail, Carlos Avenue, Dillion Drive, Fargo Drive, Redstone Avenue and Sandhill Drive. The clerk certified that notices had been mailed to the property owners in these areas informing them of the public hearing tonight by first class mail on February 16.

Mr. Joe Stowe, Assistant Manager of PWC, presented this matter.

Attorney Jerome Clark, representing Mrs. John Sandrock, was recognized on a question of assessments for property owned by Mrs. Sandrock and thought to be property deeded to the City which was located under some high tension electric wires in the Bordeaux Area. City Administration was requested to check this out.

Mr. Clifford O. Hartrell of Boone Trail was recognized in opposition to the assessments. Mr. Curtis Baker was also recognized with a question on the assessments.

Some discussion followed.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE EXTENSION OF WATER WORKS AND SEWER SYSTEMS AND OTHER IMPROVEMENTS ON AND IN BOONE TRAIL, CARLOS AVENUE, DILLON DRIVE, FARGO DRIVE, REDSTONE AVENUE AND SANDHILL DRIVE. ORDINANCE # NS1977-16.

Following some 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 City Clerk's office in Ordinance Book NS 1977.

A public hearing had been published for this date and hour for the rezoning from R10 Residential District, to C1P Shopping Center District, or to a more restrictive zoning classification, an area located at 3110 and 3114 Boone Trail. Planning Board recommended approval.

Attorney Jerome Clark was recognized for Bordeaux Shopping Center and Mr. Sledge, the petitioner.

Some discussion arose as to whether or not one year had passed since the consideration by council of the same area for rezoning. The Code requirement is that a zoning matter cannot be heard twice during the same 12 months.

Following some discussion, Mr. Shields offered the motion to continue this public hearing to the March 14 meeting, pending a determination as to whether this matter had been heard within the past 12 months. Motion 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 R6 Residential District or to a more restrictive zoning classification, of an ^{area} located on Morganton Road between Woodrow Street and Camelia Drive. The Planning Board recommended approval.

Mr. Harold Cohen, the Petitioner, was recognized and stated he wished to construct four family apartment units for the aged and handicapped in this location. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R10 RESIDENTIAL DISTRICT TO R6 RESIDENTIAL AN AREA LOCATED ON MORGANTON ROAD BETWEEN WOODROW STREET AND CAMELIA DRIVE. ORDINANCE # NS1977-17.

Mr. Dawkins 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 R10 Residential District to P2 Professional District or to a more restrictive zoning classification of an area located at 137 Hunter Circle. Planning Board recommended denial. There was no opposition present.

Mr. Satsky offered motion to deny the foregoing rezoning. Seconded by Mr. Shields and carried unanimously.

Mr. Dawkins then asked for recognition in the audience of Coach Koonce and several students from Southview High School and for Cumberland County Commissioner Billy Horne, and this was done.

Mayor Finch stated that visitors were always welcome to the council meetings.

Returning to business, 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 2308 Murchison Road. Planning Board recommended denial of C1 and approval of P2 in this area.

Council recognized Mr. James E. Ratchford, the petitioner. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R5A RESIDENTIAL DISTRICT TO C1 LOCAL BUSINESS DISTRICT AN AREA LOCATED AT 2308 MURCHISON ROAD. ORDINANCE # NS 1977-18.

Mr. George introduced the foregoing ordinance and moved its adoption, and from rezoning of the area from R5A to C1. Motion 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 C3 Heavy Commercial District or to a more restrictive zoning classification of an area located at 524 Hillsboro Street. Planning Board recommended denial of C3 and approval of C1.

Mr. James E. Ratchford, again recognized as the petitioner. 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 RESIDENTIAL DISTRICT AN AREA LOCATED AT 524 HILLSBORO STREET. ORDINANCE # NS1977-19.

Mr. Dawkins introduced the foregoing ordinance and moved its adoption and that the area be rezoned from R5 to C1 as recommended by the Planning Board. Motion 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 P2 Professional District or to a more restrictive zoning classification of an area located at 3401 Village Drive. Planning Board recommended denial.

Mrs. Yvonne Sykes was recognized in opposition.

Following some discussion Mrs. Beard offered motion, seconded by Mr. Satsky to deny the foregoing request for rezoning as recommended by the Planning Board. Motion carried unanimously.

A public hearing had been published for this date and hour on the rezoning from R6 Residential District to C1A Area Commercial District or to a more restrictive zoning classification of an area located at the southeast corner of Parnell Street and Breezewood Avenue. Planning Board recommended that the property remain R6 Residential District.

Mr. W.A. Ivey, the petitioner, was recognized and requested permission to withdraw his petition for rezoning.

Following a brief discussion, Mr. Dawkins offered motion, seconded by Mr. Satsky, to deny the foregoing rezoning request as recommended by the Planning Board and that the area remain R6 Residential District. Motion carried unanimously.

A public hearing had been published for this date and hour on the rezoning from R6 Residential District and P2 Professional District to C1 Local Business District or to a more restrictive zoning classifications of an area located at 1905, 1911, 1913, 2001, 2005, and 2013 Murchison Road. Planning Board recommended approval for R6 and C1P.

Mr. Paul Liggin was recognized representing the petitioner and requested C1 zoning.

Attorney Arthur Lane was also recognized for the petitioner for C1 zoning.

Following a brief discussion Mr. George offered motion for adoption of an ordinance rezoning the P2 area only as shown on the map be rezoned to C1. Motion seconded by Mrs. Beard, and carried unanimously.

Mr. Satsky then offered motion for adoption of an ordinance that the R6 area as shown on the map remain R6. Motion seconded by Mr. Dawkins and carried unanimously.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM P2 PROFESSIONAL DISTRICT TO C1 LOCAL BUSINESS DISTRICT THAT AREA AS SHOWN ON THE MAP AND THE R6 AREA AS SHOWN ON THE MAP REMAIN R6 AREA. ORDINANCE NO. NS1977-20.

A public hearing had been published for this date and hour on the initial zoning to R5A Residential District, C1 Local Business District and C3 Heavy Commercial District or to a more restrictive zoning classification of an area located on Pamalee Drive between Karin Street and Swain Street. Planner Mitchell stated that this is a recently annexed area and Planning Board recommends approval of the foregoing zonings.

Council recognized Mrs. Barbara Kessling, representing herself and other property owners in the Thompson Subdivision, in opposition to C1 Zoning and approval of R10 Residential District zoning for the entire area.

Following Mrs. Kessling's comprehensive presentation and request, Mrs. Beard offered the following motion: That lots 1 and 2 (in tract #2) of the Thompson Subdivision, plus the right-of-way of Pamalee Drive, immediately south of lots 1 and 2, between Karin Street and Kathy Street be zoned R10 Residential District, and that the remaining portion of the right-of-way of Pamalee Drive, eastwardly from Kathy Street (also part of tract #2) be zoned C1 Local Business District. Motion seconded by Mr. Shields and carried unanimously.

Following a brief discussion, Mr. Satsky offered motion that tract #1 on the map be zoned C3 Heavy Commercial and tract #3 on the map be zoned R5A Residential District. Motion seconded by Mr. Dawkins and carried unanimously, Mrs. Beard voting no.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS:

THAT LOTS 1 AND 2 IN TRACT # 2 OF THE TOMPSON SUBDIVISION, PLUS THE RIGHT-OF-WAY OF PAMALEE DRIVE IMMEDIATELY SOUTH OF LOTS 1 AND 2 BETWEEN KAREN STREET AND KATHY STREET BE ZONED R10 RESIDENTIAL DISTRICT AND THAT THE REMAINING PORTION OF RIGHT-OF-WAY OF PAMALEE DRIVE EASTWARDLY FROM KATHY STREET ALSO PART OF TRACT # 2, BE ZONE C1 LOCAL BUSINESS DISTRICT AND THAT TRACT # 1 BE ZONED C3, AND TRACT # 3 BE ZONED R 5 OF AN AREA LOCATED ON PAMALEE DRIVE BETWEEN KAREN STREET AND SWAIN STREET. ORDINANCE # NS1977-21.

A public hearing had been published for this date and hour of the initial zoning to R10 Residential District, P2 Professional District, C1 Local Business District, Clp Shopping Center District and M2 Industrial District or to more restrictive zoning classifications of an area located on both sides of Raeford Road between Montclair Subdivision and McPherson Church Road. Planner Mitchell stated this was a recent annexation and the Planning Board recommends approval as stated before, as requested by the property owners. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY R10 RESIDENTIAL DISTRICT, P2 PROFESSIONAL DISTRICT, C1 LOCAL BUSINESS DISTRICT, Clp SHOPPING CENTER DISTRICT AND M2 INDUSTRIAL DISTRICT OF AN AREA LOCATED ON BOTH SIDES OF RAEFORD ROAD BETWEEN MONTCLAIR SUBDIVISION AND MCPHERSON CHURCH ROAD. ORDINANCE NS1977-22.

Mr. Dawkins 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 initial zoning to Clp Shopping Center District or to a more restrictive zoning classification of an area located at the southwest corner of Stacy Weaver Drive and Ramsey Street. Planner Mitchell stated that this was a recently annexed area and that Planning Board recommended approval as requested by the property owners.

Mr. Stacy Weaver was recognized for the petitioners and there was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY Clp SHOPPING CENTER DISTRICT, AN AREA LOCATED AT THE SOUTHWEST CORNER OF STACY WEAVER DRIVE AND RAMSEY STREET. ORDINANCE # NS1977-23.

Mr. Satsky 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 initial zoning R10 Residential District or to a more restrictive zoning classification of an area located on Sugar Cane Circle abutting Huntington Park Subdivision. Planner Mitchell state that this was a recently annexed area and Planning Board recommended approval of R10.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY R10 RESIDENTIAL DISTRICT AN AREA LOCATED ON SUGAR CANE CIRCLE ABUTTING HUNTINGTON PARK SUBDIVISION. ORDINANCE # NS1977-24.

Mr. George 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 initial zoning R10 Residential District or to a more restrictive zoning classification of an area located on Rustburg Drive and known as Howard Acres Subdivision, Section 3. Planner Mitchell stated that this was a recently annexed area and Planning Board recommended approval of R10. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY R10 RESIDENTIAL DISTRICT AN AREA LOCATED ON RUSTBURG DRIVE AND KNOWN AS HOWARD ACRES SUBDIVISION, SECTION 3. ORDINANCE # NS1977-25.

Mr. George introduced the foregoing ordinance and moved its adoption. Motion seconded by Mrs. Beard and carried unanimously.

A public hearing had been published for this date and hour on the initial zoning to P2 Professional District, Clp Shopping Center District and C3 Heavy Commercial District or to a more restrictive zoning classifications of an area located at the intersection of 401 By-Pass and Morganton Road. Planner Mitchell stated that this was a recently annexed area and Planning Board recommends approval of P2 Professional District for Tract #1 as shown on the map and Clp Shopping Center District for the remainder as shown on the map, but not C3 Heavy Commercial District. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY P2 PROFESSIONAL DISTRICT, TRACT # 1, AND THE REMAINDER Clp SHOPPING CENTER DISTRICT AS SHOWN ON THE MAP FOR AN AREA LOCATED AT THE INTERSECTION OF 401 BY-PASS AND MORGANTON ROAD. ORDINANCE # NS1977-26.

Mrs. Beard introduced the foregoing ordinance and moved its adoption. Seconded by Mr. Dawkins and carried unanimously.

Copies of all of the foregoing ordinances are on file in the City Clerk's office in Ordinance Book NS1977.

Upon motion by Mr. Dawkins and seconded by Mr. George and carried unanimously, public hearings were set for March 28, 1977 on the following items:

- A. Consideration of a paving petition from residents on Kirkland Drive from Ramsey Street to Sherrard Drive.
- B. Consideration of the rezoning from R5 Residential District to P2 Professional District or to a more restrictive zoning classification an area located at 134 Robeson Street.
- C. Consideration of the initial zoning under the City of Fayetteville zoning ordinance to C3 Heavy Commercial District or to a more restrictive zoning classification an area located along Highway 301 South.
- D. Consideration of the initial zoning under the City of Fayetteville zoning ordinance to R10 Residential District or to a more restrictive zoning classification an area located at 313 Longview Drive.
- E. Consideration of the initial zoning under the City of Fayetteville zoning ordinance to R10 Residential District or to a more restrictive zoning classification an area located on Walking Lane Drive adjacent to Country Club Lake.
- F. Consideration of a petition for closing a portion of Flour Lane.

PRELIMINARY RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION OF KIRKLAND DRIVE FROM RAMSEY STREET TO SHERRERD DRIVE. RES. # R1977-11.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolutions Book R1977.

Planning Board Matters:

Planning Board recommended conditional approval of Briarwood Section 10 Subdivision preliminary extension review located on Village Drive.

Mr. Satsky offered motion for approval of the foregoing as recommended. Seconded by Mr. Dawkins and carried unanimously.

Council heard recommendation from the Planning Board for conditional approval of Rosehill Road Quick Stop preliminary and final ClP review located on Rosehill Road.

Mrs. Beard offered motion for approval of the foregoing as recommended. Seconded by Mr. Satsky, and carried unanimously.

Council heard recommendation for conditional approval from the Planning Board for Woodfield Subdivision preliminary and final review located on Pamalee Drive on Old Mintz Mill Road.

Mr. Satsky offered motion for approval of the foregoing as recommended. Seconded by Mr. Shields and carried unanimously.

Planning Board recommended conditional approval of Bordeaux, Section 3 Subdivision preliminary and final review located on Melrose Road near Cape Fear Valley Hospital.

Mr. Dawkins offered motion for approval of the foregoing as recommended, seconded by Mr. Satsky, and carried unanimously.

Planning Board recommended conditional approval of Heart of Fayetteville Motel parking lot addition preliminary and final ClP review located on Beech at Laurel Street.

Mr. Dawkins offered motion for approval of the foregoing as recommended. Seconded by Mr. Satsky and carried unanimously.

Public Works Commission Matters:

Mr. Joe Stowe, Assistant Manager, presented these matters.

PWC recommended approval of an application from Cumberland County School System for a 6 inch sanitary sewer connection for Ireland Drive Elementary School and a 3 inch water connection to serve Cashwell Elementary School.

Mr. Satsky offered motion, seconded by Mr. Shields, for approval of the foregoing applications as recommended. Motion carried unanimously.

PWC recommended approval of an application by James L. Breswitz for water service to a residence on 2230 Progress Street.

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

PWC recommended approval of an application by Smith's Auto and Body Shop for a 1 inch water connection on Legion Road.

Mrs. Beard offered motion for approval of the foregoing application as recommended by PWC. Motion seconded by Mr. Dawkins and carried unanimously.

This completed PWC matters.

Council next gave consideration to the selection of a housing site for the elderly under the FY75/77 Community Development Program.

Council recognized Mr. Ron Hickman, Executive Director of the Community Development Department who stated that Mayor Finch had received a letter from Mr. R.B. Barnwell, Director of the Department of Housing and Urban Development in Greensboro in response to a request from Mayor Finch that a Multi-family review be made of a proposed site for elderly housing.

ON January 24, he stated, a delegation from his office met with Mr. Hickman and hotel representatives at the Prince Charles Hotel Building on Hay Street in Fayetteville. As a part of that visit, the two new construction sites favored in an earlier letter to Mr. Hickman were again reviewed and were compared with the substantial rehabilitation possibilities of the hotel.

The area office representatives were impressed with the physical layout of the hotel and the manner in which it is being cared for. However, Mr. Barnwell stated in his letter "we cannot help but recognize the effect that off duty military has on the area immediately surrounding the hotel, and for this reason, and for the immediate future, we cannot consider the hotel neighborhood to be as desirable for elderly housing as the other sites still under consideration."

As before, this letter reflects area office opinion as to the relative merits of sites being considered. We favor the locations of Grove-Ramsey and Ames-Bragg over the hotel in the order mentioned. More definitive determinations and appraisals can be made based on the City's formal request for site pre-approval. Mr. Hickman explained that although HUD appeared to be in favor of the alternate sites for the housing that they would, in his opinion, consider the hotel site if council were to choose that site.

It was suggested to the Mayor that she poll the audience in an effort to determine the general feeling of the hotel as a site for the elderly. This she did and she recognized Mr. Albert E. Wagner, who had spoken at the earlier meeting on the Community Development application.

Mr. Wagner was recognized and suggested to council that they approve the hotel sight as a temporary housing measure until a permanent sight can be selected and housing constructed.

Mr. Bernard Stein, representing the Downtown Revitalization Commission, was recognized in favor of the hotel site.

Mrs. Catherine Callahan was recognized in opposition to the hotel site.

Ten elderly persons in the audience were recognized in opposition to the hotel site.

Mr. Jim Morris, Executive Director of the Downtown Fayetteville Association, was recognized in favor of the hotel site.

Following some lengthy discussion of this matter, Mrs. Beard offered a motion for approval of site #7. (The Ames-Bragg Boulevard Site). Her motion was lost for lack of a second.

Following some further discussion, Mr. Shields offered motion that the City purchase the Prince Charles Hotel and proceed to develop it as a Senior Citizens Housing. Motion seconded by Mr. George, and carried by the following vote: For: Council members Satisfsky, Shields, George and Dawkins. Against: Councilmember Beard.

Council next gave consideration to a request for authorization for a condemnation with the street paving low income areas Program Area #7, Community Development. Mr. Hickman presented this matter and stated that Parcel A-1 owned by Mr. & Mrs. Moses Rouse, who had been offered just compensation in the amount of \$327.00 and who would not accept the offer for their tract in the street paving and low income areas, University Avenue Program Area #7 and requested authorization to proceed with condemnation proceedings.

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

Council next gave consideration to a proposed resolution authorizing the Mayor to sign a contract with the North Carolina Department of Transportation for state participation of 10% (\$24,637.00) in the purchase of Cape Fear Valley Coaches Inc.

RESOLUTION REQUESTING THE NORTH CAROLINA BOARD OF TRANSPORTATION TO PROVIDE 50% OF THE NON-FEDERAL COST OF THE FOLLOWING MASS TRANSPORTATION PROJECT: ACQUISITION OF ASSETS OF CAPE FEAR VALLEY COACHLINES INC. AND PURCHASE A BUS WASHER-CLEANER AT AN ESTIMATED COST OF \$246,375.00 OF WHICH THE NON-FEDERAL COST AMOUNTS TO \$49,274.00. RES. NO. R1977-12.

Mr. Satisfsky introduced the foregoing resolution and moved its adoption that the Mayor and the clerk be, and they hereby are, authorized and directed to sign said resolution in behalf of the City. Motion seconded by Mrs. Beard and carried unanimously.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolutions Book R1977.

Council next gave consideration to a resolution authorizing the Mayor to sign a contract with

North Carolina Department of Transportation for state participation of 10% (\$216,235.00) for the purchase of new capital equipment for the Transit Department. The City Manager presented this matter also and requested approval.

A RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL WHEREBY, THE CITY OF FAYETTEVILLE HAS REQUESTED THE NORTH CAROLINA BOARD OF TRANSPORTATION TO PROVIDE 50% OF THE NON-FEDERAL COST OF THE FOLLOWING MASS TRANSPORTATION PROJECT: PURCHASE AND OPERATION OF 26 NEW 35 FOOT 39 PASSENGER ADVANCED DESIGNED PASSENGER BUSES, 26 FARE BOXES AND VAULTS, 1 INFORMATION KIOSK, 1100 BUS STOP SIGNS AND 25 PASSENGER WAITING SHELTERS, 1 1½ TON TRUCK, AND 1 ROUTE SUPERVISORY CAR, 7 USED 45 PASSENGER BUSES, TOOLS AND EQUIPMENT AND ONE COMPLETE TWO WAY RADIO MOBILE COMMUNICATION SYSTEM, AT AN ESTIMED COST OF \$2,162,352.00 OF WHICH THE NON-FEDERAL COST AMOUNTS TO \$432,470.00. Res. No. R1977-13.

Mrs. Beard introduced the foregoing resolution and moved its adoption, and that the Mayor and Clerk be, and they hereby are authorized and directed to sign said resolution in behalf of the City. Motion seconded by Mr. Satisfsky and carried unanimously.

Council next gave consideration to the approval of the award of bids for a bus washer and interior bus cleaner.

City Manager presented this matter and stated that bids were opened on January 27 for the purchase of this equipment. The low bid meeting specifications for the interior bus cleaner was submitted by Ross & White Co. in the amount of \$16,013.52 and the low meeting specifications for the bus washing equipment was also submitted by Ross & White Co. in the amount of \$31,276.00. The City Manager recommended approval of the Ross & White bids.

Mrs. Beard offered motion to accept both low bids of Ross & White Co. for the interior bus cleaner and bus washing system as recommended by the City Manager. Seconded by Mr. Satisfsky, and carried unanimously.

Council next gave consideration to the approval of a contract with Haigh and Von Rosenberg, local CPAs to audit the City of Fayetteville accounts including Public Works Commission.

The City Manager presented this matter and recommended approval of the contract with Haigh & Von Rosenberg.

Mr. Satisfsky offered motion, seconded by Mr. Shields, for approval of the foregoing contract as recommended by the City Manager and that the Mayor be, and she is hereby authorized and directed to sign said contract for the City. Motion carried unanimously.

Council next gave consideration to two requests for City participation in the cost of street construction. The City Engineer presented these matters and stated that he had received a request from Mrs. Frank P. Teague for City participation in the construction of the intersection of Bryn Mawr and Torcross Drive. This is in accordance with City participation policy and we recommend approval. The participation is \$383.83.

Mr. Satisfsky offered motion, seconded by Mr. Dawkins for approval of the foregoing as recommended. Motion carried unanimously.

Mr. Bennett stated the second request was from Mr. M.J. Weeks and was for City participation in street construction, Green Valley Section 4, Part 3. The request is in accordance with the City's policy for street construction participation in subdivisions, Mr. Bennett stated, and the City's participation amount is \$ 2,810.84 and was recommended.

Mr. Satisfsky offered motion for approval of the foregoing request as recommended. Seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to several proposed ordinances imposing liens against real property for the demolition cost of substandard structures.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$200.00 AGAINST PROPERTY LOCATED AT 106 COUNTRY CLUB DRIVE AND OWNED BY MS. ELIZABETH BELL. ORD. NO. NS-1977-27.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$100.00 AGAINST PROPERTY LOCATED AT 472 WILLIAMS STREET AND OWNED BY MAUDE O. SCARBORO. ORD. NO. 1977-28.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$100.00 AGAINST PROPERTY LOCATED AT 617 GREER AVENUE AND OWNED BY GERALD L. WAITMAN AND ROSLYN W. WAITMAN. ORD. NO. NS1977-29.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$100.00 AGAINST PROPERTY LOCATED AT 619 GREER AVENUE AND OWNED BY BOOKER T. BELLAMY. ORD. NO. NS1977-30.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$150.00 AGAINST THE PROPERTY LOCATED AT 621 GREER AVENUE AND OWNED BY BOOKER T. BELLAMY. ORD. NO. NS1977-31.

The City Manager presented the foregoing ordinances and recommended approval.

Mr. Satsky offered motion, seconded by Mrs. Beard, for adoption of the foregoing ordinances as recommended at 10:45 o'clock P.M. Motion carried unanimously.

Copies of all the foregoing ordinances are on file in the City Clerk's office in Ordinance Book NS1977.

Council next gave consideration to approval of taxi cab driver permits.

Upon motion by Mrs. Beard, seconded by Mr. Satsky, and carried unanimously taxicab driver permits were approved for the following named as recommended by the City Taxicab Inspector, Chief of Police, and the City Manager: Herman E. Myrick, Franklin D. Parker, David H. Hill, Evander H. Barnes, Paul E. Barker, Lewis B. Sydes, Robert H. Howard, Donald Forney, Rodney L. Benson.

No delegations responded to the invitation issued by Mayor Finch for recognition at this time.

CITY MANAGER REPORTS:

The City Manager reported on a landfill sight to be used jointly by the city and county. Mr. Thomas stated that currently the county is paying \$78,000.00 per annum to the city for the operation of the city's landfill sight. However, the county has a location on Crystal Springs Road and recommends that the city use the same with the county. Mr. Thomas stated that the asking price is high. \$424,000. and the county proposes 50/50 participation in the purchase of it and that the city turn over its present landfill equipment, consisting of the drag line and several other pieces to the county for operation in this landfill. Mr. Thomas stated that he had met with the county authorities several times on this matter and that he was not entirely in agreement with their proposition and instead made the following recommendation: That the city council authorized the Mayor to sign a proposal that the city pay 50% \$212,400.00, and the city would enter a joint ownership on the 50/50 basis of the landfill site. However, the city wants credit of \$105,000.00 which represents the value of 1 drag line, \$50,000.00, 1 tractor, 45,000.00, 1 bulldozer at \$10,000.00. A total of \$105,000.00, so the city's one half asking price would amount to our turning over the equipment to them for a value of \$105,000.00 and transferring the funds to the county of \$117,400.00 and if council and county approve this proposal it would mean that the city would go out of the city landfill business and no longer would the county have to pay the city an annual payment of 78,000.00. The City Manager recommended approval of this proposal by the city council.

Councilman Shields commended City Manager Thomas for his diligence in drawing this proposal as did all the other councilmembers and Mr. Dawkins then offered motion, seconded by Mrs. Beard that the Mayor be, and she hereby is, authorized and directed to sign the letter of proposal for the landfill site operation, as recommended by the City Manager. Motion carried unanimously.

The City Manager reported the resignation from the Police Department of Patrolman James E. Duke, Said resignation to be effective March 1, 1977. Council noted the resignation.

Council then recognized Mr. Bernard Stein, Chairman of the Downtown Revitalization Commission, who stated that the sum of \$54,000.00 had been approved by the council and the county to set up the directorship for the Downtown Revitalization Commission. \$27,000.00 of this amount is the sum to be provided by the city. Mr. Stein reminded council that most of the fiscal year had passed and requested the release of 1/3 of the \$27,000.00 or approximately \$9,000.00 to get the program started assuming the county will do the same thing.

Following some discussion, Mr. Satsky offered the suggestion that Mr. Stein submit a Downtown Revitalization Commission Charter and by-laws before any funds are released. Mayor Finch suggested that Mr. Stein prepare and present the foregoing and a budget at the next meeting of the council and this was satisfactory.

Council then recognized the City Attorney who presented two proposed ordinances for council's consideration. One concerning dangerous animals (in view of the female lion which escaped and injured a child in Spring Lake last week) and another ordinance on the adult entertainment area.

Following a brief discussion, Mr. Satsky offered motion to continue the consideration of both of these ordinances to the March 14 meeting. Motion seconded by Mr. Shields and carried unanimously.

Matters of interest to the council:

Mrs. Beard offered a suggestion that the city council should have input on ordinances such as those just presented by the City Attorney.

Mr. Dawkins reminded council that April 1 is the deadline on local bills before the State Legislature.

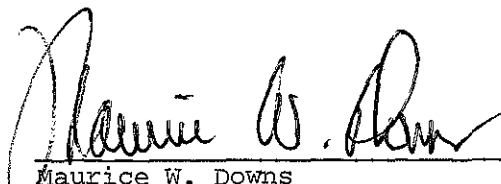
Mr. Satsky read a resolution adopted February 18, 1977 by the Fayetteville Technical Institute stating its emphatic opposition to the proliferation of undesirable establishments in the FTI location, and requested local governing bodies to pass suitable legislation to protect the school from these elements.

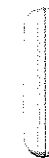
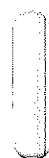
Mayor Finch stated that one of our proposed ordinances would help this situation and also a bill proposed by State Legislator Charles Holt before the House would help.

Mayor Finch asked the city councilmembers if they desired a meeting on the Charter revisions and Mr. George suggested that the councilmembers present proposed changes if any, at the next regular meeting.

Mrs. Finch reminded council that Wednesday, March 30, was Mayor's Day in Raleigh and also that the council would entertain the local legislators at luncheon on that day and requested all councilmembers to be present. Mayor Finch also reminded councilmembers of the Congressional City's meeting in Washington beginning this Sunday and that all councilmembers proposing to go, meet at the airport on Sunday morning.

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


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MARCH 14, 1977
8:00 P.M.

Present: Mayor Pro tem, Marion C. George, Jr.

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

Absent: Mayor Beth Finch

Others Present: Mr. William G. Thomas III, City Manager
Mr. William Clark, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Pro tem George, presiding in the absence of Mayor Finch, who is visiting in Rome, Italy with her husband, called the meeting to order and the invocation was offered by the Reverend Larry B. Smith, Pastor of the Church of the Nazarene. Following the invocation, the assembly was led in the Pledge of Allegiance by Scout Bill McGougan, Troop Quartermaster, Troop 740, Haymount United Methodist Church.

Mr. George recognized Fayetteville Youth Council Representatives, Kenny Fleishman, Leslie Malinoski and Julia Kennedy, present in the audience to observe council proceedings. Mr. Dawkins also recognized members of the Fayetteville Academy Key Club present in the audience this evening to observe council proceedings.

First order of business was approval of the minutes and upon motion by Mr. Satisfsky, seconded by Mr. Shields, and carried unanimously, minutes of the regular meeting of February 28, 1977 were approved as submitted by the Clerk.

Public hearings:

A public hearing was held, as continued from the February 28 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 3110 and 3114 Boone Trail. This matter was continued from the February 28 meeting for determination by the Planning Department and the City Clerk, if this matter had been before council within the past twelve months. Planner Mitchell was recognized, and informed council that he and the Clerk had checked their respective records and found nothing to indicate that this matter had been before council within the past twelve months. Planner Mitchell stated that Planning Board recommended approval of this rezoning.

Attorney Jerome Clark was recognized for the petitioner, and requested approval.

Mrs. Jessie Black, a resident property owner at 3120 Boone Trail, was recognized in opposition to the proposed rezoning.

Following some discussion of this matter, Mr. Plummer offered motion for approval of the rezoning as requested and as recommended. Motion seconded by Mr. Satisfsky, and carried: Mrs. Beard voting no.

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
AT 3110 AND 3114 BOONE TRAIL. ORDINANCE NO. NS 1977-32.

A copy of the foregoing is on file in the City Clerk's office in Ordinance Book NS1977.

A public hearing had been published for this date and hour on a petition for the paving of Hull Road from Churchill Drive, eastwardly to dead end. The Clerk certified that all property owners had received due and proper notice of this public hearing this evening. The City Engineer presented this matter and stated that the petition received was valid and was signed by a majority of the property owners, owning a majority of the front footage along the street.

Mr. W.O. Bellamy, of 2129 Hull Road was recognized and requested approval of the paving. There was no opposition present.

FINAL RESOLUTION REQUIRING THE PAVING, PURSUANT TO PETITION, OF HULL ROAD FROM CHURCHILL DRIVE, EASTWARDLY TO ITS DEAD END. RESOLUTION NO. R1977-14.

Mr. Plummer introduced the foregoing resolution and moved its approval. Seconded by Mr. Dawkins and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1977.

A public hearing was held on the approval of the reconstruction of South King Street and Arsenal Avenue. The City Engineer presented this matter and reminded council that at a public hearing on January 24, the idea to reconstruct a portion of Winslow Street and Willborough Avenue was rejected, and that previously \$150,200.00 had been tentatively approved for these projects. In view of the foregoing, he suggested reallocation of these funds to reconstruct South King Street from Russell Street southwardly, to the first railroad crossing for 2530 feet with drainage, paving, curb and gutters for \$127,000.00. The remaining 1700 feet would suffice as it is.

The following named persons were recognized in opposition to this reconstruction and to the

proposed assessment for same: C.R. Freeman, 300 South King Street; Mr. Ervin Smith, 508 South King Street; Mr. Roland Sessoms, South King Street and Mr. Emmett Cane, South King Street.

Following some discussion of this matter, Mr. Plummer offered motion that council take no action on this matter, but have the City Engineer look into the possibility of resurfacing this street portion with a heavy blacktop coating and give some relief from the potholes at no cost to the property owners. Motion seconded by Mr. Shields, and carried unanimously.

On Arsenal Avenue, City Engineer Bennett stated this street has been a source of many complaints because of the dips at catch basins and curb corners at intersections being constructed at almost no radius. Right of way needs to be purchased to increase all radii at intersections. We believe these corners can be purchased for \$23,000.00. We believe, he stated further, it will take from now until the next budget for the acquisitions to be made. Construction money can then be in the next budget for correcting basins and reconstruction of the intersections. Arsenal Avenue does at present, have curb and gutter and underground drainage system. He recommended that this be done at no cost to the property owners.

Following a brief discussion, Mr. Dawkins offered motion for approval of the foregoing as recommended by the City Engineer. Motion seconded by Mrs. Beard and carried unanimously.

Council then gave consideration for the approval of assessment rolls.

A public hearing had been published for this date and hour on confirming the assessment for the paving of Turnpike Road from Branson Street to Commerce, under the City's regular street paving policy. The Clerk certified that all property owners had received due and proper notice of this public hearing.

The City Engineer presented this matter and stated that this section of Turnpike Road had been paved by order of the City Council at the request of several property owners but no majority petition had been submitted and this portion of Turnpike Road was paved under the City's regular two-thirds paving policy and not by Community Development Funds.

Attorney Jerome Clark was recognized, representing Mrs. Josephine Jones, concerning the assessment. Mr. George raised question on the assessment of the Mary Taylor lot. The City Engineer stated that a part of the frontage of this lot is on the assessment roll and a part is not. Mr. George suggested that a check be made on this assessment.

Mr. Howard Purdee was recognized for his mother, Mary Purdee, in opposition to the assessment. Mr. William Baker was recognized for his father, Mr. H.L. Baker, who stated he was not financially able to pay the assessment. Mr. George suggested that the assessment for Mrs. Mary Taylor be deleted until the next regular meeting, and that the City Engineer check this matter out.

Following a brief discussion, Mr. Plummer offered motion for confirming the assessment roll for this portion on Turnpike Road with the exception of the Mary Taylor lot. Motion seconded by Mr. Dawkins, and carried unanimously, by the adoption of the following ordinance at 8:15 P.M.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF TURNPIKE ROAD FROM BRANSON STREET TO COMMERCE STREET. ORDINANCE NS1977-33.

A public hearing had been published for this date and hour on confirmation of the assessment roll for the paving of Beverly Drive from Melrose Drive to Sandhurst Drive. The Clerk certified that all property owners had been mailed due and proper notice of this public hearing. The City Engineer presented this matter and stated that this street was paved pursuant to petition from the property owners. There was no opposition present.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF BEVERLY DRIVE FROM MELROSE DRIVE TO SANDHURST DRIVE. ORDINANCE NO. NS1977-34.

Mr. Plummer introduced the foregoing ordinance and moved its adoption at 8:20 P.M. Motion seconded by Mr. Dawkins and carried unanimously.

A public hearing had been published for this date and hour on confirming the assessment roll for the construction of a sidewalk on the west side of Hillsboro Street from Davie Street to Walter Street. The Clerk certified that all property owners had been mailed due and proper notice of this public hearing. The City Engineer presented this matter and stated that council had ordered this sidewalk constructed at the request of several of the property owner but not by receipt of a majority petition. There was no opposition present.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE CONSTRUCTION OF A SIDEWALK ON THE WEST SIDE OF HILLSBORO STREET FROM DAVIE STREET TO WALTER STREET. ORDINANCE NO. NS1977-35.

Mr. Plummer introduced the foregoing ordinance and moved its adoption at 8:30 P.M. Motion seconded by Mr. Dawkins and carried unanimously.

Copies of all of the foregoing ordinance are on file in the Clerk's office in Ordinance Book NS1977.

A public hearing had been published for this date and hour on consideration of approval of the Southeast Redevelopment Plan. Mr. Ron Hickman, Executive Director of the Community Development

Department, presented this matter and stated that this program is a part of council's 1976-77 Community Development Program. The area, he stated, is generally bound by Cape Fear Court on the North, U.S. 301 on the east, Aberdeen and Rockfish Railroad on the south and Holt-Williamson Street on the west. The program will consist of purchasing 47 parcels of land and relocating 34 families, three individuals and two businesses to standard quarters, both commercial and residential reuse is planned for the future of the area. Mr. Hickman requested adoption of a resolution to adopt the renewal plan. There was no opposition present.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL APPROVING URBAN RENEWAL PLAN AND THE FEASIBILITY OF RELOCATION FOR THE SOUTHEAST FAYETTEVILLE NEIGHBORHOOD PROGRAM.
RESOLUTION NO. R 1977-15.

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 Clerk in Resolutions Book R 1977.

Council next gave consideration of several ordinances requiring the Building Inspector to correct conditions of property located at several locations in the City. The City Manager presented these matters and stated that each owner was given a 90 day extension at the December 13, 1976 meeting.

On a location at 911 Turnpike Road, owned by David H. Sherrell, the Chief Housing Inspector reported that Mr. Sherrill had secured a building permit dated November 24, 1976, with the intentions to make necessary repairs to this building and requested that the City Council take no action at this time, on this matter and that it be continued to the April 25 meeting.

Mr. Dawkins offered motion, seconded by Mr. Plummer, to continue the foregoing matter to April 25, as recommended. Motion carried unanimously.

On a second location at 526 Frink Street, owned by Mr. Charles Glover, the Chief Housing Inspector reported that Mr. Glover has contracted with Mr. Rufus Washington, for the demolition of the above referenced property, and requested that the City Council's ordinance be adopted at this time.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE DEMOLITION OF A SUBSTANDARD STRUCTURE LOCATED AT 526 FRINK STREET, AND OWNED BY MR. CHARLES GLOVER. ORD. NO. NS1977-36.

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

A third location at 349 Adams Street, owned by Mr. E.J. Saunders, Heirs, was next considered. The Chief Housing Inspector reported that as of this date, Mr. Saunders Heirs, had not taken any action or corrected as ordered by the City Council.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL ORDERING THE DEMOLITION OF A SUBSTANDARD STRUCTURE AT 349 ADAMS STREET, OWNED BY E.J. SAUNDERS, HEIRS. ORDINANCE NO. 1977-37.

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

Copies of the foregoing ordinances are on file in the office of the City Clerk in Ordinance Book NS1977.

Council next gave consideration to the approval of additional streets for resurfacing. This matter was postponed from the February 14 meeting. The City Engineer presented this matter and stated that in December and January the Council approved 15 streets for resurfacing. Bids were received and the contract was awarded for 14 of these streets on January 24. These bids revealed a very favorable cost, somewhat under last year's resurfacing prices. As a result of the favorable prices, the City can accomplish an additional \$54,000.00 worth of resurfacing within the previously budgeted funds for resurfacing. He recommended consideration of approving the following streets for resurfacing: Lamon Street from Ramsey Street eastwardly to dead end at City Garage-\$19,200.00; B Street-Old Wilmington Road, from Link Street to East Russell Street-\$9,700.00; North King Street from Person Street to Grove Street-\$21,000.00; Beal Street from U.S. 301 to North Racepath Street-\$3,600.00. Mr. Bennett stated that he was proceeding with preparation of invitation for bids on Cain Road, and would suggest that this additional resurfacing be included in the bid for Cain Road. Mr. Bennett recommended the drainage and installation of curbs and gutters and the widening of Dever Street and the improvement of the intersection at Dever Street, Hull Road intersection, be included in the next budget.

Following some discussion, Mr. Shields offered motion to continue this matter for further discussion at the next meeting of the council, and set up a conference session at the Kyle House and that council members bring suggestions concerning this matter. Motion seconded by Mr. Satisfsky, and carried unanimously.

Council next gave consideration to a request for City participation in Hillendale West, Section 3-1 and Hillendale West Section 2-1. The City Engineer presented this matter and stated the amount of participation in Section 2-1 is \$3,771.85 and in Section 3-1 is \$2018.89. The request is in accordance with City policy and he recommended approval.

Mr. Satsky offered motion for approval of the foregoing as recommended. Seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a request from the North Carolina Department of Transportation that Enterprise Avenue be dropped from State maintenance and that it be maintained by the City, effective July 1, 1977. The City Engineer presented this matter and stated that Enterprise Avenue is inside the corporate limits of the City, is now on DOT's road system and a request had been received from DOT to delete this from the State system and add to the City system. City Engineer Bennett stated that the street is only in fair condition.

Following a brief discussion, Mr. Plummer offered motion to request that DOT bring Enterprise Avenue up to City standards and then the City would accept it into the City street system. Motion seconded by Mr. Satsky and carried unanimously.

Council next gave consideration to a request from property owners on Rosehill Road concerning the upgrading of this road.

Mr. Eli Anderson, of 3005 Rosehill Road was recognized for the group of property owners who's property adjoined Rosehill Road, and requested that it be brought up to standards without cost to the property owners.

Mr. Charles Parker, of 2933 Rosehill Road was recognized and requested minimum secondary road standards and two lanes for Rosehill Road, within its present right of way and at no cost to the property owners. Mr. Parker presented a petition for this request signed by property owners in this area.

Following a brief discussion, Mr. Shields offered motion that a public hearing be set for April 25, 1977 for consideration of improvement and upgrading of Rosehill Road as requested. Motion seconded by Mr. Satsky and carried unanimously.

Council next gave consideration to an ordinance designating both sides of Hillsboro Street, from West Rowan Street to Vernon Court as a "no parking" area. The City Manager stated that the Chief of Police had requested this action. The matter was presented by the City Engineer.

Mr. Matthew Smith, a business man on Hillsboro Street, was recognized in favor of the ordinance. Mr. Tom Harris Whitley, representing the Southern Railroad, was recognized and requested passage of the ordinance. Mr. Elmer Floyd, part owner of a business on Hillsboro Street, was recognized in opposition to the ordinance.

Following some discussion, Mr. Plummer offered motion to continue this matter to the next meeting of the council, and that the merchants on Hillsboro Street be notified and that the no parking signs, recently installed, be removed. Motion seconded by Mr. Shields and carried unanimously.

Council next gave consideration to the sale of lot # 86 on McMillan Street. The City Attorney presented this matter and stated that the lot is jointly owned by the City and County and recommended approval of the sale of the lot for \$2000.00.

Mr. Plummer offered motion for approval of the sale of the foregoing lot as recommended, subject to approval, by the County Commissioners. Motion seconded by Mr. Satsky and carried unanimously.

Council next gave consideration to the construction of a proposed parking structure to be located at Anderson Street and Old Street. The City Manager and City Engineer presented this matter jointly. The City Manager recommended that the council approve the concept of the construction of a parking garage at Anderson Street and Old Street and forward the proposal to the Downtown Revitalization Commission for review and recommendation to the City Council. The City Manager displayed a model of the proposed parking structure.

The City Manager stated the estimated cost of the structure is \$963,000.00, and further recommended that the Downtown Revitalization Commission's recommendation be scheduled for council meeting on March 28. If at that meeting, council takes final action to approve the proposed structure, the council could then authorize the Mayor to sign the proposed owner-engineering agreement for the design work of the proposed structure. The City Engineer suggested that should council consider the structure, that it be built before construction and relocation of Bow Street, which would eliminate some 125 parking spaces.

General discussion followed. Mr. Satsky offered motion for tentative approval of \$963,000.00 into next year's budget and to recommend to the Downtown Revitalization Commission that they start the process of looking for smaller parcels in the downtown area for parking.

Following some further discussion, Mr. Satsky withdrew the foregoing motion and Mr. Plummer offered motion for continuance of this matter for further study with no set amount listed and that the Downtown Revitalization Commission study smaller parking parcels throughout the City. Motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a proposed ordinance for the control of dangerous animals. The City Attorney presented this ordinance and stated it would amend Chapter 7 (Animals and fowl) of the Code of Ordinances of the City, and would add to Chapter 7, a new section, 7-12, entitled, "Potentially dangerous animals." Enforcement of this ordinance would rest with the Chief of Police, he stated. The ordinance provides for a special permit to be issued and that adequate safeguards be maintained.

Following a brief discussion, Council recognized Carol Goforth, representing the North Carolina Zoological Park, who requested that a decision on the ordinance be deferred to a later date due to pending legislation being introduced by State Representative Hector Ray to prohibit harboring such animals.

Following some brief discussion, Mr. Shields offered motion to continue this matter until some future date pending the legislation being introduced by Mr. Ray. Motion seconded by Mrs. Beard and carried unanimously. Mr. George suggested meanwhile, City council keep abreast of the legislative developments and to make whatever recommendations they feel would be helpful.

Council next gave consideration to a draft proposal for regulating certain entertainment uses and commercial zonings.

City Attorney Clark, had drafted this ordinance and submitted it to council for study.

Mr. Shields offered motion to refer this matter to the Planning Board and staff for study and recommendation back to City Council. Motion seconded by Mr. Satisfsky.

Discussion followed and Mr. George suggested, and Planner Mitchell was so requested, that in addition to the proposed ordinance, Planning Board be informed that City Council desires to consider public buildings, churches and schools and that Planning Board be informed as to what the alternatives would be and Planning Board would provide a recommendation but City Council would be provided alternatives from which to choose. Mr. George then called for a vote on the motion and it carried unanimously.

Council next gave consideration to a request from Fayetteville-Cumberland County Opportunity Industrialization Center Inc. for a 90 day extension to allow a mobile home to remain at 2215 Murchison Road.

The City Attorney presented this matter and stated that in a letter, Mr. G.B. Farmer, Executive Director of the center, stated that in September, 1976, he made application for, and received from City Inspection Department, temporary permits to position two wood framed structures at 2215 Murchison Road for a period of six months. Eventually, one structure was moved away, but there is still a need for one remaining to be used as a classroom for an additional 90 days. Request to the council is to ask its permission for that mobile home to remain in its present location for an additional 90 days. The Fire Chief and Inspection Superintendent have already approved this request.

Upon motion by Mr. Satisfsky, seconded by Mrs. Beard and carried unanimously, the foregoing request was approved.

Council next gave consideration to several ordinances requiring the Building Inspector to correct conditions of property at several locations in the City.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH A STRUCTURE AT 126 LOCK TRAIL OWNED BY MR. & MRS. BILLY BAGLEY. NS1977-38.

Mr. Satisfsky introduced the foregoing ordinance and moved its approval. Seconded by Mrs. Beard and carried unanimously.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH A SUBSTANDARD STRUCTURE LOCATED AT 140 LOCK TRAIL AND OWNED BY MR. & MRS. BILLY BAGLEY. ORDINANCE NO. NS1977-39.

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

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH A STRUCTURE AT 606 ORLANDO STREET OWNED BY MR. & MRS. GEORGE JEFFREYS. ORD. NO. 1977-40.

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

Copies of all of the foregoing ordinances are on file in the City Clerk's office in Ordinance Book NS1977.

Council next gave consideration to creating a Horticulturist position in the Recreation and Parks Department. The City Manager presented this matter and stated that for several years, the need for a full time Horticulturist in the Recreation and Parks Department has been recognized. A trained plant scientist could make much more effective use of funds earmarked for beautification and park plantings. A Horticulturist position has never been budgeted because the Park Maintenance Division has not had sufficient manpower to provide the labor support a Horticulturist would need.

President Carter's economic stimulus package provides for a sharp increase in funding for Public Service Employment (CETA). These new funds must be used for identifiable projects rather than for separate job slots in participating agencies. We have requested two positions for a beautification and planting project and eight positions for a park development project. It would be desirable to carry out these project under the guidance of a trained Horticulturist.

It is recommended that a vacant landscape gardner position in the Recreation and Parks Department be converted to a Horticulturist at the Grade 24 salary level. The increase in annual salary from

\$7,253.00 to \$8,402.00 can be accommodated by savings in the Recreation and Parks Department Budget, due to a hiring lag. We anticipate recruiting an individual with at least a four year degree in Horticulture if this position change is approved.

Following a brief discussion, Mr. Plummer offered Motion for approval of the foregoing Horticulturist position as recommended. Motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a request from the Bordeaux Merchants Association to stage a pyrotechnics display on July 1, 1977. The City Manager presented this matter and read a letter from Mr. Don Kennedy, President of the Bordeaux Merchants Association, which read that the Bordeaux Merchants Association once again is asking to stage a pyrotechnics display on July 1, 1977. The location will be the same as last year's July 4th Firework Celebration, the Boone Trail Extension of Bordeaux Shopping Center. A professional pyrotechnician will be here to stage the display and all precautions will be taken by the Police and Fire Department.

Your permission for this display will be greatly appreciated by the Bordeaux Merchants and residents of Fayetteville and the surrounding communities as well. Last year's display was a great success and enjoyed by thousands.

Mr. Plummer then offered motion for approval of the foregoing request as recommended. Seconded by Mr. Dawkins, and carried unanimously.

Council next gave consideration to a proposal for the construction of a bike-hike path along Branson Creek-Hybarbs branch. The City Manager presented this matter along with a proposed plan for a pedestrian path and bikeway trail and a project application to the County Manpower Office for approval of a CETA Project. The Board of County Commissioners approved County participation on a 50% basis with the City to meet the cost of material and equipment. All personnel cost would be paid from Federal sources under the CETA program.

If City participation in this project is approved, the City would assume the following costs and obligations: 1. 50% of the cost of material and equipment-\$22,500.00-and this estimate is considered low, the City Manager stated. 2. Survey of the entire trail to mark off a 20 ft. right of way and eight foot path. 3. Acquisition of rights of way from approximately seventeen property owners. 4. Supervision of all construction by the Recreation and Parks Department. 5. Maintenance of the trail by the Recreation and Parks Department after completion. 6. Enforcement of traffic rules by the Police Department after the trail is in operation, i.e., prohibition of mini-bikes and motorcycles, etc. It is anticipated a clay-sand-crush and run mixture provide a suitable surface. If not, it may be that an asphalt surface would be required, which cost an additional \$32,000.00. The City Manager stated that the council had three alternatives. 1. Approve the entire project as proposed. 2. Approve a portion of the project from Raeford Road to its connection to Van Story Hills at St. George's Hill. 3. Disapprove the project. The City Manager stated the entire pathway would run between Raeford Road and Morganton Road following the branches of Branson Creek and Hybarbs Branch, through Stratford Hills, McPherson Estates, the edge of Van Story Hills and Highland Village.

Mayor Pro tem George recognized the following persons from the audience with comments: Mrs. Beth Geimer of the Sierra Club was recognized in favor. Mr. Conner Holland was recognized in favor. Mr. I.H. O'Hanlon, a Morganton Road resident, was recognized in opposition. Mr. George Hay was recognized in opposition. Mr. Denny Schaffer was recognized in favor. Mr. Joe McArthur was recognized in opposition.

Following considerable discussion of this matter, Mr. Plummer offered motion that council not approve this proposed bike-hike pathway. Motion seconded by Mr. Shields and carried unanimously.

Council next gave consideration to the award of bid for a recorder for the Fire Department.

The City Manager presented this matter and stated that bids were opened on March 2 for a multi-channel logging recorder system for the Fire Department. The sole bidder was Dictaphone Company with a bid of \$6,840.75. City Manager recommended that the Dictaphone Company be awarded the contract since the equipment met all specifications and the bid price was considered reasonable.

Mr. Plummer offered motion to approve the foregoing bid as recommended by the City Manager. Motion seconded by Mr. Satsky, and carried unanimously.

Seven appointments to the Human Relations Advisory Commission and three appointments to the Building Code Review Committee were received for information purposes only this evening and carried over until the next regular meeting.

CITY MANAGER REPORTS:

The City Manager reminded council that Monday, April 11, 1977 is Easter Monday Holiday, and also the date of the first regular meeting of the council. He asked if council wished to cancel this meeting.

Mr. Plummer offered motion to dispense and cancel the meeting of April 11, 1977. Seconded by Mr. Satsky, and carried unanimously.

The City Manager informed council that March 30th is Mayor's Day in Raleigh, and a meeting will begin at 2:30 P.M. and that dinner is scheduled with the Hope Mills Town Board and the State Legislators that evening.

A conference meeting was set for Tuesday, 7:30 P.M. in the Kyle House to discuss approval of additional streets for resurfacing.

The City Manager informed the council that Article 2, Section 7(24) sets a maximum limit of \$2000.00 for life insurance coverage for employees. At the present time the City provides each full time employee with \$2000.00 life insurance coverage and \$4,000.00 accidental death and dismemberment coverage. This coverage is provided by a group contract with the Boston Mutual Life Insurance Company.

The City is a member of the North Carolina Local Government Employees Retirement System, and under this system there is a provision for life insurance coverage for retirement system members providing a death benefit equal to the last twelve months of wages prior to a member's death up to a maximum of \$15,000.00. The provision covers a member while employed up to age 65.

The additional cost to the City for inclusion under this provision, vs. the cost of coverage of the current City policy with Boston Mutual is not significant. (Approximately \$20.00 per year per employee.)

The City has never been able to provide employees with the life insurance benefits under the system due to the charter limitation of \$2,000.00, whereas \$2,000.00 may have been adequate 40 years ago, that amount is woefully inadequate at today's cost for funeral expenses and survivor's readjustment cost. Amending the charter to delete the reference to the limitations on employee life insurance, would permit the City, at very little additional cost to provide vitally needed increased protection for employees under the system.

At your meeting of February 28, Mr. Thomas continued, it was suggested that council member had any changes to the charter, bring them up at your next meeting on March 14. I am respectfully requesting that you also consider my recommendation during that meeting that the charter be amended by the deletion of the \$2000.00 maximum limit for City employees life insurance.

Following a brief discussion of this matter, Mr. Shields offered motion, seconded by Mr. Satsky and carried by unanimous vote to request the Cumberland County Legislative delegation to delete from Article II, Section 7, paragraph 24, of the City Charter entitled "Policemen and Firemen's Relief Fund Group Insurance for Employees." That portion of the paragraph restricting the amount of death or disability insurance to Policemen and Firemen or to any class of City employees to \$2000.00 by substituting a period for a comma after "employment" and before "under" approximately four lines from the bottom of the paragraph causing the paragraph to be and read as follows:

"To create and administer a special fund for the relief of indigent and helpless members of the Police and Fire Departments who have become superannuated, disabled, or injured in such service and received donations and bequests in aid of such fund and provide for its permanence and increase and to prescribe and regulate the conditions under which, and the extent to which the same shall be used for the purpose of such relief, also to insure Policemen, Firemen or any class of City employees against death or disability or both, during the term of employment."

Mr. Dawkins suggested that council also consider looking at the Civil Service Commission set up in the City Charter. Mr. Plummer voiced the same opinion.

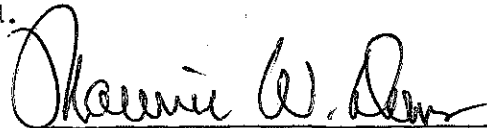
At 11:30 P.M. Mr. Satsky offered motion that council go into executive session at this time to consider a real estate matter. Motion seconded by Mr. Shields and carried unanimously.

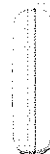
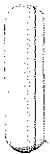
Council reconvened in regular session following the executive session at 11:36 P.M.

Mr. Shields then offered the following motion: That the City purchase the Stephen Rogers property located at the northeast corner of West Russell Street and Winslow Street for an amount not to exceed the amount specified to the City Manager in the executive session. Motion seconded by Mr. Satsky and carried by the following vote: For the motion: Councilmembers Satsky, Shields and Beard. Against: Councilmembers Plummer and Dawkins.

There were no matters of interest to the council.

Thereafter all matters of business having been completed, this regular session was adjourned at 11:38 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MARCH 28, 1977
8:00 P.M.

Present: Mayor Beth Finch

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

Others Present: Mr. William G. Thomas III, City Manager
Mr. William Clark, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and the invocation was offered by Cpt. Jessie Jones, Commander of the local Salvation Army Unit. Following the invocation, Mayor Finch led the audience in the Pledge of Allegiance to the Flag.

Mayor Finch then recognized Ms. Vicky Miguel, the reigning Miss Fayetteville, and presented her with a charm bracelet. Ms. Miguel responded with thanks for the invitation to be present this evening.

Mayor Finch recognized the following Youth Council Members present in the audience to observe council proceedings: Lynn Miller, Kathy West and Patricia Mc Millan.

First order of business was the approval of the minutes. Upon motion by Mrs. Beard, seconded by Mr. Plummer and carried unanimously, minutes of the regular meeting of March 14 were approved as submitted by the Clerk.

Public Hearings:

Council gave consideration to the paving assessments for Turnpike Road for the Mary Taylor property. This matter was continued from the March 14 meeting, the exception to the Turnpike Road paving assessments. The City Engineer presented this matter and stated that at the March 14 meeting, he was asked to determine the abutting footage of the Mary Taylor property to the new pavement along Turnpike Road, and although most of the Taylor property abutted existing pavement at the western margin of her property, there was 19.1 feet paved in this project. Therefore, her computed assessment is 19.1 times \$7.99 per foot for a total assessment of \$152.61.

Mr. Satsky offered motion to approve the foregoing assessment as presented and as recommended. Motion seconded by Mr. Dawkins and carried unanimously.

A public hearing had been published for this date and hour on the paving, pursuant to petition, from the property owners of Kirkland Drive, from Ramsey Street to Sherrerd Drive. The Clerk certified that notices had been mailed to all property owners along this section of street, informing them of this public hearing. The City Engineer presented this matter, and stated that a valid petition had been submitted by residents of Kirkland Drive for this paving.

The following persons were recognized in favor of the paving: Mr. Earl C. Moore, of 121 Kirkland Drive, who requested the paving but informed council that a good number of resident property owners are widows, infirmed and retired persons and requested council's consideration in paving costs. Mr. Eldon Riddle, an area resident, was recognized in favor of the paving, and also requested council's consideration in the paving cost. There was no opposition present.

FINAL RESOLUTION REQUIRING THE PAVING, PURSUANT TO PETITION, OF KIRKLAND DRIVE FROM RAMSEY STREET TO SHERRERD DRIVE. RES. NO. R1977-16.

Mr. Plummer introduced the foregoing resolution and moved its adoption. Seconded by Mrs. Beard, and carried unanimously.

The question was asked of the City Engineer as to when this paving would take place and he replied "in late summer". Mr. Ron Hickman, Executive Director of the Community Development Department was asked about Community Development funds for this project. Mr. Hickman replied that he had checked this matter out and the area does not qualify for Community Development funds. Mr. Hickman was asked to make a re-check.

A public hearing was 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 134 Robeson Street. It was pointed out that although this is the old Alexander Graham Junior High School property, located along McIver and McGilvary Streets, the entire property on which the old and new school buildings are situated, fronts on Robeson Street. Planning Board recommended approval and 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 134 ROBESON STREET. ORD. NO. NS1977-41.

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 the initial zoning C3 Heavy Commercial District or to a more restrictive zoning classification of an area located on Highway 301 South. Planner Mitchell stated this was a recent annexed area and Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS:
 ZONE INITIALLY C3 HEAVY COMMERCIAL DISTRICT, AN AREA LOCATED ALONG HIGHWAY 301 SOUTH.
 ORDINANCE NO. NS1977-42.

Mr. Satsky 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 initial zoning to R10 Residential District or to a more restrictive zoning classification of an area located at 313 Longview Drive. Planner Mitchell stated that this was a recent annexation and Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS:
 ZONE INITIALLY R10 RESIDENTIAL DISTRICT AN AREA LOCATED AT 313 LONGVIEW DRIVE. ORD. NO. NS1977-43.

Mr. Satsky 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 initial zoning to R10 Residential District or to a more restrictive zoning classification of an area located on Walking Lane Drive, adjacent to Country Club Lake. Planner Mitchell stated this was a recent annexation and Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS:
 ZONE INITIALLY R 10 RESIDENTIAL DISTRICT, AN AREA LOCATED ON WALKING LANE DRIVE ADJACENT TO COUNTRY CLUB LAKE. ORD. NO. NS1977-44.

Mr. Satsky 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 a petition requesting closing of a portion of Flour Lane. Flour Lane is situated off Cool Spring Street and the petition was submitted by Cumberland Redevelopment Commission, signed by Davis K. Parker, Jr. Chairman. The petition stated in part that the closing of the portion of Flour Lane described, would be in the best interest of the public generally and the petition in particular in that said alleyway would be closed in conformity with the Cumberland Redevelopment Plan, that said portion of Flour Lane would be close permanently in order to use that land for parking in connection with the new Cumberland County Courthouse.

The City Attorney presented this matter and recommended approval. There was no opposition present.

RESOLUTION AND ORDER CLOSING A PORTION OF FLOUR LANE OFF THE WEST SIDE OF COOL SPRING STREET.
 RESOLUTION NO. R1977-17.

Mr. Plummer introduced the foregoing resolution and moved its adoption, closing this portion of Flour Lane. Motion seconded by Mr. Satsky and carried unanimously.

All of the foregoing resolutions and ordinances are on file in the Office of the City Clerk in Resolutions Book R1977 and Ordinance Book NS1977.

Upon motion by Mr. Dawkins, seconded by Mr. Satsky and carried unanimously, public hearings were set for April 25 on the following items:

- A. The paving without petition of a section of Rosehill Road from its intersection with Ramsey Street northward to its intersection with U.S. 401 Bypass by the adoption of a resolution.

PRELIMINARY RESOLUTION REQUIRING THE PAVING, WITHOUT A PETITION, OF ROSEHILL ROAD FROM ITS INTERSECTION WITH RAMSEY STREET NORTHWARDLY TO ITS INTERSECTION WITH U.S. 401 BYPASS.
 RESOLUTION NO. R1977-18.

- B. The rezoning from C1 Local Business District to C3 Heavy Commercial District or to a more restrictive zoning classification of an area located at 980, 982 and 984 Old McPherson Church Road.
- C. The rezoning from R5 Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located at 1904 Southern Avenue.
- D. The rezoning from R5 Residential to P2 Professional District or to a more restrictive zoning classification of an area located at 134 Robeson Street. (This property is adjacent to the property just rezoned this evening but has the same street address.)
- E. The initial zoning to R6 Residential District and C1P Shopping Center District or to a more restrictive zoning classification of an area located along Murchison Road between Brenda Drive and Hogan Street and including Westarea Subdivision.

Planning Board Matters:

Planning Board recommended conditional approval to Cohen Apartments preliminary and final group development review located on Morganton Road.

Mr. Satsky offered motion for approval of the foregoing as recommended. Seconded by Mr. Dawkins and carried unanimously.

Planning Board recommended conditional approval to Summertime Subdivision addition preliminary and final review located on Morganton Road.

Mr. Plummer offered motion for approval of the foregoing as recommended. Seconded by Mr. Satsky and carried unanimously.

Planning Board recommended conditional approval of Bordeaux West Center Maintenance Shop (Bordeaux West addition) preliminary and final CLP review located on Village Drive at Owen Drive.

Mr. Plummer offered motion for approval of the foregoing as recommended. Seconded by Mr. Dawkins and carried unanimously.

Public Works Commission Matters:

PWC Manager Muench presented these matters.

Council heard recommendation from Public Works Commission for approval of an easement from the City of Fayetteville to Texfi Industries for access to water pumping stations serving the Texfi Plant on Hoffer Drive. PWC Manager Muench stated that Texfi would bear all of the expenses in connection with this pumping station and that the agreement would contain a "hold harmless" clause for the City.

Following some discussion it was decided by the council without objection to defer this matter to the next meeting so the City Attorney can study this matter and make recommendation to the council.

Council heard recommendation from PWC for approval of a one inch water connection to a residence located at 321 Longview Drive outside the City owned by Mr. Harold R. DuBose.

Mr. Plummer offered motion for approval of the foregoing as recommended. Seconded by Mr. Dawkins and carried unanimously.

Council next gave reconsideration to a proposed ordinance designating both sides of Hillsboro Street from West Rowan Street to Vernon Court as a "no parking" area. (This matter continued from the March 14 meeting until property owners could be notified.) The City Engineer presented this matter, and stated that all of the merchants had been notified in writing by his office and reiterated that Hillsboro Street pavement is inadequate in width for curbside parking, a moving traffic lane on each side of the track when the train is passing. However, recently motorists have started parking in the vicinity of the Moore Street intersection causing traffic congestion, especially when a train passes. It is recommended, in view of this, that an ordinance be adopted prohibiting parking at all times from West Rowan Street to Vernon Court, Mr. Bennett stated.

Mr. Elmer Floyd, part owner of a business at the corner of Hillsboro Street and Moore Street, was recognized in opposition to the passage of the ordinance and requested that council not consider it.

Mr. Matthew Smith, General Manager of M.M. Smith Warehouse on Hillsboro Street was recognized, and requested council give consideration both for and against the ordinance. He stated that the area is mixed business and residential and that probably the problem is caused by improper parking along this street and suggested "no parking" between the hours of 10:00 A.M. and 2:00 P.M.

Mr. Thomas Harris Whitley, representing the Southern Railroad, was recognized and suggested "no parking" between the hours of 12:00 noon and 4:00 P.M. which would fit the railroad operational hours better.

Following some discussion, Mr. George offered motion that no action be taken at this time and that the Traffic Department or Engineering Department monitor the parking along this section of Hillsboro Street and come back before council with a report. Motion seconded by Mr. Plummer and carried unanimously.

Council next recognized Mr. Bernard Stein, Chairman of the Downtown Revitalization Commission, concerning funding of the commission and downtown parking considerations.

Mr. Stein informed council of impending legislation before the General Assembly, which would expand the Tax Enabling Act to finance revitalization programs and other areas. He stated that the new tax legislation would apply to both real and personal property. He stated it was the commission's recommendation that council endorse the passage of this Enabling Tax Act for passage through the General Assembly. Mr. Stein was recognized further on a recommendation for the Charter of the Fayetteville Downtown Revitalization Commission. (He had furnished councilmembers copies of the proposed charter.) He stated the charter proposes the Revitalization Commission be an advisory commission and will ask City council and the county commissioners for approval of the projects. He requested approval of funding of the commission for the last quarter of this year.

Some discussion followed and it was suggested that the proposed charter be amended so that the Planning Director, the City Engineer, the Chairman of the Central Revitalization Commission and the Chariman of the Downtown Merchants Group be ex officio members. It was requested of Mr. Stein that councilmembers and others be notified of meetings and be provided with copies of minutes of meetings of the commission.

Following some further discussion, Mr. Plummer offered motion for adoption of the charter as presented and proposed and as amended in the foregoing paragraph and approve the request for the allocation of the funds in the amount of \$6,750.00. Motion seconded by Mr. Satsky and carried unanimously.

Mr. Stein was further recognized on the proposed parking deck which was presented to the council at the last regular meeting. Mr. Stein displayed projections showing proposed and existing parking lots, the pedestrian mall proposed for Hay Street and the new streets layouts in downtown Fayetteville. Following this presentation, Mr. Stein recommended the proposed the construction of the parking deck at the intersection of Bow and Anderson Streets.

Considerable discussion then followed. Mr. Satsky then offered motion that council not approve this parking deck matter, and refer it back to the Revitalization Commission for an alternate plan and to check other parking areas. Mr. Satsky's motion was lost for lack of a second.

Following some further discussion, Mayor Finch suggested a meeting with Mr. Stein and other members of the commission to discuss this matter further at a later date, and this was agreed upon.

Council then skipped to Item 12 on the agenda, which was consideration of a resolution supporting an access route from the Fayetteville Municipal Airport to Interstate Highway 95. Mr. Stein presented this matter and stated that the Airport Commission recommends adoption.

A RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL SUPPORTING AN INTERCHANGE AND ACCESS ROAD IN THE VICINITY OF FAYETTEVILLE MUNICIPAL AIRPORT FROM DOC BENNETT ROAD TO SNOWHILL ROAD THENCE AN EXTENSION OF SNOWHILL ROAD TO A PROPOSED INTERCHANGE AT INTERSTATE 95. RES. NO. R1977-19.

Mr. Plummer introduced the foregoing resolution and recommended its adoption as recommended by the Airport Commission. Motion seconded by Mrs. Beard and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1977.

Mr. Mason Hicks, a local architect, was recognized from the audience and offered the comment that while council was entertaining Engineering resolutions regarding streets and vehicular traffic in the downtown area, that it would be well for them to also consider the people who will be involved. Mayor Finch thanked Mr. Hicks for his comment and stated his suggestion would be taken under advisement.

Council then returned to Item No. 8 on the agenda, which was consideration of Rufus Washington property on Jasper Street.

The City Engineer presented this matter and in a memorandum the subject matter being Topeka Street paving assessment-Rufus Washington property. He stated that at a recent public hearing regarding the above, council directed that an appraisal be made of the Rufus Washington lot to establish the improvement to Mr. Washington's property brought about by the paving of Jasper Street.

The City Engineer stated that appraisals had been made which state the improvement to be \$200.00. The computed assessment was \$536.32 and council action is needed on this matter. Mr. Bennett stated the appraisal described the parcel as a small lot on the north side of Jasper Street, inadequate in size to meet the building code, and that the appraisal was reached and computed at \$200.00 by virtue of the fact the lot is a substandard one of small value due to its size. He reminded council that a portion of this lot had been purchased from Mr. Washington for Jasper Street right-of-way.

Following a brief discussion, Mr. George offered motion that no assessment be made against the Washington lot due to its non-improvement or economic value. Motion seconded by Mrs. Beard. Mr. Plummer offered an amendment to the motion until such time as a structure is erected on the property and the property deemed more valuable.

Mr. George then offered substitute motion that no action be taken on this matter until a second appraisal is made on the Washington lot. Motion seconded by Mr. Shields and carried by the following vote: For: Councilmembers Satsky, Shields, George, and Beard. Against: Councilmembers Plummer and Dawkins.

Council next gave consideration to a request for an exception to the Rehabilitation Grant-Turnpike Road Area. Mr. Ron Hickman, Executive Director of Community Development Department presented this matter and in a memorandum stated that his department had inspected all of the homes occupied by homeowners in the Turnpike Road Project Area. Several of the homes can be brought up to the minimum housing code with the \$1000.00 grant, however, many cannot. The latter is the reason for this request.

Ms. Dorothy Ann Respass owns and occupies a home at 1515 Pierce Street. Her home cannot be brought up to minimum housing code standards for \$1000.00 and she cannot afford to pay the difference.

She has requested that I present her case to you at this meeting to see if you can make an exception to the \$1000.00 program. The lowest bid received to repair her home is \$3,490.00 as shown on the attached bid.

I respectfully request that you give consideration to the request.

Following a brief discussion, Mr. Satsky offered motion for approval of the foregoing as recommended, and that the exception be made as requested. Motion seconded by Mr. Dawkins and carried unanimously.

Council then skipped to Item 15 on the agenda, which was consideration of the upgrading of Levy Street. The City Engineer presented this matter and stated that Levy Street is an ingress from Robeson Street to Ashley Street Elementary School. It is a dead end street and receives no maintenance from the City. Six parcels of land would be required to open the street through.

✓ A Mr. Robert Drake, a resident of the area, was recognized for persons in the Levy Drive, Dixon Drive and Mavis Loop Area. He stated the residents in this area desire paving and water and sanitary sewer. The City Engineer stated that water and sewer costs would run approximately \$41,000.00.

✓ Following a brief discussion, Mr. George offered motion that a public hearing be set for April 25, 1977, for consideration of the paving and water and sanitary sewer improvements by order of the council to the streets under regular City policy. Mrs. Beard seconded the motion, and it carried, Mr. Plummer voting no.

✓ PRELIMINARY RESOLUTION REQUIRING THE PAVING AND INSTALLATION OF WATER AND SANITARY SEWER WITHOUT PETITION, INTO LEVY STREET, DIXON DRIVE ~~AND MAVIS LOOP~~, RES. NO. R1977-20.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1977.

Council then moved to Item 10 on the agenda, which was consideration of approval of a 1976-77 Budget Ordinance Amendment, Change 1: increasing the amount anticipated for Federal Grant Receipts by \$24,000.00 from the Counter-Cyclical program. (Anti-recession). The City Manager presented this matter and stated the \$24,000.00 increase in the Police Department Budget is to provide for the hire of three patrolmen on a temporary basis for additional community police patrol with a concentration of effort in the communities parks and recreational areas.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE 1976-1977 BUDGET ORDINANCE AMENDMENT-CHANGE ONE. ORD. NO. NS1977-45.

Mr. Dawkins moved for approval of the foregoing recommendation of the City Manager by the adoption of the foregoing ordinance. Motion seconded by Mrs. Beard and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1977.

Council next gave consideration to a recommendation from the Recreation and Parks Advisory Commission to reappropriate monies in the 1976-77 budget to use for lighting of the tennis courts at E.E. Smith High School.

In a memorandum to the City Manager from the Superintendent of Recreation and Parks, he stated the committee requested \$15,000.00 be appropriated to light the E.E. Smith baseball field. During subsequent discussion, it is the opinion of the board that there is a more pressing need for lighted tennis court facilities at E.E. Smith than for another athletic field. Therefore, the committee has unanimously voted to recommend that the \$15,000.00 appropriated for this year's budget be spent to light six tennis courts at E.E. Smith High School. If this request is approved, I will proceed to advertise for bids to have this work completed.

Following a brief discussion, Mr. George offered motion for approval of the foregoing request as recommended. Motion seconded by Mr. Satisfsky and carried unanimously.

Council next gave consideration to the approval of additional streets for resurfacing. The City Engineer presented this matter and stated the estimated cost to resurface the following named streets would be approximately \$63,500.00: Lamont Street, "B" Street-Wilmington Road, North King Street, Beal Street and a portion of Cain Road. The City Engineer recommended approval.

Mr. Satisfsky offered motion for approval of the foregoing request as recommended by the City Engineer. Motion seconded by Mr. Shields and carried unanimously.

Council next gave consideration to a resolution requesting the City School Board to take immediate action to repair Walstone Road to its original standard.

The City Manager presented this matter and stated that Walstone Road, off Rosehill Road, had, by a City school contract, a portion of the pavement removed and a number of driveways disrupted by installation of a storm sewer and/or other utilities. A resolution would request the School Board to take immediate action to have the roadway and private drives repaired to original improved condition. The City Manager recommended adoption of the resolution and forwarding of same to the Fayetteville City School Board.

A RESOLUTION OF THE CITY COUNCIL TO FAYETTEVILLE CITY SCHOOL BOARD REQUESTING REPAIRS OF WALSTONE ROAD AND ABUTTING PRIVATE DRIVEWAYS. RES. NO. R1977-21.

Following a brief discussion, Mrs. Beard introduced the foregoing resolution and moved its adoption, and that a copy be forwarded to the school board. Motion seconded by Mr. Dawkins and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1977.

Council next recognized Mr. Joe Walker, of Walking Shore Subdivision, to be relieved from requirements to construct a private street to county standards.

Mr. Walker was recognized and stated that the subdivision plat for Walking Shores was processed recently through the Planning Board and approved by the council. In the absence of any ordinances providing for private streets, the Planning Board approved the request for a private street with the

provision that it be constructed to county standards. Mr. Walker requested reconsideration of the council to allow Walking Lane in this subdivision be constructed as a private street to the following specifications: 1½ inches of 1-2 Asphalt, 6 inches of sand clay base course, eighteen feet wide and with surface drainage with ditches. He stated further that no city participation is requested, no dedication of right-of-way is involved and no future maintenance would be requested from the city. Mr. Walker stated that it was his intention for the street to remain a private drive for use by the property owners and their guests only.

In response to this, question was raised by members of the council as to access into the street by fire protection, garbage collection and Police protection vehicles and the possibility of an 18 foot wide street being too narrow especially for fire and garbage collection trucks.

Following a lengthy discussion of this item, Mr. Satsky offered motion to refer this matter back to the Planning Board for further recommendation. Motion seconded by Mr. Plummer and carried unanimously.

Council next gave consideration to a request by Mr. Dan Stout, of Eutaw Shopping Center, to grant a 90 day extension for the temporary structure located at 901 Elm Street. Mr. Stout's request was that he be granted an additional 90 day extension for the structure at its present location. Effective April 1, which is the end of the last 90 day extension, Eutaw Shopping Center desires to temporarily located the Motor Vehicle License Agency in this structure while preparing a permanent location within the shopping center. It is anticipated that the permanent location will be available within 90 days. The City Manager stated that on April 7, 1976, a temporary permit was issued to Mr. Stout, granting him permission to place a wood frame structure at 901 Elm Street for a period not to exceed six months. On September 30, 1976, the City Council granted a 90 day extension for this temporary permit. On January 5, 1977, the City Council granted another 90 day extension. On March 11, 1977, Mr. Stout contacted the City Inspection Department and requested that the temporary permit be extended for an additional 90 days. Both Inspection Department and the Fire Chief have approved this extension.

Following some discussion, Mr. Plummer offered motion to grant an additional 90 day extension, at the end of which time the trailer will be vacated and it will then be removed from the premises. Motion seconded by Mr. George and carried unanimously.

Council next gave consideration to a bid for bleachers for the Recreation and Parks Department. The City Manager presented this matter and stated that bids were invited for bleachers for Glenville Park with a bid opening of March 3. Since only two bids were received, the invitation was re-advertised for March 17. On March 17 two bids were received and were opened. They were as follows: Stadiums Unlimited, Inc. of Iowa-\$10,360.00. Cunningham Associates, Inc.-no bid.

The City Manager recommended that the contract for bleachers for Glenville Park be awarded to the sole bidder: Stadiums Unlimited, Inc. for their bid of \$10,360.00. The City Manager stated to Council that it was not known Cunningham Associates had not bid until their envelope was opened.

Mr. Dawkins then offered motion to accept the bid of Stadiums Unlimited, Inc. of Iowa for \$10,360.00 for the bleachers as recommended by the City Manager. Motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration for the approval of taxi driver permits.

The City Manager presented this matter.

Upon motion by Mr. Satsky, seconded by Mr. George and carried Mr. Plummer voting no. The following named persons were granted taxicab driver permits; Sanford R. McDaniel, Yvonne J. Grantham, Roland G. Cline, Harold E. Ray, Leroy Haire, Douglas Larry Jackson, Lewis Vanderhorst, John Robert Rossell and Walter Brown.

Council next considered several appointments.

Upon motion by Mr. Dawkins, seconded by Mr. Satsky and carried unanimously, the following named were appointed and reappointed to the Human Relations Advisory Commission by acclamation vote: For two year terms of office each said terms expiring in March 1979: new appointments: Hubie Doub, W.C. Freeman, Hector McEachern, Gerald Cooper. Reappointments; Rev. Aaron J. Johnson and Mrs. John Stacy (Barbara) Haire, Jr.

Upon motion by Mr. Plummer, seconded by Mr. Dawkins and carried unanimously the following named were reappointed by acclamation vote to the Building Code Review Committee for three year terms of office each, said terms expiring in March 1980: Fleet Russ (Board of Realtors), A.D. Maxwell (architect), Dohn Broadwell (homebuilders).

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

City Manager reports:

The City Manager reported the following resignation from the Fire Department: Terry R. Holloway. Council noted the resignation.

Matters of interest to the council:

Mr. Dawkins mentioned any proposed changes or revisions to the charter in as much as the

deadline is near.

Mayor Finch reminded councilmembers of Mayor's Day to be held in Raleigh on Wednesday, March 30.

Mayor Finch appointed councilmembers Plummer and Dawkins to the PWC Liason Committee.

Mr. Satisfsky then offered motion that council go into executive session at this time, 11:09 P.M., to discuss personnel and land acquisition matters. Motion seconded by Mr. Shields and carried unanimously.

Council reconvened in regular session at 12:15 A.M.

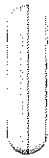
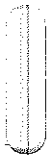
Mr. Satisfsky then offered motion, seconded by Mr. Shields that council call for City Attorney William E. Clark's resignation. Mayor Finch called for a vote on the motion and it was as follows: For: Councilmembers Satisfsky, Shields, George and Beard. Against: Councilmembers Plummer and Dawkins. Mayor Finch declared the motion carried.

Mr. Satisfsky then offered motion, seconded by Mr. Shields, that City Council commission an additional three party appraisal of the Stephen Rodgers property by appraisers chosen from the list in the office of the Clerk of Superior Court and meanwhile, no action be taken on the purchase of this property. Mayor Finch then called for a vote on this motion, and it was as follows: For: Councilmembers Satisfsky, Shields, George and Beard. Against: Councilmembers Plummer and Dawkins. Mayor Finch declared the motion carried.

Thereafter, all matters of business having been completed, this regular session was adjourned at 12:20 A.M. upon motion made and duly seconded.



Maurice W. Downs
City Clerk



SPECIAL MEETING
MONDAY, APRIL 18, 1977
7:30 P.M.
COUNCIL CHAMBER, KYLE HOUSE

Present: Mayor Beth Finch

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

Others Present: William G. Thomas III, City Manager

Mayor Finch called this Special Meeting to order at 7:32 P.M. for the consideration of the new City personnel career pay plan and the hiring of a City Attorney.

Mrs. Beard made the motion that council go into executive session to discuss personnel, seconded by Mr. Satisky and carried: Mr. Plummer, voting no.

The council went into executive session at 7:40 P.M. and reconvened at 9:10 P.M.

Mayor Finch announced that no decision had been made for the hiring of a City Attorney, and that the action would be withheld until 12:00 noon Tuesday, at which time another Special Meeting would be held.

Mayor Finch then recognized Mr. Thomas, City Manager, who presented to the council and others present, the proposed City personnel career pay plan to be implemented on July 1, 1977.

Mr. Thomas stated that the intent behind the creation of the proposed pay plan was not to raise pay, but rather to resolve the many criticisms of the present plan. The proposed pay plan incorporates the following features: 1. Automatic step increases during the first four years of employment, 2. A longevity pay schedule which provides for percentage increases in five year increments after completion of five full years of employment, 3. Delegation of authority to Department heads to promote 50% of departmental employees in these positions designated as "I" and "II" level to the "II" level, 4. Updates the classification plan to reflect changes in position responsibilities and skill requirements that have occurred over the past several years, 5. Enters into the proposed classification plan all of the new positions created over the past two years. The proposed pay plan to include the basic pay plan, longevity pay and promotion from "I" level to "II" level would amount to an approximate \$335,000.00 (5.7%) increase to the City salaries budget total.

Mr. Thomas also stated that in the Preliminary budget he will present to the council in mid-May, he is planning to recommend a cost-of-living increase between 3% and 5%.

Mayor Finch then commended Mr. Thomas for his time and hard work that had gone into this plan.

The following persons were recognized in favor of the new pay plan: Chief of Police, Danny Dixon, Jimmie Jones, Superintendent of the Street and Sanitation Department, John W. Ratlege, Assistant Superintendent of the Recreation and Parks Department, Mr. James Gray, Director of the City Transit Department and Thurman Bishop, Fire Chief.

No decision was made at this time. At Mr. George's suggestion, a meeting of all Department heads will be scheduled to discuss the new pay plan.

Mayor Finch again recognized Mr. Thomas to present the landfill matter.

Mr. Thomas stated at the present time he did not wish to present the landfill matter until such time he had the answers to two questions. 1. More places, and if they would be acceptable to the Board of Adjustments, 2. If it will be acceptable to the state. When that happens, he will then present the matter to council.

Mayor Finch then reminded council of the Region M Meeting on April 28, and of the Neighborhood meeting on Wednesday, April 20th at the Fayetteville Academy.

Thereafter, no further matters of business to be discussed, this meeting was adjourned at 10:05 P.M.


Patricia L. Thomason, Acting City Clerk

SPECIAL MEETING
TUESDAY, APRIL 19, 1977
12:00
COUNCIL CHAMBER, KYLE HOUSE

Present: Mayor Finch

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

Absent: Gene Plummer

Others Present: Mr. William G. Thomas III, City Manager

Mayor Finch called this Special Meeting to order at 12:00 P.M. to discuss the hiring of a City Attorney.

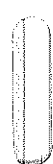
Immediately following, Mr. Dawkins made the motion that Council go into executive session to discuss Personnel, motion seconded by Mrs. Beard and carried unanimously.

Council reconvened at 12:25 P.M.

Motion was made by Vincent Shields to employ Robert C. Cogswell as Interim City Attorney to provide general legal services to the City for a salary of \$1200.00 per month. The motion was seconded by Mrs. Beard and carried unanimously.

Thereafter, no further business to be discussed, this meeting was adjourned at 12:30 P.M.


Patricia L. Thomason, Acting City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
APRIL 25, 1977
8:00 P.M.

Present: Mayor Beth Finch

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

Absent: Eugene Plummer

Others Present: Mr. William G. Thomas, III, City Manager
Mr. Robert C. Cogswell, City Attorney
Mr. R.A. Muench, P.W.C. Manager

Mayor Finch called the meeting to order and the Reverend Frederick Koch, St. Patrick's Catholic Church offered the following invocation:

"We pray thee, God of wisdom and justice to whom authority is rightly administered, laws are enacted, and judgement decreed to assist with thy spirit of counsel and fortitude, the Mayor of our city, that her administration be useful to Thy people over whom she presides by encouraging due respect for goodness and religion, by faithful execution of the laws and justice and mercy and by restraining vice and immorality. Let the light of Thy wisdom direct the deliberations of this council and be evident in all the proceedings and laws framed for our rule and government so that they may tend to the preservation of peace, the promotion of community happiness, and the increase of industry, sobriety and useful pursuit and insure for use the American heritage of equal liberty. We pray for all who hold public office who are appointed to guard our political welfare, that they may be enabled by Thy protection to discharge the duties of their respective positions with honesty and ability. We recommend to Thy providence, all our fellow citizens throughout the city and the county that they may be blessed in knowing Your will and may be responsible in the observance of Thy laws, that they may be preserved in union and that peace which the world cannot give, and ask that the blessings of this life be admitted to those who are eternal.

My dear friends, we are asked to remember the house of Councilman Eugene Plummer. Oh, God, the one and only help for human infirmity, show forth the power of Thy healing and aid upon Thy servant Eugene Plummer. Being restored to bodily health, he may give thanks to Thee for it and continue his valued services to our community. Amen."

Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch then presented service pins to the following City Employees:

For five years service: Milliard Faircloth, Fire Department
Henry Pritchard, Engineering Department
Danny Matthews, Fire Department
W.C. Matthews, Fire Department

Ten years service: Belta Davis, Finance Department

Twenty years service: Robert W. Hardy, Street Department

Twenty five years service: Everlina Burgess, Buildings Maintenance Department
Herman Hardy, Street Department

Mayor Finch informed the councilmembers and those present in the audience that councilman Plummer had been confined to the hospital on Friday, April 22 and at this time the report was that he was resting comfortable and his condition was favorable.

Mayor Finch then recognized the following Youth Council Members who would act in the capacity of City Officials next week: Kenny Fleishman, Sharon Jackson, Johnny Dawkins, Beverly Pringle, Jack Lindsay, Ernest Hayward, Alex Arab, Don Edwards and Bill Miller.

Upon motion by Mr. Satsky, seconded by Mr. Dawkins and carried unanimously, minutes of the regular council meeting of March 28 were approved as submitted by the clerk.

Mayor Finch then introduced Mr. Robert C. Cogswell, Acting City Attorney for the City of Fayetteville.

Public Hearings:

A public hearing had been published for this date and hour on the paving without petition of Rosehill Road from Ramsey Street to U.S. 401 Bypass. The clerk certified that all property owners had been mailed due notice of this public hearing.

Mr. Eli Anderson, Jr., 3005 Rosehill Road was recognized as spokesman for a group of property owners in that area and requested improvement of Rosehill Road, but were opposed to assessment for same, due to the fact that Rosehill Road in their opinion, serves as a connector link between Ramsey Street and the northern part of the city. Mr. Anderson stated that the property owners requested Rosehill Road be upgraded, but at no cost to themselves.

Mr. Charles Parker, 2933 Rosehill Road, was also recognized and stated that Rosehill Road serves as a connector for U.S. 401 Bypass and the business area and requested upgrading of this road at no cost to the property owners.

Mr. Robert C. Williams, a resident of Country Club Drive was recognized and stated that he uses this segment of Rosehill Road daily and requested its upgrading without assessment to the property owners.

In response to question, the City Engineer stated that Rosehill Road is classified as a secondary arterial street.

Mr. George suggested resurfacing and modifying the curb of this segment of Rosehill Road.

Mrs. Beard asked the City Engineer about cost. He stated that to upgrade Rosehill Road as a two-lane roadway similar to Highway 53, which serves Rohm & Haas east of the city, would cost approximately \$352,000.00 including right-of-way. However, the City Engineer recommended that this segment of Rosehill Road be four-laned at a cost of \$475,000.00.

Following some discussion of this matter, Mr. George offered motion to improve this segment of Rosehill Road by resurfacing two lanes and planning new shoulders and to a width of 42 feet, at a cost of 352,000.00 and assess the property owners not in excess of \$2.00 per foot and if later, if this segment of Rosehill Road is four-laned and curbs and gutters then assess the property owners not less than \$4.00 per front foot. Motion seconded by Mr. Shields and carried; Mr. Dawkins voting no.

FINAL RESOLUTION REQUIRING THE PAVING WITHOUT A PETITION OF ROSEHILL ROAD FROM ITS INTERSECTION WITH RAMSEY STREET NORTHWARDLY TO ITS INTERSECTION WITH U.S. 401 BYPASS. RES. NO. R1977-22.

A copy of the foregoing resolution is to be placed on file in the City Clerk's office in Resolutions Book R1977.

A public hearing had been published for this date and hour of the rezoning from C1 Local Business District to C3 Heavy Commercial District, or to a more restrictive zoning classification in an area located at 980, 982 and 984 Old McPherson Church Road. Planning Board recommended denial of this rezoning.

Mr. R.B. Stone, the petitioner, was recognized, and requested C 3 zoning for this area in order to establish a paint sign shop in this segment of the Old McPherson Church Road which he stated is now dead ends. There was no opposition present.

Following some discussion of this matter, Mr. Shields offered the 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 R5 Residential District to P2 Professional District or to a more restrictive zoning classification of an area located at 134 Robeson Street. Planning Board recommended approval and Planner Mitchell stated that this was a part of the Old Alexander Graham Junior High School property, another part of which was rezoned P2 at an earlier meeting. 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 134 ROBESON STREET. ORDINANCE NO. NS1977-46.

Mr. Satsky 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 NS1977.

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 1904 Southern Avenue. Planning Board recommended denial.

Attorney Max Ruppe was recognized for the petitioner, and requested permission to withdraw this petition at this time and submit a petition at a later date for a larger portion of this same area for rezoning.

Mr. Dave Ladley, 1905 Southern Avenue was recognized in opposition to this rezoning, along with more than 19 other persons resident in the area.

Following some discussion of this matter, Mr. George offered motion, seconded by Mr. Shields, that Attorney Ruppe be authorized to withdraw his petition for rezoning as requested.

Following some further discussion, Mr. Dawkins offered substitute motion to follow the recommendation of the Planning Board and deny this rezoning, motion seconded by Mr. Satsky.

Attorney Ruppe then requested and received permission present his arguments in this matter for his client. He stated that this had been a commercial location for 25 years or more, and the general area is 25% commercial. A barber shop and a resthome exists directly across the street and a package store is one block away.

Attorney Ruppe concluded his presentation, and Mayor Finch called for a vote on the substitute motion to deny and the vote was as follows: For: Councilmembers Satsky, Shields and Dawkins. Against the motion: Councilmembers George and Beard. Mayor Finch declared the substitute motion to deny, carried.

A public hearing had been published for this date and hour on the initial zoning to R6 Residential District and ClP Shopping Center District or to a more restrictive zoning classification,

of an area located along Murchison Road between Brenda Drive and Hogan Street and including West Area Subdivision. Planner Mitchell stated that this was a recent annexation to the city and the Planning Board recommended approval of this zoning. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS:
ZONE INITIALLY R6 RESIDENTIAL DISTRICT AND C1P SHOPPING CENTER DISTRICT AN AREA LOCATED
ALONG MURCHISON ROAD BETWEEN BRENDA DRIVE AND HOGAN STREET AND INCLUDING WEST AREA
SUBDIVISION. ORDINANCE NO. NS1977-47.

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 office of the Clerk in Ordinance Book NS1977.

A public hearing had been published for this date and hour on the paving and installation of water and sanitary sewer mains on and in Levy Drive and Dixon Drive without petition from the property owners. The Clerk certified that the property owners had been duly notified of this public hearing. The City Engineer presented this matter and stated that Levy Drive served as an ingress to Ashley Elementary School off Robeson Street, and that a portion was not dedicated.

Dixon Drive was an unimproved street connecting Levy Drive to Edmonton Drive in Briarwood Hills and that a portion of Edmonton Drive would be extended to connect to Dixon.

A Mr. Robert Drake had presented this request to the council at the last regular meeting. A Mr. James Dixon, 1504 Dixon Drive, was recognized in behalf of this paving and utilities and stated the streets were in dangerous condition, that the water was bad, and that the residents were using septic tanks. He requested the improvements be made. There was no opposition present.

P.W.C. Manager Muench stated that the cost for installing water and sanitary sewer was estimated at \$41,000.00 or \$4.50 per foot for sanitary sewer and \$2.03 per foot for water, a total of \$6.53 for both. The City Engineer stated that two segments of right-of-way would have to be acquired by the city. The City Engineer stated the cost for paving would run approximately \$209,000.00 or \$15.00 per front foot and that 37 property owners abut the street.

Mr. George suggested a review of the City's policies and then offered motion that this matter be continued until the first meeting in June (June 13) and motion seconded by Mrs. Beard and carried unanimously.

This completed the public hearings.

Upon motion by Mr. Dawkins, seconded by Mrs. Beard and carried unaimously public hearings were set on the following matters for May 23, 1977:

- A. Consideration of the rezoning from R10 Residential District to C1 Local Business District or to a more restrictive zoning classification an area located at the southwest corner of Country Club Drive and Harveydale Drive.
- B. Consideration of the rezoning from R10 Residential District to R5 Residential District or to a more restrictive zoning classification an arel located on Harveydale Drive including the Enchanted Forest Mobile Home Park.
- C. Consideration of the rezoning from R10 Residential District to C1P Shopping Center District or to a more restrictive zoning classification an area located on the north side of Country Club Drive near the intersection of Ramsey Street.
- D. Consideration of a preliminary resolution requiring the paving of Phillips Street.
- E. Consideration of the initial zoning under the City of Fayetteville zoning ordinance to C1P Shopping Center District or to a more restrictive zoning classification an area located at 4808 Ramsey Street.
- F. Consideration of a proposed annexation for an area located in the vicinity of 321 Longview Drive.
- G. Consideration of a proposed annexation for property located in the Murchison Road Area.
- H. Consideration of a proposed annexation for property located in the West Hudson Street area between 301 and Seaboard Coastline Railroad overpass.

PRELIMINARY RESOLUTION REQUIRING THE PAVING, PURSUANT TO PETITION OF PHILLIPS STREET FROM MURCHISON ROAD TO THE SEABOARD COASTLINE RAILROAD. RESOLUTION NO. R1977-23.

Planning Board Matters:

Upon motion by Mrs. Beard, seconded by Mr. Dawkins, and carried unanimously, conditional approval was given to preliminary and final revision review of Woodfield Subdivision located on Pamalee Drive as recommended by the Planning Board.

On a second matter, upon motion by Mrs. Beard, seconded by Mr. Dawkins and carried unanimously, conditional approval was given preliminary and final ClP review of the Fayetteville Museum of Art located behind Eutaw Shopping Center as recommended by the Planning Board.

Public Works Commission matters:

P.W.C. Manager Muench, requested that the item appearing on the agenda, consideration of a request for authorization to extend water and sanitary sewer utilities to serve a prospective industry in conjunction with Cumberland County, was requested to be withdrawn inasmuch as the industry is considering another location at this time.

Upon motion by Mr. Dawkins, seconded by Mrs. Beard, and carried unanimously, consideration of the foregoing item was withdrawn as requested by P.W.C. Manager Muench.

The next item on the agenda was consideration of a petition establishing a "Blue Ribbon" Committee. (This matter continued from the March 28th meeting). In a memorandum, City Manager Thomas informed council that Mr. John Raper had forwarded a petition with a request that it be considered at the March 28 meeting but it had arrived too late to be included in the agenda. The petition stated the committee would be formed to take the following action for the interest and the improvement of the quality of life in the city. 1. To identify such activities, commercial endeavors and other conditions adversely affecting such quality of life. 2. Study and analyze the approaches being employed by other urban areas to deal with these problems. 3. Report to the council within 90 days from its appointment setting out the alternatives available to the council as solutions to each of the problems identified. The City Manager stated that Mr. Raper had requested a continuance of this matter until the next regular meeting of the council. Mr. Shields then offered motion for continuance of this matter until May 9th meeting, seconded by Mr. George, and carried unanimously.

Council next gave consideration to an ordinance requiring the Building Inspector to correct conditions of property located at 911 Turnpike Road. (This item was given a 90 day extension at a previous council meeting). The Inspection Department recommended approval of the adoption of this ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 911 TURNPIKE ROAD AND OWNED BY MR. DAVID SHERRILL. ORDINANCE NO. 1977-48.

Mr. George 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 Ordinance Book NS1977.

Council next gave consideration to an unsolicited proposal by Resource Recovery Corporation for the design, construction and operation of a Municipal Solid Disposal System by plasma arc pyrolysis. Council recognized Mr. Ferd Harrison, who presented this matter and reminded council that this had been presented to them on March 28 and that the subject proposal was for solid waste disposal by plasma arc pyrolysis. Mr. Harrison asked if any further clarification of this matter was desired by council. In response to inquiry Mr. Harrison informed council that this would be a pilot plan, the first of its kind in the State of North Carolina and suggested that council consider funding a feasibility as a first stage in exploring this matter which would take two months to complete at a cost of \$15,000.00. The second stage would take 9 months at a cost of \$25,000.00.

There then followed a general discussion between Mr. Harrison's Engineer, Mr. Brown and P.W.C. Manager Mr. Muench on the technical aspects of this method of waste disposal. At the conclusion of the discussion between Mr. Brown and Mr. Muench, Mr. Muench informed council that the method of disposal would be, by the use of an electric arc and that the cost in electricity would cost approximately \$400,000.00 per year or \$35,000.00 per month for such waste disposal.

Following some further general discussion, Mr. George offered motion to continue this matter until the May 9th meeting until information supplied by P.W.C. Manager Muench is received and given to the City Council for further consideration. Motion seconded by Mr. Shields and carried, Mrs. Beard voting no.

Council next gave consideration to a resolution and a request for City Council's permission to close certain streets for Sunday-on-the-Square May 1, 1977.

The City Manager presented this matter and stated the Art's Council of Fayetteville requests that Sunday, May 1, be designated Sunday-on-the-Square '77 and that the 100 blocks of Hay, Gillespie, Green and Persons Street be closed to motorized traffic during the hours of 10 A.M. until 8 P.M. and open to the public from 1 P.M. until 7 P.M. under the supervision of the Arts Council for the presentation, display and celebration of Fayetteville's cultural resources.

Mr. Satsky moved for approval of the foregoing request and for adoption of the resolution as requested, motion seconded by Mr. Dawkins and carried unanimously.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL DESIGNATING SUNDAY MAY 1, 1977 AS SUNDAY-ON-THE-SQUARE '77. RESOLUTION NO. R1977-24.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R 1977.

Council next gave consideration to a request from Mr. William H. Davis of Fairview Park to voice a petition of the property owners concerning street improvements.

Mr. Davis of 363 Neville Street was recognized by council and presented a petition for the paving of Neville Street, Ingram Street, Sewell Street, Autry Street, Thad Street, North Street, Brinkley Street and Wall Street. Mayor Finch thanked Mr. Davis for the presentation of the petition and informed him that it would be checked for validity and that he, Mr. Davis will be notified.

Council next gave consideration to an elderly housing site located off Bragg Boulevard, in the Murchison Road Development Project Area on Blue Street. In a memorandum to the Mayor and council, Mr. Ron Hickman, Director of the Office of Community Development stated that the Fayetteville Redevelopment Commission has optioned an area in the vicinity of Washington Drive, Blue Street and Murchison Road to the Fayetteville Metropolitan Housing Authority. The site is to be utilized for the construction of 75 units of housing for the elderly if the Housing Authority wins the bid approval.

In order for the Housing Authority to submit a proposal, they must have control of the land on which they propose to place the housing units. Therefore, it is necessary that council indicate in official session that the site will gain approval. At some future date the council will be asked to approve a land sales contract in conjunction with the Fayetteville Redevelopment Commission if the Housing Authority wins the bid to construct the units.

I respectfully request that the council consider and approve the above subject site for construction of housing units for the elderly.

Following a brief discussion, Mr. Satsky offered motion for approval of the above subject site for construction of housing units for the elderly as requested by Mr. Hickman, motion seconded by Mr. George, and carried unanimously.

Council next gave consideration to the award of bids for the street resurfacing contract. In a memorandum, the City Engineer stated that recently bids were received for work previously approved by the council and are tabulated below:

Proposal A: Cochran Avenue Drainage and Proposal B resurfacing various streets. Mr. Bennett reported that the recommendation is to award the contracts to the low bidders. Proposal A being Triple A Construction Co. for \$16,367.00 and Proposal B Crowell Constructors Inc. \$50,799.50.

Mr. Satsky offered motion, seconded by Mr. Dawkins for award of Proposal A to Triple A Construction for \$16,367.00 as recommended. Motion carried unanimously. Mr. Satsky then offered motion for award of Proposal B to Crowell Constructors Inc. for \$50,799.50 as recommended, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to the award of bids for a pick-up truck for the Recreation and Parks Department. The City Manager presented this matter and stated the low bid of Lafayette Ford in the amount of \$3,918.00 for a pick-up truck is recommended. Mr. Satsky offered motion for approval of the foregoing as recommended, seconded by Mr. Shields and carried unanimously.

Council next gave consideration to proposed ordinance requiring the Building Inspector to correct conditions of property at various locations in the City. The first two locations were for 315 and 331 Dick Street owned by Mr. Willis Brown.

Mr. Brown was recognized for the above locations and requested an extension of 180 days to make the necessary corrections.

After a brief discussion, Mr. Shields offered motion to grant a 180 day extension in the foregoing two matters as requested by Mr. Brown, motion seconded by Mrs. Beard and carried unanimously.

On another location at 436 Rankin Street owned by Veda and T.J. Funderburk a Mr. John C. Shaw of 205 Churchill Drive was recognized for the owners. He informed council that the owners are elderly, ill, infirmed and incompetent to handle their own affairs, and he stated he had requested the Inspection Department to place his name on file to receive any correspondence regarding this property in order that he might handle it for the Funderburks for whom he had the Power of Attorney. Mr. Shaw also stated that a bulldozer was sent by the City to cut grass at this location at the corner of Rankin and Winslow Street and the owners were sent a bill for \$145.00 for this work. Mr. Shaw stated to council that he plans to put a building on this property.

Following a brief discussion, Mr. George offered motion, seconded by Mrs. Beard that this matter be continued for 60 days and that Mr. Shaw present to the City Attorney a copy of his Power of Attorney and that all bills and notices concerning this property from the City be sent to the owner with a carbon copy of same addressed to Mr. Shaw and that this be shown at the bottom of this letter for each communication to Mr. John C. Shaw 205 Churchill Drive, Fayetteville, N.C. 28303. Motion carried unanimously.

Mr. George then offered additional motion that the bill for \$145.00 plus all accrued interest allegedly assessed against the T.J. Thunderburk property by the City Building Inspector be forgiven and such action be voided by this council. Motion seconded by Mrs. Beard and carried unanimously.

Mr. Satsky then offered motion seconded by Mrs. Beard for adoption of the following ordinances and the motion carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 815 BARNES STREET AND OWNED BY MS. MARTHA EVANS "HEIRS". ORDINANCE NO. NS1977-49.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 2013 MURCHISON ROAD AND OWNED BY MS. WILLIE WALKER. ORDINANCE NO. 1977-50.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 203 WALL STREET AND OWNED BY MR. LACY MCDUGALD, JR. ORDINANCE NO. 1977-51.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO REMOVE A STRUCTURE LOCATED AT 1322 WATERLESS STREET AND OWNED BY MS. CARY N. KELLY. ORDINANCE NO. NS1977-52.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 1323 WATERLESS STREET AND OWNED BY MS. CARY N. KELLY. ORDINANCE NO. NS1977-53.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE AN UNNUMBERED DWELLING ON LEAVY LAND LOT # 3 OWNED BY MR. PAUL WEST. ORDINANCE NO. NS1977-54.

Copies of all of the foregoing ordinances are on file in the City Clerk's office in Ordinance Book NS1977.

Council next gave consideration to taxi driver permits. The City Manager presented this matter. Upon motion by Mr. Satsky, seconded by Mrs. Beard and carried unanimously taxi driver permits were approved for the following named: Sylvia M. Smith, Edward E. Dunn, Nobie Roberts, Robert G. Taylor, William E. Love, James L. Monroe, Geneve F. Torgersen, James W. Hammonds, John W. Kirkman, Bill Thomas Jesmer, Ruby Ray Livingston, Robert W. Cheek, Mary M. Ibex, Walter Lee Bonner, James Thomas Royal and Charles D. Rowland.

Applicant Gary Wayne Stump who had requested to appear before the council in behalf of his application which was disapproved by the Chief of Police and Taxicab Inspector was not present in the audience.

Council next recognized delegations from the audience.

Attorney Gerald Beaver was recognized for Mr. Wade Thomas Saunders. Attorney Beaver stated that City Council passed an ordinance on March 14 ordering the demolition of a substandard structure at 349 Adams Street owned by the Saunders Heirs, and originally owned by Mr. E.J. Saunders, deceased, and the father of Mr. Wade Thomas Saunders. Attorney Beaver stated that a brother, Mr. C.G. Saunders and one of the heirs had died on March 23. Attorney Beaver requested a 90 day extension to the demolition order to reonvate this property.

In response to inquiry, Acting City Attorney Cogswell informed council that their action in adopting the demolition ordinance was irrevocable. City Building Superintendant stated to council that the demolition order did not specify a particular date for demolition and in addition to that the City owned bulldozer was temporarily out of commission.

Following a brief discussion, Mrs. Beard offered motion to continue this matter until the May 9th meeting, motion seconded by Mr. Dawkins, and carried unanimously.

Council next recognized Mr. Luther Colon Oliver, owner of a barber shop at 203 Hillsboro Street on a request that City Council establish a paved parking lot on the east side of Hillsboro Street in the vicinity of the 200-300 block for the benefit of the merchants along this street where parking has been prohibited by the City under the downtown circulation plan and the Department of Transportation. It was determined from Mr. Oliver and the City Engineer that the lot proposed for parking by Mr. Oliver was owned by the Seaboard Coastline Railroad.

Following some discussion of the matter, Mr. George suggested a lease arrangement between the City and the railroad for a nominal annual consideration and improvement of the same for a public parking lot as requested by Mr. Oliver and the City Engineer was requested to explore this matter and report to the council by the May 9th meeting, if possible.

One remaining appointment to the Human Relations Advisory Commission was deferred until the next meeting.

City Manager Reports:

The City Manager reported the following resignations from the Police Department: Pauline G. Owen and Stuart G. Dalton. Council noted the resignations.

The City Manager reported the following named persons had been certified by the Civil Service Commission for appointment to the Police Department: Emmitt Starnes, Marion Phillips, William Cranford, William Simon, Eugene Porter, Stanford Shane, Glen Johnson and James McConkey.

Upon motion by Mr. Satsky, seconded by Mr. Shields and carried unanimously, the aforementioned were appointed to the Police Department as certified by the Civil Service Commission and as recommended by the Chief of Police and City Manager.

The City Manager then informed the City council that they had directed him to go to the Clerk of Superior Court and secure three separate appraisals on the Stephen Rodgers property located at the corner of Winslow Street and West Russell Street. The City Manager reported that he had received a sealed envelope from the Clerk of Court on Friday, Apr. 22, and had delivered such envelope to the City Clerk for safe keeping until this time. The City Manager asked the council their desires concerning this matter and Mayor Finch asked that the envelope be handed to her for opening and this, the City Manager did. The appraisals were contained a letter to Mr. Tommy Griffin, Clerk of Superior Court from the three appraisers. Mr. David Godwin, Mr. Thomas Council and Mr. James Stubbs. The appraisal stated that as of April 21, 1977, no value had been given to the building and that an amount of \$13,098.93 had been given to the property less demolition costs of \$1500.00 and appraisal value of \$11,583.93 was mentioned. The appraisal continued and concluded that the unencumbered fair market value of the property on April 21, 1977 was \$11,600.00 and was signed by David Godwin, Thomas Council and James Stubbs.

Following some discussion, Mrs. Beard offered motion that the City Council take no action in acquiring this property. The motion failed for lack of a second.

Acting City Attorney Cogswell requested two weeks to resolve a new development in this matter.

Mr. Shields then offered motion to continue this matter as requested by the City Attorney to May 9. Motion seconded by Mr. Satsky.

Mr. George then offered substitute motion that the report be received as information. The substitute motion failed for lack of a second.

Mayor Finch then called for a vote on Mr. Shields' motion to continue this matter to May 9th and the motion carried unanimously.

The City Manager then informed council that a small dilemma existed in the P.W.C. Budgeting for coming year. He stated that on September 27, 1976, City council said to proceed with the work on East Collier Drive and council would consider using Community Development or Revenue Sharing Funds to displace funds to subsidize portions of the improvements in this area.

Then on February 28, 1977, City Council approved a program in Community Development Progress Area Number 1, Collier Drive Urban Renewal Program, which when approved would provide \$29,000.00 for relocation of residents of the area and return the area to industrial use.

P.W.C. has planned a water and sanitary sewer system based on the September 27, 1976 action but the Planning Board cannot approve the plan based on water and sanitary sewer use.

Clarification needed is, does council's action taken on February 28th supercede the September 27th meeting or does council mean for both to stand firm?

The City Manager requested a work session with City Council and P.W.C. to discuss this matter further and a conference meeting was set for May 2, 7:30 P.M. in the Kyle House to discuss this and other matters.

Matters of interest to the City Council:

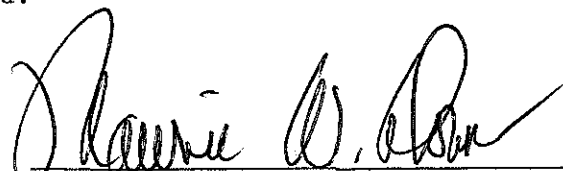
Mr. Satsky directed a question to Ron Hickman on public rehabilitation grants and asked how many grants City Council has given out so far on Community Development. He stated that several persons in the Massey Hill Area are trying to get information on this. Mr. Hickman replied that there were three on Turnpike Road to date, that he will check on the others.

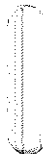
Mr. George suggested that City Council give consideration to impending litigation against the City.

Mrs. Beard suggested to Council that it forward a get well card to Councilman Gene Plummer in the hospital.

Mr. Dawkins issued a "Welcome Aboard" to Acting City Attorney, Bob Cogswell.

Thereafter, all matters of business having been completed, this regular session was adjourned at 12:20 A.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MAY 9, 1977
8:00 P.M.

Present: Mayor Beth Finch

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

Absent: Gene Plummer

Others Present: Mr. William G. Thomas, III, City Manager
Mr. Robert C. Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and the Reverend Paul G. Bunn, Haymount United Methodist Church, offered the invocation. Following this, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch informed the council and those present in the council chamber that she had had the opportunity to visit Councilman Gene Plummer Sunday afternoon, and that he was making good progress, was up and about and expected to be home within seven to ten days. She said he sends his regards and expressions of appreciation for all kindnesses.

Mayor Finch recognized representatives of the Fayetteville Youth Council: Kenny Fleishman, Don Edwards, Danny McKeithan. Kenny was Youth Mayor, Don was the Youth City Manager and Danny McKeithan was the Youth Finance Director last week and Danny is also the new Youth Council President. Kenny read a resolution of thanks to the City Council and other City Officials for their cooperation during Youth Week last week. The resolution was signed by the Youth Council Mayor and Youth Council Members. Following this, Mayor Finch thanked Kenny and expressed appreciation to the youth involvement in City Government and other community activities. Councilman Dawkins also expressed thanks and appreciation and commendation to the Fayetteville Youth Council.

First order of business was the approval of the minutes and upon motion by Mrs. Beard, seconded by Mr. Shields and carried unanimously, minutes of the Special Meeting of April 18th were approved as submitted by the Acting City Clerk. Upon motion by Mr. Satsky, seconded by Mr. George and carried unanimously, minutes of the Special Meeting of April 19th were approved as submitted by the Acting City Clerk. Upon motion by Mr. Dawkins, seconded by Mr. Satsky and carried unanimously, minutes of the Regular Meeting of April 25 were approved as submitted by the City Clerk.

The next order of business was consideration of setting a public hearing.

The City Attorney stated that at the April 25th meeting, a public hearing was set for May 23 on a proposed annexation for property located in the West Hudson Street area, but this date does not allow sufficient time for legal advertising. Therefore, it was recommended that City Council reset this public hearing date until June 13, 1977. Upon motion by Mr. Dawkins, seconded by Mr. Satsky and carried unanimously, a public hearing was set on a proposed annexation for property located in the West Hudson Street area (between 301 and Seaboard Coastline Railroad overpass) for June 13, 1977.

Planning Board Matters:

Upon motion by Mr. Satsky seconded by Mr. Shields and carried unanimously, Hill's Commercial Area preliminary and final review, located on Raleigh Road was given conditional approval as recommended by the Planning Board, in their memorandum dated May 9th to the council.

PWC Matters:

Upon motion by Mr. Satsky, seconded by Mr. Shields and carried unanimously, approval was given an application by E.R. Reid for a sanitary sewer connection to the existing main to serve a residence at 1806 Glenwick Drive outside the City as recommended by PWC.

On a second matter, consideration was given an application by William McKee for the extension of 380 feet of water main to serve existing residences at 1912, 1914 and 1916 Powell Street outside the City. PWC Manager, Muench stated that this area was contiguous to the City limits but the application had been withdrawn. City Engineer Bennett stated in reply to question that a petition for annexation had also been withdrawn. Council took no action on this matter.

Council next gave consideration to a proposed resolution authorizing acquisition by condemnation of an easement for electric transmission lines over the property of Solomon E. Evans. The City Attorney informed Mr. Muench that he had not received the foregoing resolution from PWC Attorney Lewis.

Mr. Satsky then moved that this matter be continued until May 23, seconded by Mrs. Beard and carried unanimously.

The council next gave consideration to a resolution authorizing acquisition by condemnation of an easement for water and sewer lines over the property of W.L. Smith and J.J. Barnes. The City Attorney again informed Mr. Muench that he had received no resolution on this matter either.

Mr. Dawkins offered motion to continue this matter until May 23 also, motion seconded by Mrs. Beard and carried unanimously.

Council again gave consideration to a petition establishing a "Blue Ribbon" Committee (this matter continued from the April 25 meeting).

Mr. Shields offered motion to table this matter, seconded by Mr. Dawkins and carried unanimously.

Council gave reconsideration to an unsolicited proposal by Resource Recovery Corporation for the design, construction and operation of a municipal solid waste disposal system by plasma arc pyrolysis. (This matter continued from the April 25 meeting). Mayor Finch informed the council that the information requested on this system had been received by PWC Manager Muench as requested at the last meeting. Mayor Finch stated the PWC report says no definite recommendation is made. Mayor Finch asked Mr. Muench if he would care to elaborate on the report and Mr. Muench offered comment that there were still many unanswered questions about the system. He stated it was not energy efficient - less than 70%. He stated that details on the slag waste were not complete and it appeared that there was still some residue to be disposed of by conventional landfill methods. Mr. Muench concluded by stating that he would not recommend this system to PWC.

Mr. Brown, Resource Recovery Engineer, was recognized with comments on the economics of comparison of his system to other systems. He commented on the cost of the studies involved and stated that their method was same as other companies.

Following a brief discussion, Mrs. Beard offered motion to table this matter for the time being, motion seconded by Mr. George and carried unanimously.

Council next gave consideration to the fiscal year 77-78 Budget considerations for East Collier Drive. This matter was presented at the last regular meeting and was also considered by council in a work session on May 2. The City Manager presented this matter and reminded council that on September 27, 1976, they had approved an amended motion that "we will also look at the petitions for the East Collier Drive Area and proceed with the work and City Council will consider using Revenue Sharing and/or Community Development Funds to displace money to subsidize a portion of the improvements of this area."

On February 28, 1977, City Council approved the application for Program Area #1-Collier Drive Urban Renewal Program. This program would, if approved, provide \$329,320.00 for the relocation of the residents of the East Collier Drive Area and return the area to industrial use.

Acting on the September 27th action, PWC is planning to budget \$400,000.00 for water and sewer for the East Collier Drive Area and PWC has also applied for a Federal Grant of 25% (\$100,000.00). The Planning Board had notified PWC that it would not approve the grant application for a residential water and sewer system in an area designated as industrial.

The City Manager stated that there would be no problem if the action taken on February 28th to apply for CD Funds superceded the action of September 27th. PWC would not budget water and sewer funds and the City would not budget funds for storm drainage and paving. The City Manager closed his presentation by asking council which question stands. He requested confirmation of the February 28th, 1977 action.

Following some discussion of this matter, Mr. Shields offered motion, seconded by Mr. George that the action of February 28, 1977 concerning the foregoing matter supercede the action of September 27, 1976 as recommended and requested. The motion carried unanimously.

Council next gave reconsideration to the Wade Thomas Saunders demolition matter of property located at 349 Adams Street. (This matter continued from the April 25 meeting).

Mr. Saunders was called but did not respond and was not present. The City Attorney presented this matter and stated that initial action was begun in February 1972 and after various actions by the Inspection Department and the Code Review Committee, during which time no corrective measures were taken by Mr. Saunders, City Council adopted a demolition ordinance on March 14, 1977. The City Attorney informed council that in view of its action on March 14, it must pass another ordinance to exempt this location from demolition if it is so desired to do.

Following some discussion of the matter, council without objection let the March 14 ordinance stand and took no action on this matter.

Council next gave reconsideration to the appraisal report of the Stephen Rodgers Funeral Home property located at the northeast corner of Winslow Street and West Russell Street. (This matter continued from the April 25 meeting). Mrs. Beard offered motion to take no action on this matter, motion seconded by Mr. George and carried

unanimously.

Council next considered two airport matters. The first was consideration of the approval of bids for the runway overlay project and the award of the contract to the low bidder, Crowell Construction Company for his bid of \$519,783.00. Airport Commissioner, Charles Clark presented these matters and recommended approval.

Following a brief discussion, Mr. Dawkins offered motion, seconded by Mr. Satsky, and carried unanimously that council award the contract to Crowell Constructors, the low bidder as recommended and authorize the Mayor to sign the contract.

The next request by Airport Commission was for the approval of a federal grant in the amount of \$550,496.00 for the runway overlay project and authorize the Mayor to execute the grant and project application.

Following a brief discussion, Mr. Dawkins offered motion, seconded by Mr. Shields and carried unanimously for approval of the foregoing request for the FAA Grant and that the Mayor be and she hereby is, authorized and directed to sign the documents as requested.

Council next gave consideration to the authorization of condemnations within the Southeast Neighborhood Development Program, Community Development Program #2. Ron Hickman, Executive Director of Community Development presented this matter, and stated that there were three condemnations namely; parcel A-14, Jesse L. Council and John Smith-compensation \$2,660.00 and the reason: title problems. Parcel M-11-Emma Lee McEachern, compensation \$3,168.00 and the reason; would not accept the offer. Parcel 0-1, Rebecca Rosenfeld-compensation \$5,600.00 and the reason given; will not accept the offer.

Mr. Satsky offered motion that the foregoing condemnations be and they are hereby authorized as requested, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a status report by Community Development on the Prince Charles Hotel as a housing site for the elderly. Mayor Finch reminded council that they had received a written report from Mr. Hickman on this matter and asked if there were any questions of Mr. Hickman. Mr. Hickman was asked the present status of the Prince Charles Hotel and he replied that Mr. Jim Godwin was working on the Environmental Review at this time. He stated the Engineer's report the building is in good shape that some repairs are necessary. He stated that in a letter dated February 16 from HUD confirms that the multi-family specialist had others from HUD toured the hotel with himself and state that the hotel could be utilized for elderly housing. He reminded council that on February 28th they had voted in regular session to proceed with the purchase of the hotel as a housing site for the elderly. The Environmental Review record is presently being prepared, he stated and he would have it in approximately two weeks from this date.

Since the Environmental Review record must be completed in conjunction with HUD granting a pre-approval of the building for the use of Section 8 funds, the Mayor has provided HUD with ample notice of the City's intentions on the hotel. No response has been received as of this date.

Mr. George stated that he had heard of alternate uses for the hotel and if a price had been mentioned. Mr. Hickman stated no price had been mentioned and space in the hotel was considered as possible service center activities.

There then followed some general discussion of this matter by City Council. Council recognized Mr. Albert Waggoner, spokesman for the elderly citizens of the community who stated he had petitions with 1500 signatures in opposition to the acquisition of the hotel as a housing site for the elderly.

Following some further discussion, Mr. George offered motion that consideration of the purchase and proposed use of the Prince Charles Hotel be an agenda item on May 23, motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to the award of bids for the purchase of additional air defense sirens. The City Manager presented this matter and stated that informal bids were opened on March 31 for the purchase of two sirens to be installed at Camden Road and Glendale Acres Elementary Schools. The low bidder was Zimmerman-Evans Inc. of Greensboro, N.C. with a bid amount of \$12,434.88 and is the bid recommended.

Mr. Satsky offered motion for approval of the foregoing bid as recommended, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to the award of a paving contract for the paving of streets with Community Development Funds. *Cowan*

The City Engineer presented this matter and stated that the five streets to be paved with Community Development funds were Collins Street, Rochester Drive, Turnpike Road, Elliott Street and University Avenue. The low bid was submitted by Triple A

Construction Company in the amount of \$155,014.40 and is the bid recommended.

Mr. Satisfsky offered motion for approval of the foregoing bid as recommended, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to street improvement policy modifications.

The City Manager presented this matter and stated that the street improvement policy modifications were submitted this evening due to a March 31 request of Mayor Pro Tem Marion George and the street improvement policy modification previously forwarded to council on March 21, is entered into the agenda this evening for council consideration.

The major change in the proposed modification is that the cost to abutting property owners for improvements would be limited to \$4.00 per linear foot. One other proposed change is that the rollback curb would be required in predominately single family areas and the straight back curbs would be required in all other zones.

Mr. George suggested City Council consider amending the paving policy and specifically as follows: 1. deleting paragraph (d) dealing with the assessment rate and 2. substitute two (a) and 3. add "where C.D. or other federal funds are used or where CD or other federal funds are used or where special assessment rates are reduced from \$4.00 down to zero." 4. Amend the curbing requirements.

Mayor Finch stated that in as much as this was council's first consideration of this matter, Mr. George submit his foregoing proposals in writing and that council consider them and this matter at a later meeting.

Following some further discussion, Mr. George offered motion to continue this matter until May 23, motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to a request from the Fayetteville Museum of Art to close a portion of Elm Street to vehicular traffic on Saturday, May 14. The City Manager presented this matter and stated that in a letter the Museum of Art requested the closing of a portion of Elm Street to vehicular traffic on Saturday, May 14th. This area would be the block of Elm Street between Beech Street and Rogers Drive where the Museum will be holding its Spring Fund Raising Activity in the large field on Elm Street. and would like to use the street itself for parts of the event.

Mr. Shields offered motion that City Council authorize the closing as requested, seconded by Mr. Satisfsky and carried unanimously.

Council next gave consideration to a request for council's endorsement of Memorial Day services to be held at LaFayette Memorial Park on Monday, May 30. The City Manager presented this matter and stated that the following organizations are sponsoring these services for the community. V.F.W., D.A.V., American Legion and the Knights of Columbus and that the above named organizations were asking the members of the council to endorse and join them in remembrance and honor those who gave so much to our community, state and nation.

Mr. Dawkins offered motion, seconded by Mrs. Beard for approval of the foregoing endorsement of the services as requested. Motion carried unanimously.

Council next gave consideration to the approval of taxicab driver permits. The City Manager presented this matter and stated that the following named had filed application with the taxi inspector for a permit: Jerry Dale Andrews, Willie C. Bell, Jr., James Smith Brown, Sandra Beeden Capps and Shiela K. Develin. The City Manager stated that all of the foregoing are recommended by the Taxicab Inspector, Chief of Police and himself.

Mr. Satisfsky offered motion for approval of taxicab driver permits for all of the foregoing as recommended, motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to appointments and one remaining appointment to the Human Relations Advisory Commission was deferred to the next regular meeting and one appointment to the Board of Appeals for Dwellings and Buildings expiring in May was received for information purposes this evening.

Delegations:

Mr. Charles Hudson, President of Hillendale West Community Watch Association, was recognized and presented a petition signed by approximately 45 residents of Hillendale West Subdivision requesting that all of the streets in this subdivision be designated 25 miles per hour maximum. Mr. Hudson stated that the school children in this area had to walk in the streets in order to reach their schools and that the subdivision had no sidewalks and that the present 35 mile per hour speed limit was neither necessary and was a hazard to life and limb. Mr. Hudson requested lowering of the speed limit to 25 mph before one of their children is killed.

Mayor Finch thanked Mr. Hudson for submission of the petition and requested the City Engineer to check this matter out and make recommendation at the next meeting, if possible.

City Manager reports:

The City Manager informed council that he had received a letter from the City Tax collector pursuant to the advertising or not advertising of lien sales for 1976 real taxes.

In his letter to the City Manager, the tax collector stated that North Carolina State statutes, under the machinery act requires the governing body to order the tax collector to sell such liens which represent unpaid taxes for the current year on real property at a specified date. This must be done once each week for four successive weeks preceding the sale. The advertisement is to include all of the particulars concerning a piece of property, as well as the principal amount of the taxes due. However, Cumberland County and its municipalities are exempt from this statutory requirement if so desired. This year Cumberland County exercised the act for the first time and in so doing has reflected on collections for the City percentage wise. To date collections are 94% of the levy which calculates as $1\frac{1}{2}$ percent over the correspondent of last year. Advertising expense last year for the City was \$3,460.00 to advertise the liens which is recoverable by adding to the taxes but in many instances the City eventually loses. The question is whether or not to hold lien sales for 1976 real taxes.

The City Manager stated that he and the tax collector do not recommend advertising lien sales for the current tax year in view of all of the foregoing.

Following a brief discussion, Mr. Satsky offered motion, seconded by Mr. Dawkins and carried unanimously to follow the foregoing recommendation of the City Manager and City Tax Collector and not advertise for tax liens for the current year.

The City Manager informed council that under the new federal law regarding the use of Revenue Sharing Funds, the Chief Administrator - in the case of Fayetteville City Manager - must hold a public hearing to receive requests from the general public for the proposed uses of Revenue Sharing Funds. The City Manager stated further that all of the legal advertisements had been made for a public hearing for Wednesday, May 11, 1977, at 7:30 P.M. in this Council Chamber and that the City Councilmembers are invited to attend this hearing.

The City Manager then reminded council of the Budget sessions scheduled for June.

Council then recognized the City Attorney who reminded them that at the April 25 meeting a demolition matter had come before them regarding the property owned by Veda and T.J. Funderburk at 436 Rankin Street and a Mr. John C. Shaw who was recognized and presented the matter in their behalf. He further reminded council that Mr. Shaw had stated the Funderburks were elderly and ill and that he handled their affairs for them and that he also had the court appointed power of attorney. Mr. Shaw had also stated that a bulldozer was sent by the City to cut grass at this location and the Funderburks billed for \$145.00 for this work. The City Attorney further reminded council that they had voted to continue this matter for 60 days provided Mr. Shaw present to the City Attorney a copy of his power of attorney and that his name be placed on the file to receive a copies of any bills sent to the Funderburks and in addition council had voted to forgive the grass cutting bill of \$145.00 assessed against the Funderburks. The City Attorney stated that to date, Mr. Shaw had not provided him with a copy of the power of attorney as directed by the council, and further that the council must pass another ordinance to forgive the assessment.

Following some discussion of the matter, Mr. George offered motion for the adoption of an ordinance confirming council's action at the last meeting forgiving the assessment for grass cutting on the Funderburk property in the amount of \$145.00, motion seconded by Mrs. Beard and carried on first reading. Mayor Finch stated that this matter would be reconsidered on second reading at the May 23 meeting.

Matters of interest to the City Council:

Mr. George offered suggestion to council that it take care on sending notices to property owners on zoning activities. Inasmuch as some difficulty had been encountered recently regarding this. Planner Mitchell asked for details concerning this matter in order to check it out.

Mr. Shields directed a question to the City Attorney regarding commercial activities conducted on Sundays during the recent Sunday-on-the-Square activity and the City's "Blue" law and what action should the council take if any regarding this. The City Attorney replied that if council desired, he would review the ordinance and if council desired to permit certain commercial activities by charitable and non-profit organizations on Sunday then the ordinance may have to be amended. Following some brief discussion the City Attorney was requested to draw some options and make recommendations and present them to the council at a later date.

Mayor Finch informed council that the Downtown Revitalization Commission is meeting with the Planning Board Tuesday evening and that their Chairman, Mr. Stein, is requesting another meeting with the City Council regarding the Commission's activities on Downtown Revitalization.

Following a lengthy discussion of this request, the City Council decided to meet with the Downtown Revitalization Commission on Monday, May 16, at 7:30 P.M. in the Kyle House with the City Engineer present and to review the entire Downtown Revitalization plan.

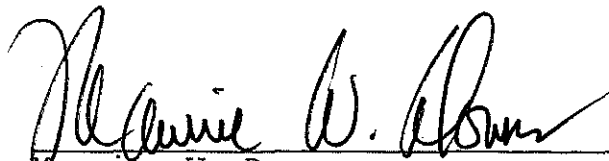
Mayor Finch reminded the councilmembers of the Mayor's Neighborhood Meeting to be held on Tuesday, May 17, at 7:30 P.M. at Snyder Memorial Baptist Church. She invited all councilmembers to be present.

Mayor Finch then recognized Mr. Wade Thomas Saunders who was then in the audience and informed him that council had already acted on his demolition matter earlier in the evening and had voted to take no action which meant that the demolition ordinance adopted on March 14th was still in effect.

Mr. Saunders again requested additional time to tear down the old structure for the value of the lumber in it.

Following some discussion of this matter, Mr. George offered motion that the Building Inspector be directed to delay the demolition of the Saunders house at 349 Adams Street for 30 days and proceed to raze it and remove all debris from the property immediately at the end of thirty days, motion seconded by Mr. Shields and the vote was as follows: For: councilmembers Shields, George and Beard. Against: councilmembers Satisfsky and Dawkins. Mayor Finch declared the motion failed because it did not constitute a two-thirds vote.

Thereafter, all matters of business having been completed this meeting was adjourned at 10:45 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MAY 23, 1977
8:00 P.M.

Present: Mayor Beth Finch

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

Absent: Gene Plummer

Others Present: Mr. William G. Thomas, III, City Manager
Robert C. Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and the Reverend Harry Harper, Pastor of Eutaw Heights Baptist Church offered the invocation. Following the invocation Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch then recognized the following representatives from the Fayetteville Youth Council: Roy Bullock, Maggie Clay and Laurie Beard.

Council then moved to the first order of business which was approval of the minutes of May 9, 1977, and upon motion by Mr. Satsky, seconded by Mrs. Beard and carried unanimously, minutes of the May 9th meeting were approved as submitted by the Clerk.

Public Hearings:

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 the southwest corner of Country Club Drive and Harveydale Drive. Planning Board recommended denial of C1 zoning and approval of R6 zoning.

Council recognized Mr. Frank Edwards, the petitioner who requested C1 zoning.

There was no opposition present.

Following a brief discussion, Mr. Satsky offered motion to follow the recommendation of the Planning Board and deny C1 Local Business zoning and approve R6 Residential District zoning by the adoption of the following ordinance, Motion seconded by Mr. Dawkins and carried unanimously.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R10 RESIDENTIAL DISTRICT TO R6 RESIDENTIAL AN AREA LOCATED AT THE SOUTHWEST CORNER OF COUNTRY CLUB DRIVE AND HARVEYDALE DRIVE. ORDINANCE NUMBER NS1977-55.

A public hearing had been published for this date and hour on the rezoning from R10 Residential District to R5 Residential District or to a more restrictive zoning classification of an area located on Harveydale Drive, including the Enchanted Forest Mobile Home Park.

Planning Board recommended denial of R5 zoning and approval of R6 zoning for this location.

Mr. Frank Edwards, the petitioner, was again recognized and requested R5 zoning for this area.

There was no opposition present.

Following a brief discussion, Mr. Dawkins offered motion to follow the foregoing recommendation of the Planning Board and deny R5 Residential District zoning and approve R6 Residential District zoning by the adoption of the following ordinance, motion seconded by Mr. Shields and carried unanimously.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R10 RESIDENTIAL DISTRICT TO R6 RESIDENTIAL DISTRICT AN AREA LOCATED ON HARVEYDALE DRIVE, INCLUDING THE ENCHANTED FOREST MOBILE HOME PARK. ORDINANCE NUMBER NS1977-56.

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 an area located on the north side of Country Club Drive near the intersection of Ramsey Street.

Planning Board recommended denial of C1P Shopping Center District and approval of C1 Local Business District for the portion facing on Ramsey Street and R10 for the remaining portion facing on Country Club Drive.

Council recognized Attorney Neil Davis, representing the petitioner, Tarts Investment Corporation, who approved Planning Board's recommendation.

Mrs. Fred Warwick, 116 Country Club Drive, was recognized in opposition to the proposed commercial zoning. Mrs. Warwick stated to council that there was a discrepancy in the lot lines and that a portion of the Tart Property encroached into the rear of her property which is located immediately to the west.

discussion

Following a brief/Mrs. Beard offered motion to continue this public hearing until June 13th and that the Planning Board recheck the property line. Motion received no second.

Following a brief discussion, Mr. Dawkins offered motion to follow the foregoing recommendation of the Planning Board and rezone C1 for the portion facing on Ramsey Street and R10 for the portion on Country Club Drive, motion seconded by Mr. Satsky and carried: Mrs. Beard voting no.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R10 RESIDENTIAL DISTRICT TO C1 LOCAL BUSINESS DISTRICT FOR THE PORTION FACING ON RAMSEY STREET AND R10 RESIDENTIAL DISTRICT FOR THE REMAINDER FACING ON COUNTRY CLUB DRIVE. ORDINANCE NUMBER NS1977-57.

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 an area located at 4808 Ramsey Street. Planning Board recommended approval.

Mr. John Keefe, petitioner, was recognized and requested C1P Shopping Center District zoning for this area. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE TO C1P SHOPPING CENTER DISTRICT AN AREA LOCATED AT 4808 RAMSEY STREET. ORDINANCE NUMBER NS1977-58.

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

Copies of all of the foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1977.

A public hearing had been published for this date and hour on the paving, pursuant to petition, from the property owners of Phillips Street which lies between Murchison Road and the Seaboard Coastline Railroad. The Clerk certified to the Mayor and council that all property owners had been mailed notices of this public hearing. The City Engineer presented this matter and stated that a valid petition had been filed in March of this year for this paving. The Clerk reported to the Mayor and Council that petitions of opposition to this paving had been filed with him in his office this afternoon. One of the petitions was from C.H. Phillips Investment Company, a property owner in the area. The other petition was signed by Allen and Sarah Swinson who were petitioners in the paving but by their petition withdrew their request and stated opposition to the paving project. The City Attorney informed council that the withdrawal from the petition by the Swinsons invalidated the petition for paving inasmuch as it does not now contain a majority of the property owners owning a majority of the footage along the street. He did inform council that they may, if they desired, advertise a public hearing for the paving of this street on their own order.

Mr. William McCoy, Reverend John Wesley, Pastor of Bible Center Church, Mrs. Rosa Foy and Mrs. Margaret Hamilton petitioners for the paving were recognized and requested the paving.

Attorney Gerald Beaver, representing Phillips Investments and the Swinsons, was recognized in opposition for his clients and stated they could not afford to pay for such paving.

Following a brief discussion, Mr. George offered motion that the council initiate plans to consider paving Phillips Street from Murchison Road to the railroad and Enoch Street from Murchison Road to Slater Avenue without petition and set a public hearing on June 13, motion seconded by Mrs. Beard and carried; Mr. Dawkins voting against; by the adoption of the following resolution:

PRELIMINARY RESOLUTION REQUIRING THE PAVING WITHOUT A PETITION OF PHILLIPS STREET AND ENOCH STREET. RES. NO. R1977-24.

A copy of the foregoing resolution is on file in the clerk's office in Resolutions Book R1977.

A public hearing had been published for this date and hour on the annexation under the provisions of NCGS 160A-24 (old law) of an area located on the west side of Murchison Road between Brenda Drive and Shaw Road. The Clerk certified to the council and the Mayor that all property owners in this area had been mailed due notice of this public hearing. Planner Mitchell stated that the Annexation Technical Review Committee recommended approval of the annexation of this area under the provisions of the "old law".

Mr. Forsythe and Mr. Donald Dyer were recognized in favor of this annexation.

Mrs. Florence McMillan and Dorothy K. Moore, property owners in the area were recognized in opposition to the annexation.

Following some discussion of this matter, Mr. Satsky offered motion for the adoption of the following ordinance annexing this area to the City, motion seconded by Mr. Shields and carried: Mrs. Beard voting no.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE AN AREA ON THE WEST SIDE OF MURCHISON ROAD RUNNING NORTHWARDLY FROM BRENDA DRIVE TO SHAW ROAD. ANNEXATION NUMBER 193.

A public hearing had been published for this date and hour on the annexation of property located at 317 and 321 Longview Drive, pursuant to NCGS160A-31. (100% petition). The clerk certified that all property owners in the area had been mailed due and proper notice of this public hearing. Planner Mitchell stated that the Annexation Technical Review Committee recommended approval of this annexation by 100% petition. There was no opposition present.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE 317 AND 321 LONGVIEW DRIVE. ANNEXATION NUMBER 194.

Mr. Satsky introduced the foregoing ordinance and moved its adoption, seconded by Mr. Dawkins and carried; Mrs. Beard voting no.

Upon motion by Mr. Dawkins and seconded by Mr. Satsky and carried unanimously public hearings were set for June 27, 1977 on the following zoning matters:

1. A request for a special use permit for a parking lot in an R5 Residential District located at the southeast corner of the intersection of Weiss and Commerce Street.
2. The rezoning from C1 Local Business District to C3 Heavy Commercial District or to a more restrictive zoning classification of an area located on the north side of Pamalee Drive between Kathy Street and Blanton Road.
3. 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 Murchison Road between Preston Avenue and Waddell Drive.
4. The rezoning from R5 Residential District and C3 Heavy Commercial District to R5A Residential District or to a more restrictive zoning classification of an area located on Blue Street between Bragg Boulevard and Murchison Road.
5. The rezoning from R10 Residential District and R5A Residential District to R6 Residential District of an area located off Cheselka Avenue between the Aberdeen and Rockfish Railroad and Village Drive.
6. The rezoning from R5 Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located at 416 and 418 B Street.
7. The rezoning from R6 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification of an area located at 1913 Pamalee Drive.

Mayor Finch announced at this time that City Council would pause in deliberations to hear a report from Councilman Dawkins. Mr. Dawkins reported to the council and to the assembly that Councilman Gene Plummer, who had been returned to his home from the hospital, had since Tuesday, May 17th been readmitted due to his condition but the word was that Mr. Plummer was resting comfortably. Mr. Dawkins stated that Mr. Plummer could have no visitors but requested those present in the audience to remember him in their prayers for a speedy recovery and remembrances in writing.

Planning Board Matters:

Upon motion by Mr. Satsky, seconded by Mr. Shields and carried unanimously, conditional approval was given Cross Creek Exxon Preliminary and Final CIP Addition Review located on U.S. 401 By-Pass at Murchison Road as recommended by the Planning Board in their memo of May 23rd.

Public Works Commission Matters:

Council recognized PWC Manager Muench, who presented the PWC matters.

Mr. Muench presented a request from the PWC for authorization from the council to extend water and sanitary sewer utilities to serve a prospective industry with such extensions to be financed in conjunction with Cumberland County. (This matter was originally presented at the April 25th meeting and withdrawn by PWC for further study.)

Mr. Muench informed council that the name of the industry was still not known nor was it known when or where it would locate but this industry does want assurance from the City Council that it was willing to extend the utilities prior to the industry's decision to located in the Fayetteville Area.

Following a brief discussion, Mr. Satsky offered motion, seconded by Mr. Dawkins that authorization is approved to extend water and sanitary utilities to serve said industry as requested and as recommended by PWC. Motion carried unanimously.

Council heard request from PWC for adoption of a resolution authorizing the acquisition by condemnation of an easement for an electric transmission lines over the property of Solomon E. Evans, et al. (This matter continued from the May 9th meeting.)

RESOLUTION AUTHORIZING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR AN ELECTRIC TRANSMISSION AND DISTRIBUTION LINE AND ATTACHMENTS IN, UPON AND OVER CERTAIN LAND OWNED BY SOLOMON E. EVANS & WIFE, EMILIE, CLAUDE E. POPE, TRUSTEE AND CAMERON-BROWN COMPANY. RESOLUTION NUMBER R1977-25.

Mr. Satsky 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 Office of the Clerk in Resolutions Book R1977.

On a second resolution of condemnation which would have authorized acquisition of an easement for water and sewer lines over the property of W.L. Smith and J.J. Barnes, et al, (as continued from the May 9th meeting) Mr. Muench informed council that the easement had been voluntarily signed today and the matter settled. He requested permission to withdraw this item from the agenda and action and the request was granted by City Council.

Council next gave consideration to the award of bids for PWC.

Upon motion by Mr. Satsky, seconded by Mr. Shields and carried unanimously, the sole bid of Cumberland Tractor Company in the amount of \$15,587.00 for a tractor with mower for right-of-way cutting was approved as recommended PWC.

Mr. Muench next requested approval of the low bid by Eastern Electric Supply Company of Raleigh (McGraw-Edison Equipment) for the purchase of three 150 MVA-230 KV/69KV Power Transformers for the amount of \$1,431,960.00. Mr. Muench informed council that approval was requested with the understanding that if PWC does not purchase point of delivery number one on Owen Drive and Cumberland Road from CP&L, PWC will only purchase one transformer.

Mr. Satsky offered motion, seconded by Mr. Dawkins for approval of the foregoing as recommended by PWC, motion carried unanimously.

Upon motion by Mr. Dawkins, seconded by Mr. Satsky and carried unanimously, the low bid by General Supply Company, Raleigh, N.C. in the amount of \$112,400.00 was approved for the purchase of ten 15.5 KV vacuum circuit breakers as recommended by PWC.

On a final PWC matter, upon motion by Mr. Dawkins, seconded by Mr. Shields and carried unanimously, approval was given to an application by Mr. James Odell Barefoot for one one inch water connection to an existing main to serve a residence at the corner of Wiggs Street and Legion Road outside the city.

Council next gave consideration to a status report by Community Development of the Prince Charles Hotel. (This matter scheduled as an agenda item from the May 9th meeting.)

Council recognized Mr. Ron Hickman, Executive Director of Community Development, who reported that the Environmental Review record had been delivered to councilmembers last Saturday. He stated that the Environmental Review Record is a document of fact and does not recommend any particular site for elderly housing. Mr. Hickman did state that the hotel had been inspected by HUD and by the City Building Inspector and found in the most part to be in good condition but some areas do need the renovation.

Mr. Dawkins offered motion to receive Mr. Hickman's report as information, motion seconded by Mr. Satsky.

Following some discussion, Mrs. Beard offered substitute motion to rescind any action taken on this matter, motion seconded by Mr. Shields.

Following some further discussion, council recognized Mr. Albert Waggoner, President of the Cumberland Senior Roundtable, which represents the Senior Citizens in the community who read a resolution of the roundtable dated March 15 and again March 17, 1977, in which the roundtable goes on record for the Senior Citizens of the area opposing the Prince Charles Hotel as housing for the elderly.

Mr. Waggoner also filed several petitions of opposition to the hotel as elderly housing. Mr. Waggoner certified that the petitions contained as many as 5000 signatures of which 2000 approximately were senior citizens of the community.

Following some further discussion, Mrs. Beard withdrew her substitute motion.

Mr. George then offered substitute motion that council rescind its action taken on February 28th in its entirety concerning the purchase and use of the Prince Charles Hotel for senior citizens housing.

✓ Mayor Finch then called for a vote on the substitute motion and it was as follows: For: Councilmembers Satsky, Shields, George and Beard. Against: Councilmember Dawkins.

Council next gave consideration to street improvement policy modification. (This matter continued from the May 9th meeting. Councilman George presented this matter and stated that several changes and amendments had been made to the existing street improvement policy. These changes consisted of modification to paragraph 1E concerning curbs and establishing roll back type curb for local streets in areas used primarily for single residential purposes and rumble shoulder edge curb in areas where such appears to be justified. 2. Establishing a maximum \$4.00 per linear foot assessment rate for street paving.

Following some discussion, Mr. George moved for adoption of the modified street improvement policy, motion seconded by Mrs. Beard and carried: Mr. Dawkins voting no.

Copies of the foregoing modified street improvement policy are on file in the City Manager's office, the City Engineer's office and the Office of the Clerk.

Council next gave consideration to four ordinances requiring the Building Inspector to correct conditions at Buildings #9, 11, 13, and 15 on Owen Drive owned by Melrose Associates. (A 120 day extension was given on this matter at the January 24th meeting.)

In a memorandum to the City Manager the Chief Housing Inspector stated that in compliance with the instructions of the council January 24th, to report any action taken by the owners or representatives of the Owen Drive Project buildings the following action had been taken: 1. A building permit has been secured, dated April 20, 1977. 2. A mobile unit has been placed on the premises to conduct business pertaining to the property. 3. The area is now lighted to prevent any further vandalism. 4. The owners are negotiating with local contractors for project construction at this time and completion of construction will be in the very near future. Recommend that no further action be taken on this matter by City Council. Council took no further action on this matter as recommended.

Council next gave consideration to a request from the Cumberland County Board of Commissioners for City participation in the construction of a dog pound.

In a memorandum to the Mayor and members of the council, the City Manager stated that the County Commissioners have requested that the City participate in the construction of a new dog pound. The extent of the request of participation is as follows: A. Provide the necessary land, B. provide design and Engineering assistance, C. provide sewer connection.

The City Council previously approved furnishing the land and the Engineering assistance to the county at no cost. The sewer connection is a new request and was added to overcome the present pollution problems at the pound. The estimated cost to the sewer extension is \$7000.00. The City Manager added that the sewer connection is actually a gravity type lift station.

Following a brief discussion, Mr. Dawkins offered motion, seconded by Mr. Shields that council comply with the County's foregoing request to A, B and C for construction of the new dog pound. Motion carried unanimously.

Council next gave consideration to the second reading of an ordinance forgiving an assessment levied against the T.J. Funderburk property. (This ordinance read and adopted on the first reading at the May 9th meeting.)

The City Attorney informed the council that he had received Powers of Attorney for both Mr. and Mrs. Funderburk from Mr. John Shaw.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, CONFIRMING THE ACTION OF THE CITY COUNCIL ON APRIL 25, 1977, TO FORGIVE AN ASSESSMENT FOR REMOVING DEBRIS ON A LOT LOCATED ON THE CORNER OF WINSLOW AND RANKIN STREETS AND OWNED BY MRS. VEDA CROOM FUNDERBURK AND T.J. FUNDERBURK. ORD. # NS1977-59.

Following a brief discussion of this matter, Mr. George introduced the foregoing ordinance and moved its adoption on second reading, motion seconded by Mrs. Beard and carried: Mr. Dawkins voting no.

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book NS1977.

Council next gave consideration to a request for a rehabilitation grant for the Turnpike Road Area from Community Development.

In a memorandum to the Mayor and council, Mr. Ron Hickman, Executive Director of Community Development stated that they had inspected all of the homes occupied by home owners in the Turnpike Road Area. Several of the homes can be brought up to

minimum housing code with the \$1000.00 grant, however, many cannot. The latter is the reason for this request. Ms. Evelyn Maynor owns and occupies a home at 1537 Pearce Street. Her home cannot be brought up to minimum housing code standard for \$1000.00 and she cannot afford to pay the difference.

She has requested that Community Development present her case to you at the next council meeting to see if council can make an exception to the \$1000.00 program. The lowest bid received to repair her home was \$2,610.00.

I respectfully request that you give consideration to her request.

After some discussion Mr. Satsky offered motion to approve the foregoing request as presented and recommended by Community Development in the amount of \$2,610.00, motion seconded by Mr. Shields and carried. (Mayor Finch directed that the minutes reflect that Mr. Dawkins was not in the room at the time of this vote.)

Council next recognized Mr. Don Brewer, President of the Fayetteville Area Chamber of Commerce on a request for City funds on behalf of the Chamber to set up a tourism and convention bureau within the Chamber of Commerce. Mr. Brewer stated that the Fayetteville Area Chamber of Commerce is composed of approximately 850 members of Fayetteville and Cumberland County. He then presented some tourism and convention statistics on the economy for the state, county and the city reflecting the effect that tourism and conventions have on area economy. He stated the larger cities such as Greensboro, Charlotte, Raleigh, Winston Salem all have tourism and convention bureaus and representatives who travel about the state and country encouraging these activities for their community. Mr. Brewer stated that the Chamber wished to establish such a bureau here in Fayetteville and to hire one full time person to administer it. Mr. Brewer stated the cost would be approximately \$30,000.00 and that the Chamber was requesting \$10,000 from the city, 10,000 from the county and \$10,000 they would raise themselves for this purpose. He asked for council's consideration of this request.

Mayor Finch thanked Mr. Brewer for his presentation and stated that the council would consider the request at budget time and referred the matter to the City Manager for budget preparation.

Council next gave consideration to the adoption of a resolution to condemn property owned by Miss Georgia L. McCaskill located at 200 Maiden Lane. The City Attorney presented this matter and stated this right-of-way was needed for the construction of a portion of the Downtown Circulation Plan.

RESOLUTION AUTHORIZING THE CONDEMNATION OF A PARCEL FOR THE UNION STREET-MAIDEN LANE RIGHT OF WAY. RES. # R1977-26.

Mr. George

Following a brief discussion/Introduced the foregoing resolution and moved its adoption, seconded by Mr. Dawkins and carried unanimously.

A copy of the foregoing resolution is on file in the clerk's ^{office} in Resolutions Book R1977.

Council next gave consideration to a request to close two blocks of Whitney Drive to vehicular traffic on the afternoon of June 4 from 2 until 6 p.m.

The City Manager presented this matter and stated that he was in receipt of a letter from Judy L. Moore, Cochairman of Westwood Ways who stated that the Westwood Community is planning a picnic and neighborhood get together on June 4. This endeavor is an extension of the Community Watch Program in which we believe that a community that is close is a safer place to live and play.

We request that two blocks of Whitney Drive that dead ends be closed to traffic on the afternoon of June 4 from 2 to 6 p.m. All the families who live along this street are in agreement to this request. We hope to have games for the children along this street and feel that for safety and privacy it would be beneficial to close it to traffic. Enclosing these two blocks it would in no way hinder any thoroughfare. The blocks concerned would be from Rushmore to a dead end behind Westwood Shopping Center.

We hope that you will approve our request so that we may help strengthen out our community. Sincerely.

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

Council next gave consideration to the award of bids for an automobile for the Police Department. The City Manager presented this matter and stated that bids were opened on Tuesday, May 10th for an intermediate sized automobile for the Police Department. Funding would be under LEAA Grant.

The low bidder was M&O Chevrolet in the amount of \$4,401.42 and was the bid recommended. Mr. Dawkins offered motion for approval of the M&O bid for \$4,401.42 as recommended, seconded by Mr. Satsky and carried unanimously.

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

One appointment to the Human Relations Advisory Commission and one appointment to the Board of Appeals on Dwellings and Buildings were deferred until the next meeting.

City Manager Reports:

The City Manager reported the following resignation from the Police Department: Thomas L. Spell.

The City Manager reported the following resignation from the Fire Department: Lambert Johnson.

Council noted the resignations.

The City Manager reported the following named had been certified by the Civil Service Commission for appointment to the Fire Department and were recommended by the Fire Chief and himself: Samuel Canady, Edward Grooms, William Stephen Harrell, Harold Dean Johnson, William McGee, Stephen Sanders, William Melvin, Kenneth Tatum, William Rhodes, Scott Morris and William Fitchett, Jr.

Mr. Satsky offered motion for appointment of the foregoing to the Fire Department as certified and recommended. Motion was seconded by Mrs. Beard and carried unanimously.

The City Manager reported on a matter concerning personnel and vacation time for the Police Department. The City Manager reminded council that the vacation policy is that all vacation time not expended at the end of the current fiscal year is considered forfeited and lost. The City Manager stated the Police Department had been set back on its vacation schedule during recent reorganization by Chief Dixon. He stated that he had received a request from Chief Dixon that due to the set back a number of Police Officers had not been able to take their vacation time as earned and requested that the June 30th deadline be waived and a 90 day extension granted to complete vacation time earned during the fiscal year 1976-77 so that it would not be lost.

Following a brief discussion, Mr. Satsky offered motion, seconded by Mr. Dawkins to approve the foregoing request from Chief Dixon. Motion carried unanimously.

The City Manager reminded council of the Electricities Conference to be held in Southern Pines on August 5, 6 and 7th and requested those members of the council who were going to attend let him know as soon as possible so he could make reservations.

The City Manager informed council that he had received a request from First Union National Bank to meet with the City Council on a property matter on Thursday morning in Executive Session. The Mayor and council set the time for this meeting for 10:00 a.m. in the Kyle House, and requested that the Bank official be so notified.

The City Attorney reminded council that in October 76 they had held a special public hearing considering the annexation of Ft. Bragg and Pope Air Force Base, and at such public hearing had, at a request from the Army deferred the matter until June of 1977. The City Attorney informed council that he had already published notice of a public hearing to be held by City Council at its June 13th meeting due to the time limit and statutory limitations. He requested council's approval of this public hearing and the date of June 13 was approved to consider this matter with no objections.

The City Manager informed council that the preliminary budget for fiscal year 1977-78 was ready and would be in their hands by Wednesday and suggested that budget meetings be set. Mayor Finch suggested the dates of May 31 and June 7th and 14th as budget sessions, beginning at 7:00 and running until 9:00 p.m. and these dates were satisfactory. Mr. George suggested inviting the department heads to the first meeting.

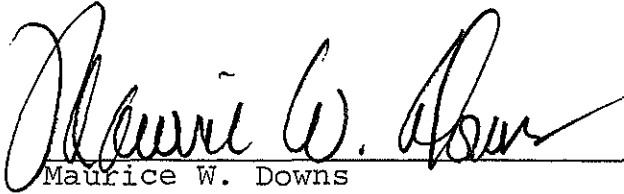
Matters of interest to the City Council:

Mr. Satsky reminded council that the county has options to purchase the Prince Charles Hotel and the old Sears building and had requested city council to provide approximately 700 parking spaces for the use of persons using these buildings.

Following a brief discussion Mr. Satsky offered motion that the City Council make formal commitment to the County Commissioners to provide adequate parking for the Social Services Department in the vicinity of these buildings. Motion seconded by Mr. Dawkins and carried: Mrs. Beard abstaining to vote.

Mr. George then offered motion that the City Council instruct the proper City Officials to initiate steps looking forward to the purchase of the Ames Street site for use as a senior citizens building. Motion seconded by Mrs. Beard and carried unanimously.

Thereafter, all matters of business having been completed, this meeting was adjourned at 11:25 and duly seconded.


Maurice W. Downs
City Clerk

SPECIAL MEETING
TUESDAY
MAY 31, 1977
9:00 A.M.
KYLE HOUSE

Present: Mayor Beth Finch

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

Council Member absent: Gene Plummer

Others present: Mr. William G. Thomas III, City Manager
Mr. Robert Cogswell, City Attorney
Mr. Robert Bennett, City Engineer
Mr. George McCarthy, Finance Director

Present for First Union National Bank: Mr. Burt Melton, Senior Vice President and Eastern Regional Executive

Mayor Finch called the meeting to order for the stated purpose of considering a property transaction. Mayor Finch suggested that Council enter into an executive session to discuss this matter briefly before the public meeting, and Mr. Dawkins offered motion to enter into executive session at this time. Motion seconded by Council Member Beard and carried unanimously.

Following the executive session Council reconvened into special session at 9:15 a.m. and Mayor Finch announced that Council would consider the sale and exchange of properties owned by the City on Green Street, Bow Street and Ann Street to the First Union National Bank, pursuant to their offer to the city and their intent to build a bank building at this location.

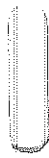
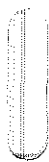
Councilman Satisfsky then offered motion that the Council authorize the sale to First Union National Bank of the lot at the corner of Green Street and Bow Street presently housing the Fire Administration office for \$125,200.; the lot on Bow Street presently housing the City Engineering Department for \$90,000.; and adjacent land on Ann Street across from the First Presbyterian Church for \$14,805.^{plus} and give *credit for right of way on Bow Street as agreed upon and subject to adjustment of square footage; all for a total price of approximately \$216,718. Motion seconded by Councilman Dawkins and upon being put to vote carried unanimously.

made

Meeting adjourned at 9:20 a.m. upon motion/and duly seconded.


Maurice W. Downs
City Clerk

*\$13,287 *now*



SPECIAL MEETING
MONDAY
JUNE 6, 1977
KYLE HOUSE

Colonel Hugh Overholt, Fort Bragg Staff Judge Advocate, met with City Council to discuss matters pertaining to proposed annexation of Fort Bragg by City of Fayetteville and Spring Lake. There was a discussion of the report submitted by the Department of Army, and Colonel Overholt requested an extension of time to reach an amicable solution to the impending annexation actions of both municipalities.

After discussion of this matter, the Council, upon motion of Councilman Satsky and seconded by Councilman Dawkins, consented unanimously to call itself into regular session. The following action was taken:

Councilman Satsky moved, seconded by Councilman Dawkins, that the Council authorize the Mayor to contact officials of Spring Lake and request that they agree to continue the present consent order for a period of six months. If agreement cannot be reached by noon on Wednesday, June 8th, or no later than noon, Monday, June 13, then the public hearing set by Fayetteville City Council for Monday, June 13, will proceed as scheduled.

The meeting was adjourned following this action.

William G. Thomas III
William G. Thomas, III
City Manager and Acting City Clerk

SPECIAL MEETING
TUESDAY
JUNE 7, 1977
KYLE HOUSE

Fayetteville City Council, meeting in special session, heard a report from Mayor Beth Finch on a meeting held this date with Mayor Newell Taylor of Spring Lake, concerning a consent order to delay action on the proposed annexation of Fort Bragg. Mayor Finch reported that she had met with Mayor Taylor, Spring Lake Manager Don Sawyer, Spring Lake Attorney Seavy Carroll, Fayetteville City Manager Bill Thomas and Fayetteville City Attorney Bob Cogswell. Following a discussion of the matter, Mayor Taylor said that Spring Lake would be willing to enter an agreement for a continuation of the consent order for a period of 60 days. He suggested that during that period the two governing bodies meet together for further discussion of the matter. He also stated that if, at the end of that period of time, there were no mutual agreements on a resolution of the matter, then each governing body would hold its public hearing, proceeding on the same time table as originally advertised.

Discussion of the terms led to the following motion by Councilman George, seconded by Councilman Dawkins:

That Mayor Finch and City Attorney Robert Cogswell be authorized to enter into a consent order agreement for a period of 60 days providing Spring Lake agrees to those terms. The motion was approved unanimously.

There being no further business the meeting was adjourned.

William G. Thomas III
William G. Thomas III
City Manager and Acting City Clerk

SPECIAL MEETING
THURSDAY
JUNE 9, 1977
KYLE HOUSE

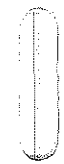
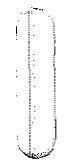
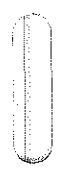
Upon motion by Councilman Dawkins, seconded by Councilman Shields, the City Council agreed to go into regular session for consideration of Community Development matters. Mr. Ron Hickman, Director of Community Development Department, presented a letter received from HUD in which there was indication that certain changes needed to be made on current Community Development applications or the allocations for FY'77-'78 Community Development funds would be in jeopardy. After lengthy discussion the following action, upon motion of Councilman Dawkins and seconded by Councilman Shields, was unanimously approved:

That \$50,000, designated in FY'77-'78 application for rehabilitation of the Horne House, and \$75,000 designated in FY'76-'77 application for Land Acquisition, Urban Renewal, be re-allocated and used for rehabilitation grants of up to \$4,500 per structure in the Massey Hill and Turnpike Road project areas.

Mayor Finch was instructed to relay by letter this action to HUD on the following day.

There being no further business the meeting was adjourned.

William G. Thomas III
William G. Thomas III
City Manager and Acting City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MONDAY, JUNE 13, 1977
8:00 P.M.

Present: Mayor Finch

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

Absent: Gene Plummer

Others Present: Mr. William G. Thomas, III, City Manager
Mr. Robert Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and announced that she had received notice about 7:15 this evening that former City Manager J. Guy Smith, Jr. had suffered a severe heart attack in Florence, South Carolina and had been hospitalized. Mayor Finch then called on Pastor L.E. Cumbee of the Christus Victor Lutheran Church for the invocation, and requested Pastor Cumbee to remember Mr. Smith and his family in the prayer.

Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch then recognized Fayetteville Youth Council Representatives, John Stowe, Sharon Lindsay and Danny Sappingfield, but they were not present in the audience.

The first order of business was the approval of minutes and upon motion by Mr. Dawkins, seconded by Mr. Shields and carried unanimously minutes of the Regular Meeting of May 23, 1977, were approved as submitted by the Clerk. Upon motion by Mr. Satsky, seconded by Mr. Shields and carried unanimously, minutes of a Special Meeting of May 31, 1977 were approved as submitted by the Clerk.

Mayor distributed minutes of Special Meetings of June 6, 7 & 9th to the Council, but stated she would ask for approval of these minutes at a subsequent meeting.

Public Hearings:

A public hearing had been published for this date and hour of the annexation of property located on the West Hudson Street Area between U.S. 301 South and the Seaboard Coastline Overpass. The Clerk certified that all property owners had been mailed notice of this public hearing. Planner George Vaughn presented this matter and stated the Annexation Technical Review Committee recommended approval. The area consisted of two tracts. 1. being the Owen Drive right of way and 2. being the area in the Hudson Street proximity. Planner Vaughn stated that a portion of the area had petitioned for annexation.

Attorney Floyd Ammons, a property owner on West Hudson Street was recognized with a question on Sanitary Sewer service. PWC Manager, Muench stated that such service was available by extension. Mr. Ammons asked if the zoning would remain the same in his area and Planner Vaughn stated the planning department would contact the property owners in the area as to the zoning.

Mr. J.L. Haddock and Mrs. Margaret Moore were recognized in favor of the annexation.

Mr. Reginald Barton, Mr. Jim Vaught, Mr. William C. Reaves, owner of an antique shop, and Mrs. Annie Higgins were recognized in opposition to the annexation.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE AN AREA LOCATED IN THE WEST HUDSON STREET AREA BETWEEN U.S. 301 SOUTH AND THE SEABOARD COASTLINE OVERPASS. ANNEXATION NO. 195.

Mr. George introduced the foregoing ordinance and moved its adoption to follow the recommendation of the Commission and annex the area in question and consider annexing the rest of the area at a later date to straighten out the city limit lines. Motion seconded by Mr. Dawkins and carried: Mrs. Beard voting no.

A copy of the foregoing ordinance is on file in the City Clerk's office in Annexation Ordinance Book 1977.

A public hearing had been published for this date and hour on the paving, without a petition of Phillips Street and Enoch Street. The Clerk certified that all of the property owners had been mailed notice of this public hearing.

The following named persons were recognized in favor of this paving: Mr. Clarence Brown, Enoch Street, Mrs. Flora Whitehead, Enoch Street, Rev. John Wesley, Pastor of Bible Center Church on Phillips Street, Mr. Margaret Hamilton, Phillips Street, Mr. Johnny Foy, Phillips Street.

Attorney Cyrus Faircloth was recognized representing property owners in opposition to this paving. Mr. Faircloth presented a petition signed by Phillips Investments, the Swinsons and Herbert Baggett, property owners owning 837.8 feet of frontage on Phillips Street. Some discussion followed.

FINAL RESOLUTION REQUIRING THE PAVING WITHOUT A PETITION OF PHILLIPS STREET AND ENOCH STREET. RESOLUTION NO. R1977-28.

Mr. George introduced the foregoing Resolution and moved its adoption ordering the paving of Phillips Street and Enoch Street at \$4.00 per linear foot. Motion seconded by Mrs. Beard and carried: Mr. Dawkins voting no.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1977.

A public hearing had been published for this date and hour on the paving, water and sanitary sewer extensions and other improvements without petition of and along Levy Drive and Dixon Drive. (This matter continued from the April 25th meeting)

The City Engineer presented this matter.

Elbuelah Watson, 1323 Levy Drive, Willis Monroe, 1347 Levy Drive and six other persons were recognized in favor of this paving and water and sanitary sewer extensions.

PWC Manager Muench stated that the water and sewer assessment would run approximately \$6.70 per lineal foot. Councilman Goerge informed the persons present that the paving would run approximately \$4.00 per foot in addition for a total of approximately \$11.00 per foot for paving, water and sanitary sewer.

Mayor Finch suggested to the property owners present that they may desire to request this work done with Revenue Sharing Funds at the Revenue Sharing public hearing on June 22 and the property owners were in general agreement with this suggestion.

Mr. George then offered motion to continue this public hearing to July 11, 1977, (until after the Revenue Sharing public hearing on June 22.) Motion seconded by Mr. Shields and carried unanimously.

A public hearing had been published for this date and hour on consideration of the annexation of the Ft. Bragg Military Reservation to the City of Fayetteville. City Attorney Cogswell presented this matter and informed council that a restraining motion and order had been filed this morning in Superior Court concerning this proposed annexation and he advised council to continue this public hearing to August 8th.

No persons appeared in favor or against this annexation.

Mr. Satsky then offered motion to continue this public hearing to August 8, 1977, motion seconded by Mr. Dawkins and carried unanimously.

Mayor Finch informed council that a meeting with the Spring Lake Board of Aldermen had been scheduled for July 6th, tentatively in the evening at the Kyle House to discuss this matter further and that if there was any change councilmembers would be so notified.

Upon motion by Mr. Dawkins, seconded by Mrs. Beard and carried unanimously, public hearings were set for July 11, 1977, on the paving, without a petition of a portion of Wilbon Avenue and the paving by petition requesting the paving of Friendly Road, by the adoption of the following resolutions.

PRELIMINARY RESOLUTION REQUIRING THE PAVING WITHOUT A PETITION OF WILBON AVENUE FROM TURNPIKE ROAD TO THE EXISTING PAVEMENT. RESOLUTION NO. R 1977-29.

PRELIMINARY RESOLUITON REQUIRING THE PAVING, PURSUANT TO PETITION OF FRIENDLY ROAD FROM OWEN DRIVE TO THE CUL-DE-SAC. RESOLUTION NO. R1977-30.

Copies of the foregoing resolutions are on file in the Clerk's office in Resolutions Book R1977.

PWC Matters:

PWC Manager Muench presented applications for water and sanitary sewer connections to serve locations outside the city as follows:

Upon motion by Mrs. Beard, seconded by Mr. Satsky and carried unanimously an application by Gladyce Tew for outside city water connection to an existing main to serve a residence or mobile home at 2625 Gillespie Street was approved.

Upon motion by Mr. Satsky, seconded by Mr. Shields and carried unanimously, an application by Burger King Corporation for one four inch sanitary sewer connection to an existing main to serve a restaurant at 4782 Raeford Road outside the city (water service will be by private water company) was approved.

Upon motion by Mr. Satsky, seconded by Mr. Shields and carried unanimously, an application by Roger W. Taylor for an outside the city water connection to an existing main to serve a residence at 707 Legion Road was approved.

Mayor Finch then announced that she had just received word that former Fayetteville City Manager, J. Guy Smith, Jr. had passed away in Florence, South Carolina, at 8:00 P.M. this evening and declared a short recess of the meeting.

Following the recess, Mayor Finch declared that council would consider a final PWC matter.

PWC Manager Muench stated that PWC requested council to consider approval to extend the bid dated July 18, 1975 by General Electric Co. for the purchase of the sixth combustion turbine generator from major construction funds. Specific approval was requested to order the sixth combustion gas turbine unit for delivery in January or February of 1978 for installation in time to be in commercial operation by the summer of 1978. The purchase price of unit #6 is \$2,421,496.00 and the installation cost is \$258,900.00. PWC manager Muench informed council that the operation of the peakshaving generators in service since July 1976 had saved the city approximately \$600,000.00, and it is anticipated that between \$600, and \$800,000. will again be saved during the coming year.

Mr. Shields then offered motion for approval of the foregoing PWC request as recommended, motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to a 1976-77 Budget Ordinance Amendment change Number 2. The City Manager presented this matter and stated the amendment was an update of all council activities in the Budget since change No. 1 was approved.

1976-1977 BUDGET ORDINANCE AMENDMENT-CHANGE NUMBER 2. ORDINANCE NO. NS1977-60.

Mr. Satsky introduced the foregoing Budget Ordinance Change No. 2 and moved its adoption. 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 NS1977.

Council next gave consideration to a resolution authorizing the sale of certain city property being lot #86 on McMillan Street to Norman Carter for \$2000.00.

The City Attorney presented this matter and recommended the adoption of the resolution affirming council's contract for sale of the property.

Following some discussion, Mr. Dawkins offered motion to continue this matter to the June 27th meeting, motion seconded by Mr. George and carried unanimously.

Council next gave consideration to a resolution authorizing the condemnation of Weiss Avenue right of way. The City Attorney presented this matter and stated the resolution authorized the condemnation of five parcels of property.

During discussion that followed Mrs. Beard stated that Mrs. Henrietta H. Hart, owner of parcel N-3, requested a continuance of action on her property for thirty days.

Following a brief discussion, Mr. George offered motion for continuance of this matter to June 27, 1977 meeting, motion seconded by Mr. Shields and carried unanimously.

Council next gave consideration to a request from the Fayetteville Cumberland County OIC for a 90 day extension to allow a wood framed structure to remain at 2215 Murchison Road. The City Manager presented this matter and stated that the foregoing request had been received from Mr. G.B. Farmer, Executive Director of this organization requesting an additional 90 day extension because the structure will house a GED component for students and the 90 day extension would permit the continuance to serve the community's needs in this capacity. Mr. Farmer stated that he had already received written approval of the Inspections Superintendant and the Fire Chief in this matter.

Following a brief discussion, Mr. Dawkins offered motion for approval of the foregoing request as presented, motion seconded by Mr. Shields and carried unanimously.

Council next gave consideration to a request for speed limit change in the Hillendale West Subdivision. The City Engineer presented this matter and stated that on May 9, 1977, a petition was submitted to the council asking consideration of a 25 mile per hour speed limit in Hillendale West Subdivision. The City Engineer recommended the retention of the existing thirty five mile per hour speed limit for the following reasons: 1. The streets in the Hillendale West Subdivision are no different from other residential streets in respect to maximum safe speed characteristics. 2. The State of North Carolina has established 35 mile per hour as the standard in residential areas and in fact has approved standard signing on approaches to cities that reads "Speed Limit 35 miles per hour unless otherwise posted". 3. Unduly and arbitrarily lowering a standard speed limit results in confusion to the motorist causing violations for otherwise good drivers. 4. It should be noted that the 35 mile per hour ordinance is a maximum speed limit. Another state and city ordinance provides for enforcement by police of a safe and reasonable speed regardless of a maximum speed limit.

Following a brief discussion, Mr. Dawkins offered motion to follow the foregoing recommendation of the City Engineer and retain the existing 35 mile per hour limit in Hillendale West Subdivision, motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to a request for a loading and unloading zone in the 100 block of Gillespie Street. The City Engineer presented this matter and stated that a letter had been received from Mr. Marvin J. Hester, Jr., Hester's T.V. Store, requesting that the parking space in front of his store be changed from a no parking to a loading zone. The nearest loading zone, he stated was 150 to 200 feet away on Franklin Street and this was too far to carry heavy televisions and appliances. The City Engineer stated that in order to establish the requested loading zone, it will be necessary to eliminate one metered parking space, and submitted a proposed ordinance to do so. Councilman Satsky suggested that he was of the opinion that the loading zone could be provided directly in front of Mr. Hester's store without eliminating the one metered parking space in as much as considerable metered parking had been eliminated on Franklin Street.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SCHEDULE 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 10, LOADING AND UNLOADING, ESTABLISHING A LOADING UNLOADING ZONE IN THE 100 BLOCK OF GILLESPIE STREET LEFT SIDE AT THE FRANKLIN STREET INTERSECTION. ORDINANCE NO. NS1977-61.

Mr. Satsky introduced the foregoing ordinance and moved its adoption to allocate the area in front of the metered stall as a loading zone and not take away the parking space, 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 1977.

Council next gave consideration to two resolutions applying for grants under LEAA.

The City Manager presented the first resolution which was a grant for a court liaison officer and recommended approval.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL APPLYING FOR A GRANT IN THE AMOUNT OF \$34,067.00 TO BE MATCHED LOCALLY IN THE AMOUNT OF \$1,703.00 FOR A COURT LIAISON OFFICER. RESOLUTION NO. R1977-31.

Mr. Satsky introduced the foregoing resolution and moved its adoption, seconded by Mr. Dawkins and carried unanimously.

The second resolution, the City Manager stated, was for a Crime Analysis Unit and recommended adoption of this resolution also.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL APPLYING FOR A FEDERAL GRANT IN THE AMOUNT OF \$18,418.00 TO BE MATCHED LOCALLY IN THE AMOUNT OF \$1,023.00 FOR A CRIME ANALYSIS UNIT. RESOLUTION NO. R1977-32.

Mr. Satsky introduced the foregoing resolution and moved its adoption, seconded by Mr. Dawkins and carried unanimously.

Copies of the foregoing resolutions are on file in the Clerk's office in Resolutions Book R1977.

Council next gave consideration and discussion of the Cape Fear Valley Hospital and Bordeaux Area Traffic Plan to be presented by Mr. Mason Hicks.

Mr. Hicks was recognized along with Mr. Walter Vick and read an approval from the Board of County Commissioners for eventual implementation of the plan. Mr. Hicks stated in view of council's heavy agenda this evening, that he would be brief and not take up too much of council's time. He displayed sketches of the proposed traffic plan and stated that it was primarily designed for hospital parking and traffic control. Mr. Hicks stated the intersection of Owen Drive and Village Drive is the great difficulty involved in this location. He displayed sketches of a proposed loop road system which will be needed in a minimum of eight years he stated, to take traffic around Bordeaux system and redesign it for pedestrian use. Mr. Hicks stated the Transportation Commission is considering this plan and that he would also take it to the Hospital Board of Trustees on June 22 for their consideration.

Mayor thanked Mr. Hicks and Mr. Vick for their presentation and information.

Council next considered a Community Development Fiscal Year 1977-78 application revision. In a memorandum to the Mayor and Council, Mr. Ron Hickman, Director of Community Development stated that the information had been received that indicates a revision to the application is necessary before HUD approval can be granted. The areas of revision deal with the historic preservation and rehabilitation sections of the application. The revisions are necessary due to action taken by HUD.

Mayor Finch stated that the council had met in special session in June 9 and heard Mr. Hickman's presentation of this matter and suggestions and then council took the following action after some discussion to correct the application:

" that \$50,000.00 designated in Fiscal Years 77-78 application for rehabilitation of the Horne House and \$75,000.00 designated in the Fiscal Year 76-77 application for land acquisition under urban renewal be reallocated and be used for rehabilitation grants up to \$4,500.00 per structure in the Massey Hill and Turnpike Road Project Areas."

Mayor Finch stated further that the letter went to HUD Friday morning, June 10, and we received a telephone call stating that they approved action by the council and the funds would be forthcoming as soon as proper papers were in their hands and such papers were mailed today.

Council recognized Mr. Thad Cherry appearing for Mr. Al Waggoner, who was ill, and read a letter from Mr. Waggoner and the Cumberland County Senior Round Table, including a resolution endorsing council's action in selecting Ames site as a housing site for the elderly.

Mayor Finch thanked Mr. Cherry and Mr. Waggoner and stated that approval has been requested.

Chaplain Thomas Whitmeyer, retired past president of the Senior Roundtable, was also recognized and expressed his endorsement of the Ames Street site for elderly housing.

Mr. Ervin Henderson, of the American Association of Retired Persons, was also recognized approving council's selection of the Ames Street site.

Mayor Finch thanked all of the foregoing gentlemen for their appearance and their endorsement of council's action.

Council next gave consideration of an award of bids for the lighting of E.E. Smith Senior High School tennis courts.

The City Manager presented this matter and stated that bids for this work were opened on June 7th and that the low bid of King Electric of Fayetteville Inc. in the amount of \$7,664.00 was recommended for council approval.

Mr. Satsky offered motion for approval of the King Electric bid in the amount of \$7,664.00 as recommended by the City Manager, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration of the approval of taxi driver permits. The City Manager presented this matter and stated the Chief of Police, Taxi Inspector recommend approval of permits for the following named: Harold Grady Britt, John L. Heard, Abe Pone, Jr., David Wilson Fields, James L. Marshall, Emil Wilson Cobern, Brad D. Gresham, Arnold Stowe Gowan, Gerome Hope Manning, Donald Jones, William Ralph Campbell, Charles Keith Bowen.

Mr. Satsky offered motion for approval of taxicab driver permits for the foregoing as recommended, seconded by Mrs. Shields and carried unanimously.

Council next gave consideration to appointment to various boards and commissions.

Upon motion by Mr. Dawkins, seconded by Mrs. Beard and carried unanimously, Mr. Robert H. Beatty was appointed by acclamation vote to the Human Relations Advisory Commission for a two year term of office said term to expire in March, 1979.

An appointment to the Board of Appeals on Dwellings and Buildings was deferred until next meeting.

Mayor Finch announced that Mr. Julian Hutaff had resigned from the Airport Commission and therefore four appointments to this Commission would be considered at the next meeting as well as one appointment to the Public Works Commission, one appointment to the Public Works Commission Retirement Plan, and one appointment to the Cumberland County Joint Planning Board.

Delegations:

Council recognized Attorney Richard Wiggins for his client, who had requested rezoning from R10 to C1P on May 23, 1977, of a tract of land in the north side of Country Club Drive at Ramsey Street. Attorney Wiggins informed council that he was not able to be present at the May 23rd meeting, when council considered this matter and stated he had additional information that he wished to present and requested council to rehear this rezoning matter.

Following some discussion, Mrs. Beard offered motion to refer this matter back to the Planning Board and that the one year period be waived and the matter be reheard again after proper procedures have been discharged, motion seconded by Mr. Shields and carried unanimously.

City Manager Reports:

The City Manager presented a proposed resolution authorizing the City of Fayetteville to apply for an inter-governmental personnel grant for an intern in the Executive Department of the City. The City Manager stated the grant was in the amount of \$7,666.00 and if approved would be added to \$1,800.00 to be appropriated for the intern who would work on Personnel matters. The City Manager requested approval of the resolution.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA,
AUTHORIZING THE CITY TO APPLY FOR AN INTER-GOVERNMENTAL PERSONNEL GRANT.
RESOLUTION NO. R 1977-33.

Mr. Satisky introduced the foregoing resolution and moved its adoption, seconded by Mr. Dawkins and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1977.

The City Manager then informed council that the city will qualify for \$360,000.00 in Federal funds for Pockets of Poverty. He stated he would bring this plan back before council at the next regular meeting with further explanation.

Matters of interest to the council:

Mr. Dawkins informed the other councilmembers that he had visited councilman Gene Plummer over the weekend and that he was improving, and was now walking and talking a little bit.

Mr. Satisky suggested that council draw and sign a resolution for Mr. J. Guy Smith, Jr. former Fayetteville City Manager, and this received tacit agreement from the other members.

Mayor Finch reminded council of the Airport Commission luncheon to view the new runway.

Mayor Finch reminded council of the Mayor's neighborhood meeting to be held on Tuesday, June 21st at Seabrook Recreation Center at 7:30 P.M.

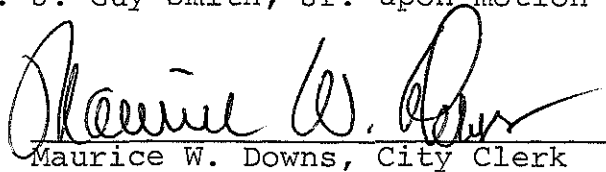
Mayor Finch directed an inquiry to the City Engineer regarding speed reduction on Morganton Road. The City Engineer stated that the vehicular speed limit on Morganton Road was 35 miles per hour to just beyond the Cliffdale Road intersection and 45 miles per hour from that point to McPherson Church Road. He stated that no change in this speed limit was recommended.

Mayor Finch stated that she had received requests from residents in the area who are now inside the corporate limits for a reduction in the 45 mile per hour to 35 miles per hour from Cliffdale Road to McPherson Church Road.

The City Engineer stated that if this was desired it would be necessary to contact the Department of Transportation to make this change inasmuch as this section of Morganton Road was their jurisdiction.

Following some discussion, Mr. Shields offered motion to give this matter further consideration, motion seconded by Mrs. Beard and carried unanimously.

Thereafter, all matters of business having been completed, this meeting was adjourned at 10:45 P.M. in memory of Mr. J. Guy Smith, Jr. upon motion made and duly seconded.


Maurice W. Downs, City Clerk

SPECIAL JOINT MEETING
CITY HALL COUNCIL CHAMBER
WEDNESDAY, JUNE 22, 1977
7:00 P.M.

Present: Mayor Beth Finch

Council Members: Mrs. Beard, J.L. Dawkins, Marion C. George, Vincent Shields and Steve Satsky.

Absent: Councilman Plummer.

Others present: Mr. William G. Thomas, III, City Manager
Mr. George McCarthy, Finance Director
Robert Bennett, City Engineer
Mr. John Monaghan, Administrative Assistant
Mr. Robert Cogswell, City Attorney

Board of Cumberland County Commissioners:
Mr. Billy Horne, Chairman

Commissioners: E.J. Edge
Larry Thompson
J. Mc N. Gillis
W.E. Tyson

Others also present from the County: Carter Twine, County Manager
Mrs. Mary Abbott, Clerk to the County Board
Mr. Robert Bartels, County Attorney

Mayor Finch called this joint meeting of the City Council and Board of County Commissioners to order and welcomed the County Commission members. Mayor Finch stated that this joint meeting had been scheduled at the request of the County Commissioners.

Mayor Finch recognized Commissioner Edge who stated the question this evening was concerning the Prince Charles Hotel and the Old Sears building on Hay Street. He stated the county has options to buy these properties which expire June 30th. He asked if the city will provide 700 parking spaces to be used when the county relocates the Department of Social Services into the Old Sears building.

Mayor Finch replied that it is City Council's intention to provide adequate parking.

Mayor Finch recognized Mr. John Rose, the architect for the County, who stated that the 700 space figure was arrived at by estimating that from 350 to 450 employees will be occupying the building and additional 250 estimated to serve the approximately 20,000 users of the Social Services facilities.

Commissioner Thompson asked about ownership of the parking spaces and Mayor Finch replied that a decision on this will be made at a later date by the City Council.

Following some discussion, Mr. Satsky stated that the City Council will provide whatever parking is necessary.

Commissioner Edge stated that the County Commissioners would like to know City Council's intention on the Prince Charles Hotel and Mayor Finch replied that the council will not use the Prince Charles Hotel for elderly housing and that no further official discussion of the use or of acquiring the building has been made by City Council.

Mr. Satsky offered the information that the state may desire to use the building for office space.

Commissioner Thompson stated that the Board of Commissioners does not want the Prince Charles building. Commissioner Edge asked if the City Council would consider purchase of the building for the purchase price of \$200,000.00.

Mayor Finch replied that council would place this matter on the agenda for discussion at the June 27th meeting.

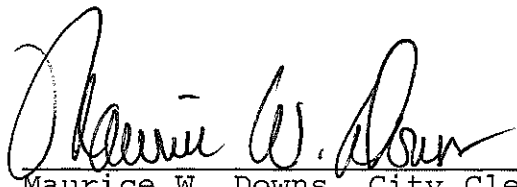
Mr. Stacy Weaver, Attorney for Mr. Pittman, owner of the Prince Charles Hotel was recognized and in response to inquiry stated that Mr. Pittman has no plans to demolish the hotel.

Mr. Satsky stated that the council has committed large sums of money for revitalization of Downtown Fayetteville already.

Mrs. Beard concurred with Mr. Satsky's statement and added that the council has been requested before to make commitments and has done so in the Revitalization Program.

Mayor Finch then thanked the County Commissioners for their attendance this evening and stated that they would be advised after June 27th on City Council's action.

The County Commissioners were then excused from the meeting at 7:35 P.M. and Mayor Finch declared it adjourned.



Maurice W. Downs, City Clerk

SPECIAL MEETING
AND
PUBLIC HEARING
WEDNESDAY, JUNE 22, 1977
7:35 P.M.
CITY HALL COUNCIL CHAMBER

Present: Mayor Finch

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

Absent: Gene Plummer

Others Present: William G. Thomas, III, City Manager
George McCarthy, Finance Director
Robert Bennett, City Engineer
John Monaghan, Administrative Assistant

Mayor Finch called this meeting to order and stated that the purpose was to conduct a public hearing on the Revenue Sharing Budget and the General Budget for the Fiscal Year 1977-1978. She stated the first portion of this public hearing would be on Revenue Sharing Funds and stated she would recognize requests or suggestions from those persons in the audience pertaining to the expenditure of approximately \$1,400,000.00 in Revenue Sharing Funds.

Mr. Nathaniel Harley of the Turnpike Road Area was recognized first on a request for a multi-purpose facility for that community for young people as well as a park facility.

Mr. Jack Jones, of Sandhill Drive was next recognized and requested the installation of storm drainage due to the fact that water from Carlos Avenue is damaging his and other property owners land in this area.

Mr. Bill Bowser was next recognized and stated that the council should use Revenue Sharing Funds directly for the poor in the budget, and stated that council's Affirmative Action Program should have priority.

Mayor Finch next recognized Mr. Curtis Torry of First Baptist Church on Moore Street who informed council of an open ditch that runs beside the church, which does not drain properly and is stagnant and a health hazard. He requested help of the council to correct this condition. City Engineer Bennett stated he was aware of this situation, and that there was not enough fall in the line to permit its proper drainage. Mayor Finch advised Mr. Torry that council would make note of his request and do what they could.

Council next recognized Mr. Harry F. Shaw, Chairman of the Historic & Scenic Sites Committee, who requested funds for Historical preservation purposes.

Council next recognized Mr. Clinton Harris who requested sidewalks in the city for schools and for sidewalks at bus stops.

Council next recognized Mrs. Elbuelah Watson, 1723 Levy Drive, who requested funds for paving, water and sanitary sewer on her street.

Council next recognized Mr. James Dixon, 1504 Dixon Drive who requested paving, water and sanitary sewer for Dixon Drive.

Mayor Finch reminded Mr. Dixon and Mrs. Watson that Levy Drive and Dixon Drive are scheduled for a public hearing on July 11th on paving, water and sanitary sewer.

Mayor Finch then recognized City Manager Thomas who submitted to the council the administrator's Revenue Sharing public hearing minutes for their information.

Since no other persons wished to be recognized on the Revenue Sharing public hearing, Mayor Finch stated that council would now hold public hearing on the regular budget.

Mr. Harry F. Shaw of the Historic and Scenic Sites Committee was again recognized concerning their budget and Mayor Finch advised him that he may appear at the next budget session of the council to discuss this.

Mr. Shaw then requested that funds be allocated for the area between Ann Street and Green Street for the continued development of Cross Creek Park. He also requested matching funds for the Horne House and Plaza in the amount of \$17,500.00, which he stated would be combined with a grant to be received from the state for historical preservation purposes.

Mayor Finch next recognized Mrs. Joyce Moses who requested funds for a multi-purpose building in the Turnpike Road Area.

Mr. Brian Bizzel of Colgate Drive, was recognized and requested that council hold the present ad valorem tax at its present rate with no increase.

Councilwoman Beard then posed a question to the City Manager on the landfill site and the City Manager stated that he would make a suggestion for a location at

the June 27th meeting of the council.

Mr. Bizzel was again recognized and asked the status on a combined county-city landfill. Mr. Dawkins replied that no further action had been taken on this matter and City Manager Thomas stated that he and others had looked at sites with the county officials but no definite decision had been reached as yet.

Mayor Finch then declared this public hearing on the Revenue Sharing and Regular Budgets adjourned at 8:30 P.M.


Maurice W. Downs, City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MONDAY, JUNE 27, 1977
8:00 P.M.

Present: Mayor Beth Finch

Council Members: Mrs. Marie Beard, J.L. Dawkins, Marion C. George, Vincent Shields and Steve Satsky.

Absent: Gene Plummer

Others present: Mr. William G. Thomas, III, City Manager
Mr. Robert C. Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and the Reverend Tom Spence, Peace Presbyterian Church offered the invocation. Following this the Pledge of Allegiance was led by Scout Victor England, Troop 740, Haymount United Methodist Church.

Mayor Finch recognized the following Fayetteville Youth Council Representatives present in the audience to observe council proceedings: Bill Clay, Jeff Cameron and Lynn Miller.

First order of business was the approval of the minutes and upon motion by Mr. Satsky, seconded by Mr. Shields and carried unanimously, minutes of a special meeting of June 6 were approved. Upon motion by Mr. Satsky, seconded by Mr. Dawkins, and carried unanimously, minutes of a special meeting of June 7 were approved. Upon motion by Mr. Satsky, seconded by Mrs. Beard and carried unanimously, minutes of a special meeting of June 9 were approved. Upon motion by Mr. Satsky, seconded by Mr. Shields and carried unanimously, minutes of the regular meeting of June 13 were approved.

Public hearings:

A public hearing had been published for this date and hour on a request for a special use permit for a parking lot in an R5 Residential District as provided for in the City of Fayetteville Zoning Ordinance, Section 32-23 (A) located at the south-east corner of the intersection of Weiss Avenue and Commerce Street. Planning Board recommended conditional approval per their memo of June 27.

Mr. Joe Levinson, representing Mr. Sanders the petitioner, was recognized for the request. There was no opposition present.

Following a brief discussion, Mr. Dawkins offered motion to grant conditional approval of the foregoing special use permit as requested and as recommended, motion seconded by Mrs. Beard and carried unanimously.

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 on the north side of Pamalee Drive between Kathy Street and Blanton Road. Planning Board recommended denial.

Mr. Bill Sherman was recognized representing Mr. and Mrs. Charles Blanton for this request. There was no opposition present.

Following a brief discussion, Mr. Shields offered motion to deny the rezoning as recommended by the Planning Board, 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 west side of Murchison Road between Preston Avenue and Waddell Drive. Planning Board recommended denial of C3 and approval of C1 zoning.

Mr. Lee Garvin was recognized for Coleman Realty, the property owners and requested approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R6 RESIDENTIAL DISTRICT TO C1 HEAVY COMMERCIAL DISTRICT OF AN AREA LOCATED ON THE WEST SIDE OF MURCHISON ROAD BETWEEN PRESTON AVENUE AND WADDELL DRIVE. ORDINANCE NO. NS1977-62.

Mr. Satsky introduced the foregoing ordinance and moved its adoption, seconded by Mr. Shields. Mrs. Beard requested and received permission to abstain from voting, due to personal interest. Mayor Finch called for a vote on the motion and it carried unanimously Mrs. Beard abstaining to vote.

A public hearing had been published for this date and hour on the rezoning from R5 Residential District and C3 Heavy Commercial District to R5A Residential District or to a more restrictive zoning classification of an area located on Blue Street between Bragg Boulevard and Murchison Road. Planning Board recommended approval. Mr. Ron Hickman was recognized for the Fayetteville Redevelopment Commission, owner of the property for the rezoning. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R5 RESIDENTIAL DISTRICT AND C3 HEAVY COMMERCIAL DISTRICT TO R5 A RESIDENTIAL DISTRICT OF AN AREA LOCATED ON BLUE STREET BETWEEN BRAGG BOULEVARD AND MURCHISON ROAD. ORDINANCE NO. NS1977-63.

Mr. Satsky 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 and R5A Residential District to R6 Residential District of an area located off Cheselka Avenue between the Aberdeen and Rockfish Railroad and Village Drive. Planning Board recommended approval.

Mr. Billy Clark, representing the owners of the tract, Margaret and Franklin Clark, was recognized for the rezoning. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R10 RESIDENTIAL DISTRICT AND R5A RESIDENTIAL DISTRICT TO R6 RESIDENTIAL DISTRICT AN AREA LOCATED OFF CHESLEKA AVENUE BETWEEN THE ABERDEEN AND ROCKFISH RAILROAD AND VILLAGE DRIVE. ORDINANCE NO. NS1977-64.

Mr. Satsky 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 zoning classification of an area located at 416 and 418 B Street. The Planning Board recommended approval.

Mr. Harold McRainey, the petitioner was recognized for the rezoning. 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 416 AND 418 B STREET. ORDINANCE NO. NS1977-65.

Mr. Satsky 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 6 Residential District to C 3 Heavy Commercial District or to a more restrictive zoning classification of an area located at 1913 Pamalee Drive. Planning Board recommended approval.

Mr. Thomas Masuda was recognized for Mr. John Blackwell, the petitioner, who requested rezoning. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R6 RESIDENTIAL DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED AT 1913 PAMALEE DRIVE. ORDINANCE NO. NS1977-66.

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

Copies of all of the foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1977.

A public hearing had been published for this date and hour on the consideration of a resolution concerning the exchange of property between the City of Fayetteville and First Union National Bank. Said property located at the intersection of Green Street and Bow Street and Ann Street and Ann Street for the purpose of the construction of a new bank building. The City Attorney presented this matter and stated that an error had been made in a legal description in the publication of the resolution numbered item 5A on the agenda tonight, a resolution authorizing the sale of property located on Ann and Bow Street to the First Union National Bank. The City Attorney recommended the adoption of the resolution authorizing the exchange of properties, item 2H on the agenda now under consideration subject to the readvertisement of item 5B, the resolution authorizing the sale of property. The City Attorney also requested an executive session of the council be held in connection with this matter after the meeting tonight.

Mayor Finch stated that since this was a published public hearing she would hear arguments pro or con in the matter. There were no proponents or opponents present in the audience.

Mr. Dawkins then offered motion to follow the foregoing recommendation of the City Attorney and adopt the resolution authorizing the exchange of property (Item 2H) with the stipulation to readvertise the resolution authorizing the sale of the property with the corrected description. (Item 5B).

Motion seconded by Mr. Shields and carried unanimously. The resolution title appears below:

RESOLUTION AUTHORIZING THE EXCHANGE OF CERTAIN PROPERTIES BETWEEN THE CITY OF FAYETTEVILLE AND FIRST UNION NATIONAL BANK. RESOLUTION NO. R1977-34.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book 1977.

Mayor Finch announced that the executive session would be held after this meeting on this matter.

Council then recognized Mr. Bob Ward, Executive Director of the Housing Authority, who presented council with the Authority's check in lieu of taxes in the amount of \$22,000.00 for the Fiscal Year ended September, 1976. Mayor Finch thanked Mr. Ward for the payment.

Mayor Finch then recognized Councilman Dawkins who stated he wished to inform council and those others present that Councilman Plummer was recuperating well and able to spend some time at the beach and extended his heartfelt thanks for the many cards and remembrances for his speedy recovery.

Upon motion by Mr. Satisfsky, seconded by Mrs. Beard and carried unanimously, public hearings were ordered published for July 25, 1977 on the following items:

- A. Consideration of the rezoning from P2 Professional District to ClP Shopping Center District or to a more restrictive zoning classification an area located at 4001 Raeford Road.
- B. Consideration of the rezoning from R6 Residential District to R5 Residential District or to a more restrictive zoning classification an area located at 403 Oakridge Avenue.
- C. Consideration of the rezoning from R5 Residential District to Cl Local Business District or to a more restrictive zoning classification an area located at 221 Old Wilmington Road.
- D. Consideration of the initial zoning to R10 Residential District or to a more restrictive zoning classification an area located at 317 and 321 Longview Drive.
- E. Consideration of the initial zoning to R10 Residential District or to a more restrictive zoning classification an area located on the north side of Country Club Drive and including the Hillendale Subdivision.
- F. Consideration of the proposed annexation of the VFW Club on Doc Bennett Road.
- G. Consideration of the proposed annexation of the Calvary Methodist Church located on Madison Avenue and Ireland Drive.
- H. Consideration of the proposed annexation of the Murchison Road Area right-of-way and east between Shaw Road and Tammy Street.

Planning Board matters:

Upon motion by Mr. Satisfsky, seconded by Mrs. Beard and carried unanimously conditional approval as recommended by the Planning Board was given to Rivercliff Subdivision preliminary and final reiview located on Eastwood Avenue at the Cape Fear River.

Upon motion by Mr. Dawkins, seconded by Mr. Satisfsky and carried unanimously conditional approval as recommended by the Planning Board was given Myrtle Hill Section 3 Subdivision preliminary and final review located on Eastwood Avenue.

Upon motion by Mr. Satisfsky, seconded by Mr. Shields and carried unanimously conditional approval as recommended by the Planning Board was given to the Stephen Rodgers Funeral Home Storage Building preliminary and final review located at 705 Cumberland Street.

Upon motion by Mr. Satisfsky, seconded by Mr. Shields and carried unanimously conditional approval as recommended by the Planning Board was given the License Agency and Public Library (Eutaw Shopping Center Addition) preliminary and final ClP review located in the Eutaw Shopping Center.

Upon motion by Mr. Satisfsky, seconded by Mr. Shields and carried unanimously conditional approval as recommended by the Planning Board was given to Mr. Steak, Surfer Skate Park, and the Bordeaux Motor Inn Breezeway (Bordeaux Shopping Center Addition) preliminary and final ClP review located in the Bordeaux Shopping Center.

This concluded Planning Board matters.

Council next gave reconsideration to a resolution authorizing the sale of certain City property, designated as lot 6 MCMillan Street, purchaser Norman Carter for an amount of \$2,000.00. The City Attorney presented this matter which was continued from the June 13 meeting and recommended adoption. The City Engineer displayed a map of the location. The City Attorney stated that the resolution affirms the City's contract for the sale of the property.

RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY PROPERTY DESIGNATED AS LOT 86 MCMILLAN STREET TO NORMAN CARTER, PURCHASER FOR \$2000.00. RESOLUITON NO. R1977-35.

Mr. Satsky introduced the foregoing resolution and moved its adoption, seconded by Mr. Dawkins and carried unanimously.

Next item considered was Item 5B on the agenda which was a resolution authorizing the sale of property located on Ann and Bow Streets to First Union National Bank. Council took no action on this matter inasmuch as the City Attorney had already been authorized to readvertise this resolution due to the error in the legal description in the first advertisement.

Council next gave reconsideration to a resolution authorizing the condemnation of Weiss Avenue right-of-way. The City Attorney presented this matter and stated it had been continued from the June 13th meeting. He recommended adoption.

RESOLUTION AUTHORIZING CONDEMNATION OF PARCELS FOR THE WEISS AVENUE RIGHT-OF-WAY. RESOLUITON NO. R 1977-36.

Mr. Satsky introduced the foregoing resolution and moved its adoption, seconded by Mr. Dawkins and carried unanimously.

A copy of this resolution and the resolution on the sale of property on McMillan Street are on file in the Clerk's office in Resolutions Book R1977.

Council next gave consideration to an ordinance requiring the Building Inspector to correct conditions of property located at 436 Rankin Street owned by Veda and T.J. Funderburk. (This matter was given a 60 day extension at the April 25th meeting.) The City Manager presented this matter and stated the Chief Housing Inspector informed him that Mr. John C. Shaw had presented the City Attorney with a Power of Attorney assuming all responsibilities promised by him to the City Council, but as of this date Mr. Shaw has not corrected or taken proper action as ordered by the City Council. The City Manager recommended adoption of the ordinance.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 436 RANKIN STREET AND OWNED BY VEDA CROOM FUNDERBURK AND T.J. FUNDERBURK. ORDINANCE NO. NS1977-67.

Mr. Satsky 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 NS1977.

Council next gave consideration to the Cumberland County Commissioners request of June 22 for City purchase of the Prince Charles Hotel and the provision for adequate parking for the Sears building.

Mr. Satsky stated that action on the provision of parking had already been taken on June 22nd.

Mr. Dawkins stated that he believed there were many uses for the hotel building and it could be a turning point in Downtown Revitalization.

There was considerable discussion of this matter following which Mr. Satsky offered motion that the City Council purchase the Prince Charles Hotel with option to negotiate price with the owner of the building and price not to exceed \$175,000.00, motion seconded by Mr. Dawkins.

Following some further discussion, Mr. George offered a substitute motion that a committee be formed, composed of three councilmembers and three City Administration persons to be authorized to do a feasibility study of the probable use of the hotel building and if it should be used for public use then what funds, if any should be used for the purchase and no action taken on this matter until the report is completed and reported back to the council at the July 11 meeting. Motion seconded by Mrs. Beard. Mayor Finch called for a vote on the substitute motion and it was as follows: For: Councilmembers George and Beard. Against: Councilmembers Satsky, Shields and Dawkins. Mayor Finch declared the motion lost by a vote of 2 for and 3 against.

Mr. Shields then offered an amendment to the main motion that action to purchase the Prince Charles Hotel be contingent on purchase of the Sears building by the

Cumberland County Commissioners.

Councilman George then offered a second amendment to the main motion that a complete appraisal be made by City Council and City Council not pay any price in excess of the appraised value or \$175,000.00 whichever is lower.

Mayor Finch then called for a vote on the Mr. George's second amendment and the vote was as follows: For: Councilmembers Satisfsky, Shields, George and Dawkins. Against: Councilmember Beard. Mayor Finch declared the amendment carried by a vote of 4 for and 1 against.

Mayor Finch then called for a vote on Mr. Shields first amendment and the vote was as follows: For: Councilmembers Satisfsky, Shields and Dawkins. Against: Councilmembers George and Beard. Mayor Finch declared the first amendment to the main motion carried by a vote of three to two.

Mayor Finch then called for a vote on the main motion with the two amendments, that is: that City Council purchase the Prince Charles Hotel with option to negotiate price with the owner of the building and price not to exceed \$175,000.00, and that action to purchase the Prince Charles Hotel be contingent on purchase of the Sears building by the Cumberland County Commissioners and a complete appraisal be made by City Council and City Council not pay any price in excess of the appraised value of \$175,000.00 whichever is lower and the vote was as follows: For: Councilmembers Satisfsky, Shields and Dawkins. Against: Councilmembers George and Beard. Mayor Finch declared the motion carried by a vote of three for and two against.

Mr. Dawkins then recognized Mrs. Dawkins and his daughter present in the audience at that time to observe council proceedings.

Council next gave consideration to a resolution applying for LEAA funds for a subgrant entitled "Operation Communication". The City Manager presented this matter and stated that the Federal dollar request was \$20,912.00 to be matched locally by the City in the amount of \$1,162.00. The City Manager recommended approval.

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION BY THE CITY OF FAYETTEVILLE FOR A FEDERAL GRANT IN THE AMOUNT OF \$20,912.00 TO BE MATCHED LOCALLY IN THE AMOUNT OF \$1,162.00 FOR OPERATION COMMUNICATION. RESOLUTION NO. R1977-37.

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 Clerk's office in Resolutions Book R1977.

Council next gave consideration to a resolution authorizing the release of certain insolvent taxes deemed uncollectable by the City Tax Collector. The City Manager presented this resolution and recommended approval.

A RESOLUTION AUTHORIZING THE RELEASE OF CERTAIN TAXES DEEMED UNCOLLECTABLE. RESOLUTION NO. R1977-38.

Mrs. Beard introduced the foregoing resolution and moved its adoption, seconded by Mr. Dawkins and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1977.

Council next gave consideration to a request by the City Tax Collector, Mr. Joe D. McCall for an extension of employment as City Tax Collector beyond the mandatory retirement age. The City Manager presented this matter and stated that it was recommended that Mr. McCall be extended one year beyond mandatory retirement age for the purpose of assisting the City Manager in the study and evaluation of a proposal to contract with Cumberland County for tax billing and collection services. If the study and evaluation indicate that such a course of action appears desirable, detailed plans and procedures will be developed and presented to the City Council for its consideration and approval.

It is also recommended that Mr. Joe McCall be reappointed Tax Collector for the City of Fayetteville for the Fiscal Year 1977-78.

Mr. Satisfsky then offered motion to grant the one year extension of Mr. Joe D. McCall as City Tax Collector past the mandatory retirement age, motion seconded by Mr. Dawkins and carried unanimously.

Mr. Dawkins then offered the motion for adoption of a resolution appointing Mr. Joe D. McCall as City Tax Collector for a one year term dating from July 1, 1977 thru June 30, 1978; Said resolution authorizing and empowering and commanding the City Tax to collect the taxes set forth in the tax records for the coming Fiscal Year. Motion seconded by Mr. Shields and carried unanimously.

The resolution title appears below.

RESOLUTION FOR APPOINTMENT FOR JOE D. MCCALL AS CITY TAX COLLECTOR FOR THE PERIOD JULY 1, 1977 THRU JUNE 30, 1978. RESOLUTION NO. R 1977-39.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolutions Book R1977.

Council next gave consideration to a proposed lease agreement with the county government for property to be used as a new dog pound. The City Attorney presented this matter and stated that the lease and agreement would lease and demise to the county property located in Cross Creek Township on 301 North Highway. The lease would run for a period of 50 years to commence July 1, 1977 and unless sooner terminated, to and through the 30th day of June, 2027. The county will pay the city the sum of \$1.00 per year as rental, the first payment due on July 1, 1977 and continuing on the first day of July of each and every fiscal year thereafter for the term of the lease. The use of the property would be for the purpose of constructing a dog pound and animal shelter. The lease does have renewal rights after the 50 year period. The lease does have considerations he stated.

Following some discussion, Mr. Satsky offered motion for approval of the foregoing lease agreement with the county and that the Mayor and Clerk be and hereby are authorized and directed to sign said lease and agreement for the city. Motion seconded by Mr. Dawkins and carried unanimously.

A copy of the foregoing lease is to be placed on file with the clerk.

Council next gave consideration to the execution of a contract transferring land. Community Development Department Director, Ron Hickman was recognized and presented this matter and requested Council's authorization to negotiate the sale. This would be for the transfer of interest from Pate Homes, Inc. to whom project land has been previously sold to Smith Chapel Freewill Baptist Church and consists of parcel #E16 in the Murchison Road Redevelopment Area for a transfer price of \$3,000.00.

Following a brief discussion, Mr. Satsky offered motion, seconded by Mr. Shields for approval of the foregoing contract transferring land as presented and recommended by Mr. Hickman. Motion carried unanimously.

Council next gave consideration to authorization of condemnation of several tracts of land within the Southeast Neighborhood Development Program #2. Mr. Hickman presented this matter and requested approval and stated the parcels consisted of the following: K-2, Thelma McNair and Archie Thompson-\$1,240.00. K-3, Minnie Thompson Heirs, \$1,250.00. L-2, James A. Jones Heirs, \$6,200.00. M-6 L. Sneed High, \$1,600.00. O-3, Gerald Waitman, \$23,500.00. P-4 Gerald Waitman, \$8,700.00.

Mr. Satsky then offered motion to authorize the foregoing condemnations by Community Development as requested, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to authorization for additional cost of rehabilitation for the home of Robert Elliott of 1528 Lacy Street from \$1,000.00 to 1,400.00. Mr. Hickman presented this matter and requested approval of the additional cost.

Mr. Dawkins offered motion for approval of the foregoing as requested and recommended, seconded by Mrs. Beard and carried unanimously.

Council next gave review of Section 8 new construction policy for elderly housing by private development. Mayor Finch presented this matter and stated it was for additional information concerning proposed housing for the elderly by private development and no action was required.

In connection with the foregoing Mayor Finch suggested that council rescind its \$1,000.00 grant for rehabilitation in the Massey Hill and Turnpike Road areas and replace said grant with an amount up to \$4500.00.

Mr. Satsky offered motion for approval of the foregoing as suggested, seconded by Mr. Shields and carried unanimously.

Council next gave consideration to an ordinance imposing a lien against real property located on Levy Land #3 for demolition costs incurred.

The City Manager presented this matter and stated that the Chief Housing Inspector informed him the dwelling was ordered demolished by council in April, 1977, the dwelling was demolished by Phillips Grading and Trucking and Demolition Services in June 1977 at a cost of \$213.00. The proposed ordinance will effect a lien against the real property for the foregoing demolition cost incurred.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$213.00 AGAINST PROPERTY LOCATED ON LEVY LAND #3 AND OWNED BY MR. PAUL WEST. ORDINANCE NO. 1977-68.

Following a brief discussion, Mr. Satsky introduced the foregoing ordinance and moved its adoption at 10:00 P.M. Motion 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 NS1977.

Council next gave consideration to several demolition ordinances requiring the Building Inspector to correct conditions of substandard property located at various points throughout the city.

The City Manager introduced this matter and stated these ordinances came from the Chief Housing Inspector.

Mr. Rufus Washington, of 1101 Turnpike Road was recognized and requested council grant him additional time to make the necessary repairs to his structure.

Following a brief discussion, Mr. Dawkins offered the motion that Mr. Washington be granted a 90 day extension to make the repairs as requested, motion seconded by Mr. Shields and carried unanimously.

Mr. George Jeffries, 1900 Cowan Street was next recognized and stated that this structure was the one owned by his parents and his mother for a good number of years and was a structure in the textile mill village for a good number of years before the area was annexed to the city. He stated that Cowan Avenue was originally just a narrow dirt street, but now he had been informed by the City Engineer that his house was now situated in the street right-of-way. Mr. Jeffries stated that he had talked with the City Attorney, the Chief Housing Inspector, the City Engineer and others concerning this matter and was at a loss as of what to do.

Following some discussion, Mr. George offered motion to continue this matter to the next regular meeting and that City Administration present to the council at or prior to that time any reasonable alternative that may exist with reference to this property, motion seconded by Mr. Shields and carried unanimously.

Mr. Dawkins then offered motion, seconded by Mrs. Beard and carried unanimously for the adoption of the following demolition ordinances concerning substandard structures.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 521 GREER AVENUE AND OWNED BY GERALD WAITMAN. ORDINANCE NO. NS1977-69.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 624 GREER AVENUE AND OWNED BY GRADY W. BELL HEIRS. ORDINANCE NO. NS1977-70.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 1807 HARRIS STREET AND OWNED BY IDA TAYLOR. ORDINANCE NO. NS1977-71.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 926 TAFT STREET AND OWNED BY MR. JAMES MCNEIL. ORDINANCE NO. NS1977-72.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 115 JONES STREET AND OWNED BY CHARLEY MCDUGALD. ORDINANCE NO. NS1977-73.

Copies of the foregoing ordinances are on file in the City Clerk's office in Ordinance Book NS1977.

Council next considered a resolution authorizing the City Manager to execute an application for Round II of the local PW Program to improve certain streets. The City Manager presented this matter and stated that as reported at the last regular meeting of council the City expects to receive approximately \$364,000.00 under Round II of the local Public Works Program. The Economic Development Administration will make a formal offer of funding in the near future and the city must submit a project application which does not exceed the amount of funding offered. Deadline for application is July 11th.

To be eligible for funding local Public Works projects must meet the following criteria: A. They must be constructed wholly within a Pocket of Poverty made up of one or more census tracts having an unemployment rate over 8.5%. The City Engineer projected a map outlining the area which meets this criteria. B. The City must be able to certify that on sight construction can begin within 90 days of project approval. C. When the application is submitted the city must have sufficient right-of-way to construct the project.

RESOLUTION AUTHORIZING LOCAL PUBLIC WORKS PROGRAM APPLICATION. RESOLUTION R1977-40.

Mr. Dawkins introduced the foregoing resolution and moved its adoption, motion seconded by Mr. Satsky. Mrs. Beard requested and received permission to abstain from voting for personal interest and permission was granted. Mayor Finch called for a vote on the motion and it carried unanimously, Mrs. Beard abstaining.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolutions Book 1977.

Council in the same connection next gave consideration to authorizing the City Manager to acquire the right-of-way needed for the local Public Works Projects.

The City Manager stated that consistent with the long range goal of improving all ungraded streets in the area, each unimproved street in the eligible area was considered in formulating a proposed project. The following street improvement project is presented for consideration by council: Slater Avenue from McLamb Drive to Enoch Street-\$114,000.00. Gillis Street from Murchison Road to the railroad-\$37,000.00. Preston Avenue from Murchison Road to the dead end-\$110,000.00. Waddell Drive from Murchison Road to dead end-\$103,250.00.

Paving plans for these streets are presently on file and they will require little additional right-of-way. Therefore construction could begin well within the 90 day deadline imposed by the program.

Small amounts of additional right-of-way are needed to accomodate an adequate turning radius at certain intersections on these streets. With council approval the administration can proceed to acquire the needed right-of-way prior to filing the project application.

Mr. Dawkins then offered motion for approval to grant the City Manager's request to acquire the necessary right-of-way on the foregoing streets, motion seconded by Mr. Satsky and Mrs. Beard again requested an received permission to abstain from voting for personal reasons. Mayor Finch then called for a vote on the motion and it carried unanimously, Mrs. Beard abstaining.

Council next gave consideration to a proposed agreement with the North Carolina Department of Transportation for new traffic signal on Raeford Road.

The City Engineer presented this matter and stated that the DOT is proposing to furnish equipment for the installation of a new traffic signal system along Raeford Road. The system provides for interconnecting the traffic controllers and installation of traffic monitoring locations that will allow the system to be traffic responsive. The interconnection of these signals will provide synchronization.

The Department of Transportation is offering to reimburse the city \$4000.00 for installation of the system which can be provided by the City's Traffic Services Section. He recommended approval of the agreement.

Following a brief discussion, Mr. Satsky moved for approval of the foregoing agreement as recommended by the City Engineer and that the Mayor and Clerk be and hereby are authorized and directed to sign said agreement for the city, motion seconded by Mr. Shields and carried unanimously.

A copy of the foregoing agreement will be placed on file in the clerk's office.

Council next considered appointments to various boards and commissions. Upon motion made and duly seconded Dr. Barbara Holmes was appointed by acclamation vote to the Board of Appeals on Dwellings and Buildings for a term of office of three years said term expiring in May, 1980.

Upon motion by Mr. George, seconded by Mr. Shields and carried unanimously the following named were appointed or reappointed to the Airport Commission: Mr. Jim Warner, to serve the unexpired term of Mr. Julian Hutaff, resigned, said term to run to June 1978. Mr. Robert A. Hasty, reappointed, Mr. Charles E. Clark reappointed, Mr. J. Bernard Stein, reappointed for two year terms of office to run to June 1979.

Upon motion by Mr. George seconded by Mrs. Beard and carried unanimously, Mr. Jimmy Harvey was appointed by acclamation to the Public Works Commission for a three year term of office to run to June 1980.

Upon motion by Mr. George, seconded by Mr. Shields and carried unanimously, Mrs. Beard requesting and receiving permission to abstain from voting due to personal reasons, Mr. Don Canady was appointed to the Public Works Commission Retirement Plan as attorney to serve this board for a five year term of office to run to June 1982.

Upon motion by Mr. Shields, seconded by Mrs. Beard and carried unanimously Mr. J.A. McCoy was reappointed by acclamation to the Cumberland County Joint Planning Board to serve a 4 year term of office to run to June 1981.

Council next recognized delegations from the audience.

Mr. William Henry Davis, 363 Neville Street, Fairview Park, was recognized and stated he had submitted a paving petition which, upon investigation, was found to be not valid and requested council to pave the streets in Fairview Park. Mr. Hickman reminded council that two streets in Fairview Park had been approved for paving under Community Development funds.

Mayor Finch informed Mr. Davis that council will consider his request for paving

of the streets in Fairview Park tomorrow night at the Budget meeting with Community Development funds.

Mr. John Wesley, a property owner on North Street extension, requested the paving of North Streets and Wall Street and stated that trucks using these streets kept them in a continual state of disrepair and wear. Mayor Finch informed Mr. Wesley that his request will be taken under consideration.

City Manager reports:

The City Manager gave a report on the city landfill. He stated the present landfill will be filled to capacity on July 31st and another site or sites will have to be considered. The City Manager stated that negotiations for such site or sites are still under way. He stated that he had made preliminary negotiations with the County Manager and the city will start using the county landfill immediately and that he would continue in the interim to try to locate a site for the city or agree with the county for the use of their landfill. Use of their landfill would be on a fee basis he stated. He informed council that he had written a letter to the County Manager in the form of an agreement for city to use the county's landfill site and for the authorization for the payment by the city of any fees for the use of disposal service as are charged other municipalities or private contractors. The City Manager requested authorization of the council to submit this letter to the County Manager for his consideration.

Following a brief discussion of this matter, Mr. Dawkins offered motion to authorize approval of the letter and submission of the same to the County Commissioners and that the Mayor be and she hereby is authorized and directed to sign said letter for the city and that it be sent to County Commission Chairman, Billy Horne, motion seconded by Mrs. Beard and carried unanimously.

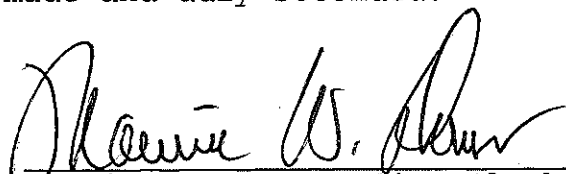
Matters of interest to the City Council:

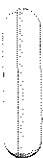
Mayor Finch read a letter dated this date from Community Development Director, Ron Hickman in which Mr. Hickman submitted his resignation from his position effective July 8, 1977.

Mr. Dawkins offered motion for acceptance of Mr. Hickman's resignation with regret, seconded by Mr. George and carried unanimously.

Mayor Finch then called the council into executive session at 10:45 P.M. to consider a property acquisition matter. Mayor Finch reconvened the council into regular session at 10:50 P.M. and stated the executive session was to provide additional information to the council concerning property acquisitions.

Thereafter, all matters of business having been completed this regular session was adjourned at 10:55 P.M. upon motion made and duly seconded.


Maurice W. Downs, City Clerk



SPECIAL MEETING
WEDNESDAY
JUNE 29, 1977
9:45 P.M.
COUNCIL CHAMBER
CITY HALL

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Marion C. George, Jr., Vincent Shields and Steve Satsky.

Absent: Gene Plummer

Others Present: William G. Thomas, III, City Manager
George McCarthy, Finance Director
Robert M. Bennett, City Engineer
John Monaghan, Administrative Assistant to the City Manager

Upon motion by Mr. Satsky, seconded by Mr. Dawkins and carried unanimously this special session was called to order by Mayor Finch to take official action on adoption of the General and Parking Facility Budgets for the Fiscal Year 1977-1978, following a lengthy budget discussion which began at 7:00 P.M.

Mr. Satsky offered motion to adopt the General budget ordinance with amendments voted on and set the tax rate at 64¢ per \$100. valuation for the FY1977-1978. Motion seconded by Mr. Shields and carried unanimously. The ordinance title appears below:

1977-1978 BUDGET APPROPRIATION ORDINANCE. ORDINANCE NO. NS1977-74.

A copy of the above ordinance is on file in the Clerk's office in Ordinance Book NS1977.

Mr. Satsky then offered motion that the Parking Facility budget ordinance be adopted as presented. Motion seconded by Mr. George and carried unanimously. The ordinance title appears below:

1977-1978 PARKING FACILITY OPERATING BUDGET ORDINANCE. ORDINANCE NO. NS 1977-75.

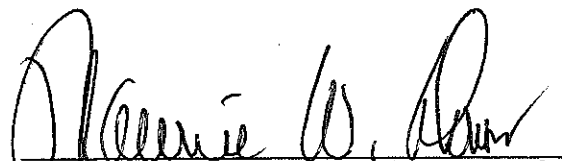
Mr. Dawkins then offered motion that council rescind its action of June 27, 1977 appointing Mr. Jim Warner to the Airport Commission and reappoint Mr. Warner to the Public Works Commission for a 3 year term of office said term to expire in June, 1980. Motion seconded by Mr. Shields. Mayor Finch called for vote on the motion and it was as follows: FOR THE MOTION: Councilmembers Satsky, Shields, Beard and Dawkins. AGAINST THE MOTION: Councilman George. Mayor Finch declared the motion carried by a vote of four in favor and one against.

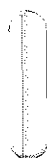
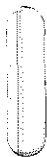
Meeting then adjourned at 10:00 P.M. upon motion made and duly seconded.

Meeting immediately reconvened to reconsider one other matter at 10:01 P.M.

Mr. George then offered motion that full credit be given to City Clerk, Maurice W. Downs for service with the City of Fayetteville from his original employment date of March 29, 1954. Motion seconded by Mrs. Beard and carried unanimously.

Meeting then adjourned at 10:05 P.M. upon motion made and duly seconded.


Maurice W. Downs, City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JULY 11, 1977
8:00 P.M.

Present: Mayor Beth Finch

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

Absent: Gene Plummer

Others Present: Mr. William G. Thomas, III, City Manager
Mr. Robert Cogswell, City Attorney
Mr. Joe Stowe, PWC Asst. Manager

Mayor Finch called the meeting to order and the invocation was offered by Councilman Dawkins. Following the invocation, Mayor Finch led the audience in the Pledge of Allegiance to the Flag.

Mayor Finch recognized Fayetteville Youth Council Members Jack Lindsay, Tina Hoffman and Joe Hoffman present in the audience to observe council proceedings.

First order of business was the approval of minutes and upon motion by Mr. Satsky, seconded by Mr. Dawkins and carried unanimously, minutes of a special joint meeting of the Council and County Commissioners on June 22, 1977 were approved as submitted by the clerk.

Councilman George requested that approval of minutes of special meeting (public hearing) on Revenue Sharing and General Budget for FY1977-1978 held on June 22, 1977 be held for consideration after the City Manager reports this evening. There was no objection.

Upon motion by Mr. Satsky, seconded by Mr. Dawkins and carried unanimously, minutes of the regular meeting of June 27, 1977, were approved as submitted by the clerk.

Mayor Finch informed council that a resolution honoring Mr. J. Guy Smith, deceased had been drawn as suggested by council at the last meeting, was ready for signature and for forwarding to Mr. Smith's widow and family. Mayor Finch also suggested that the resolution be spread upon the minutes of this meeting.

Mr. Dawkins then offered motion, seconded by Mr. Satsky for adoption of the resolution and spreading on the minutes of this meeting. The motion carried unanimously. The resolution appears below in its entirety.

RESOLUTION

NO. R1977-41

Whereas, J. Guy Smith, Jr., assumed his duties as the second City Manager of Fayetteville, North Carolina, in December, 1970. Three mayors, Charles Holt, Jack Lee and Beth Finch and Councilmembers Mrs. Marie Beard, Bob S. Curtis, J.L. Dawkins, Marion George, Vardell Godwin, Johnny Joyce, Glen Kelly, Eugene Plummer, Steve Satsky, Denny Shaffer, Harry Shaw and Vincent Shields were privileged to serve with him during his administration. His tenure, which ended in July, 1976, was marked by innovative and progressive programs that benefited every citizen of the community; and

Whereas, Mr. Smith exemplified the highest standards of the City Manager's profession. He was held in high regard by his peers who honored his abilities by electing him to offices of distinction in both state and national City Manager associations; and

Whereas, his gentlemanly conduct, his warm sense of humor, and his sensitive response to the needs of those around him, were special characteristics which were noted and appreciated by a host of friends and associates. His legacy to all who serve in municipal government is the determination on their part to match his example and to improve the level of performance by local government;

NOW, THEREFORE, BE IT RESOLVED that we, acting for all the citizens of Fayetteville, the Mayor and City Council, wish to express to the family of the late J. Guy Smith, Jr., their sympathy in the loss of a friend and a loved one, and order that this resolution be entered in the minutes of the regular meeting of City Council of July 11, 1977.

/s/ Beth Finch
Beth Finch, Mayor

/s/ Marion C. George /s/ Gene Plummer
Marion C. George, Mayor Pro Tem Gene Plummer, Councilmember

/s/ Marie W. Beard /s/ Steve Satsky
Marie W. Beard, Councilmember Steve Satsky, Councilmember

/s/ J.L. Dawkins /s/ Vincent H. Shields
J.L. Dawkins, Councilmember Vincent H. Shields, Councilmember

Public Hearings:

A public hearing had been published on the paving, water and sanitary sewer extensions and other improvements without a petition of and along Levy Drive and Dixon Drive. (This matter had been continued from the June 13 meeting in order to give the property owners an opportunity to appear at the Revenue Sharing public hearing and make request for the foregoing improvements from Revenue Sharing funds.

The City Engineer presented this matter and stated that paving and drainage had been approved to be done under Federal Revenue Sharing at the June 22 public hearing.

Mr. James Dixon of 1504 Dixon Drive was recognized in favor of the improvements. There was no opposition present.

Following some discussion, Mrs. Beard offered motion for adoption of the resolution approving the paving and drainage under Revenue Sharing Funds at no cost to the property owners and for the installation of water and sanitary sewer mains at an assessment not to exceed two thirds of the cost and the resolution be so amended. Motion seconded by Mr. Dawkins and carried unanimously.

FINAL RESOLUTION REQUIRING THE PAVING, WATER AND SANITARY SEWER MAINS EXTENSIONS AND OTHER IMPROVEMENTS WITHOUT A PETITION OF AND ALONG LEVY DRIVE AND DIXON DRIVE. R1977-42.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolutions book R1977.

A public hearing had been published for this date and hour on the paving, without a petition of a portion of Wilbon Avenue which lies between Turnpike Road and the existing pavement.

The clerk certified that all property owners had been mailed notice of this public hearing.

The City Engineer presented this matter and stated that this is the paving of the remainder of this street and notice had been published and mailed to the property owners that this improvement could be made at a rate not to exceed \$4.00 per lineal foot of abutting property. There was no opposition present.

FINAL RESOLUTION REQUIRING THE PAVING, WITHOUT A PETITION OF WILBON AVENUE BETWEEN TURNPIKE ROAD AND THE EXISTING PAVEMENT. R1977-43.

Mr. Satsky introduced the foregoing resolution and moved its adoption for the paving of this section of Wilbon Avenue at an assessment rate of \$4.00 per lineal foot. Motion seconded by Mr. Shields and carried unanimously.

A copy of the foregoing resolution is on file in the clerk's office in Resolutions Book R1977.

A public hearing had been published for this date and hour on the paving, pursuant to petition of Friendly Road between Owen Drive to the cul-de-sac. The clerk certified that all property owners had been mailed notice of this public hearing. The City Engineer presented this matter and informed council that the property owners had requested this paving be done by Revenue Sharing Funds at the Revenue Sharing public hearing. The clerk read a letter of opposition to this improvement from Mr. J.A. Hubbard, President of Hubbard Realty and Insurance Co. Mayor Finch stated that she was of the opinion Mr. Hubbard would withdraw his objection when he was made aware of the fact that the paving was to be done from Revenue Sharing Funds.

Mr. Satsky then offered motion, seconded by Mr. Shields and carried unanimously for adoption of the final resolution ordering the paving on Friendly Road to be done with Revenue Sharing Funds at no cost to the property owners. The resolution title appears below.

FINAL RESOLUTION REQUIRING THE PAVING, PURSUANT TO PETITION OF FRIENDLY ROAD FROM OWEN DRIVE TO THE CUL-DE-SAC. R1977-44.

A copy of the foregoing resolution is on file in the clerks office in Resolutions Book R1977.

Public Works Commission Matters:

Council recognized Mr. Joe Stowe, Assistant Manager of the Public Works Commission, who presented an application by Moore's Chapel Church for a one inch water connection outside the City on State Road 1730. (This road is off River Road adjacent to Cargill Inc.)

Mr. Satsky offered motion for approval of the foregoing water connection as recommended by PWC, motion seconded by Mr. Dawkins and carried unanimously.

Mr. Stowe informed council that bids had been received on June 21, for the purchase of one 33,000 KVA power transformer and one 1200 AMP 69 KV oil circuit breaker for the sixth combustion turbine generator. The low evaluated bids by Westinghouse Electric Supply Company were recommended as follows: for the transformer,

\$260, 567.00, for the oil circuit breaker, \$19,637.00.

Mr. Dawkins offered motion for approval of the foregoing bids as recommended by PWC, seconded by Mrs. Beard and carried unanimously.

Mayor Finch informed Mr. Stowe that a number of complaints had been received regarding the foul odor in East Fayetteville and asked if PWC was doing all that could be done to remedy the situation if caused by the PWC sewage treatment plant.

Mr. Stowe replied that it was and PWC was spending approximately \$5000.00 per week for deodorants to remedy the situation and were also seeking professional help from industrial firms where they can and using other measures. Mr. Stowe informed Mayor Finch and the council that PWC expected to have the condition corrected in approximately two months. Mayor Finch and the councilmembers encouraged PWC to do all that they could and was necessary to remedy the situation.

Council next gave reconsideration to a resolution authorizing the sale of property located on Ann and Bow Streets to the First Union National Bank. (Due to an error in advertisement, this matter had to be readvertised and was continued from the June 27th meeting.) Acting City Attorney, Cogswell presented this matter and stated that readvertisement of the corrected description had been effected, that full compensation for the property had been paid to the City by the bank and that no upset bid had been filed with the clerk. Mr. Cogswell recommended adoption of the resolution.

RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY PROPERTY LOCATED ON ANN AND BOW STREETS TO FIRST UNION NATIONAL BANK. R1977-45.

Mr. Satsky introduced the foregoing resolution and moved its adoption, seconded by Mr. Dawkins and carried unanimously.

Council next gave reconsideration to a demolition ordinance requiring the Building Inspector to correct conditions of property located at 1900 Cowan Street owned by Mr. George Jeffreys. (This matter continued from the June 27th meeting).

The Acting City Attorney presented this matter and gave council background on this situation. He reminded council that Mr. Jeffreys had appeared before them at the last meeting and stated that this house had been in existence for a good number of years when this area was a mill village and Cowan Street was unimproved, and that now he had been informed a portion of the house encroached into the street right-of-way. The Chief Housing Inspector informed council that the structure was substandard, that it had been ordered corrected or demolished and that a meeting requested by Mr. Jeffreys on February 9, 1977, with Mr. William C. Clark, former City Attorney, the Chief Housing Inspector and others and that Mr. Jefferys had been advised at that time that his request had no legal basis, therefore it was denied. The Chief Housing Inspector who was present in the audience was asked if Mr. Jeffreys had notice of this meeting tonight and he replied that Mr. Jeffreys was at the last meeting and was aware that this matter was rescheduled for this evening, but that he had not mailed a written communication to him to this effect.

Following some discussion, Mrs. Beard offered motion that this matter be delayed until the next regular meeting on July 25, and that Mr. Jefferys be notified in writing to be present, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to an ordinance concerning the removal of flowers from graves in City maintained cemeteries.

The City Attorney presented this matter and stated that at the request of the Cemetery Superintendant, he had drawn an ordinance which stated that the maintenance of grave sites in City maintained cemeteries is severely hampered by the increasingly large number of floral arrangements and artificial flowers that are placed upon grave sites. He stated the ordinance would provide that there shall be no limit to the number of flowers or arrangements either live or artificial to be placed upon a grave site the day of a funeral or within 10 days thereafter. It also provided that from after the tenth day of any funeral there shall be allowed only one flower arrangement either alive or artificial on a grave site in any City maintained cemetery.

Mrs. Beard then offered motion for adoption of the ordinance, seconded by Mr. Dawkins.

In discussion that followed, the question was raised as to what penalty was provided in the event of violation of this ordinance and it was suggested that the wording of such penalty be written into the ordinance.

Following some further discussion, Mr. George offered substitute motion that no action be taken on this matter at this time and another ordinance or proposal be prepared by the City Attorney and presented at the next meeting on July 25 for council's consideration, motion seconded by Mr. Shields and carried unanimously.

Council next gave consideration to a revision to traffic schedule #15, "Through trucks prohibited" on Emeline, Kintyre and Fairfield streets in a residential area north of Talleywood shopping center off Raeford Road.

In a memorandum, the City Engineer stated that Mr. Joseph Kosarski, who represents a group of residents in the residential area north of Talleywood Shopping Center and they have observed increasing truck traffic on their residential streets. They believe this truck traffic is utilizing their streets as a shortcut between Raeford Road and McPherson Church Road. The City Engineer stated that he believed the solution to the problem is approval of an ordinance prohibiting through truck traffic in this area. Mr. Kosarski was recognized for himself and the other property owners and requested no truck traffic signs be installed in this area, inasmuch as large commercial and sometime large industrial vehicles are using Emeline Street, Fairfield Road and Kintyre Drive entrances to by-pass the Owen Drive McPherson Church and Raeford Road intersections. He stated the truck traffic imposed a hazard to the residents in the area. He suggested that the signs could be installed in such a way that they would not interfere with access to trucks in and around Talleywood stores, but simply restrict their transiting through the residential area. Mr. Kosarski stated he had a 90 signature declaration requesting approval of this ordinance.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE #15, THROUGH TRUCKS PROHIBITED ALONG EMELINE AVENUE, FAIRFIELD ROAD, COWLES STREET, KINTYRE AND RAVENHILL ROAD.
ORDINANCE NO. NS1977-76.

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 clerk's office in Ordinance Book NS1977.

Council next gave consideration to a request by two members of the Police Dept. that the City provide an attorney for their defense, pursuant to NSGS160A-167. The City Attorney presented this matter and informed council that the City is a party to this legal action and suggested an executive session if this matter is to be considered.

Mr. George then offered motion that this matter be considered in executive session after item 12 on the agenda this evening, motion seconded by Mr. Shields and carried unanimously.

Council next received an information briefing by the City Engineer on the current status of the Downtown Circulation Plan. The City Manager introduced this matter and stated that council had requested information concerning rights-of-way, costs and other matters. He then called on the City Engineer for the presentation.

City Engineer Bennett then displayed projections showing the entire proposed Downtown Circulation Plan involving Franklin Street, Bow Street, Mason Street and Maiden Lane. He displayed maps showing the proposed Maiden Lane extension and RR crossing at an estimated \$260,000.00 and a grade crossing of Mason Street extension at a cost of \$435,000.00. He displayed a projection of an alternate overpass for Maiden Lane at the RR with two lanes including right-of-way at an estimated cost of \$3,046,000.00 and a one way narrow three lane overpass and crossing at an estimated 2.2 million dollars.

There was considerable discussion.

Mr. J. Bernard Stein, Chairman of the Downtown Revitalization Commission, was recognized with comments. He stated that a part of the above proposal would take property off of the City's tax books. He suggested that the Commission be given the opportunity to study plan in detail. He asked how much money was in the plan and how much money had been spent. He asked how much had been allocated for parking. He stated he would also like to meet with the planners on this matter. He stated the Commission would also like to make recommendations to council regarding the Downtown Circulation plan.

Mayor Finch thanked Mr. Stein for his comments and stated she saw no objection to the Commission looking at the plans.

Following some further discussion by council, Mr. George offered motion that the City Council will at some subsequent date look at the plans during a work session in thirty days and then request recommendations from the Downtown Revitalization Commission, motion seconded by Mrs. Beard.

Following some further discussion, Mr. Satsky offered a substitute motion that the City Council meet within thirty days to consider the Downtown Circulation plan, motion seconded by Mr. Dawkins and carried by the following vote. For: Councilmembers Satsky, Shields and Dawkins. Against: Councilmembers George and Beard.

Council next gave consideration to taxicab driver permits. The City Manager presented this matter and stated the following named had been recommended by the Chief of Police, the Taxicab Inspector and himself for taxicab driver permits: Thomas G. Johnson, Leo Frank Dawson, Alvin Sylvester Bennett, Harold Lee Monk, James Lamar Stonecipher, Ronald Stevenson Claibon and Wavely Henry Powell.

Mr. Satsky offered motion for approval of taxicab driver permits as recommended, motion seconded by Mr. Shields and carried unanimously.

Council next gave consideration to appointments to various boards and commissions.

Two appointments to the Board of Adjustment were carried over to the next meeting.

Councilman Satisfsky offered in nomination the name of Mr. B.F. (Buzz) Ward and Upon motion by Mr. Dawkins, seconded by Mrs. Beard and carried unanimously, Mr. B.F. (Buzz) Ward was appointed to the Airport Commission to complete the term of office of Mr. Julian Hutaff resigned in June, said term to run until June 1978.

Mayor Finch informed council that their appointment at the June 27th meeting of Mr. Don Canady to PWC Retirement Fund as the Attorney had been declined by Mr. Canady and another appointment needed to be made to this commission. There being no nominees, this appointment was carried over to the July 25 meeting.

Council then recognized Mr. William C. Reaves who requested a revision of the Blue Law to allow antique shops, flea markets and Sunday on the Square activities.

Mayor Finch thanked Mr. Reaves for his suggestion and stated that council will consider the matter and the City Attorney was requested to advise the council at a later date.

Mayor Finch informed council that on the recent action concerning the demolition of a substandard structure owned by Mr. and Mrs. T.J. Funderburk, that Mr. John C. Shaw had informed her that the structure will be removed from the property. Mayor Finch also informed council that Mr. Funderburk passed away yesterday.

Mayor Finch informed council that she had received information from Raleigh that former Fayetteville Street, the main street of Raleigh might be changed since the street had now been converted to a pedestrian mall. Upon receipt of this information, Mayor Finch stated she had drawn a resolution to be forwarded to the Raleigh City Council requesting that Raleigh retain the name of Fayetteville for the mall. Mayor Finch requested adoption of the resolution and forwarding to the Raleigh City Council.

Mr. Satisfsky offered motion, seconded by Mr. Dawkins for adoption of the resolution and for forwarding to the Raleigh City Council. Motion carried unanimously. The resolution appears below:

RESOLUTION NO. R1977-46

Whereas, for more than 150 years the main street of downtown Raleigh, North Carolina, has borne the name of Fayetteville. It is a proud name, giving honor to the French General Gilbert du Motier, the Marquis de Lafayette, who came to the aid of a struggling young America. In 1825 the General paid a visit to this North Carolina City that bears his name and thus became a part of the heritage of the State; and

Whereas, in 1799 Fayetteville was the site of the North Carolina Constitutional Convention during which the Constitution of the United States was ratified. During the years of 1789, 1790 and 1793 the General Assembly of North Carolina met in Fayetteville; and

Whereas, through the years the citizens of Fayetteville have been proud that the main street of our capital city has borne the name "Fayetteville". It has given recognition to the origin of the State government and has perpetuated a strong bond of respect between the two cities;

NOW, THEREFORE, we, the Mayor and City Council of Fayetteville, would respectfully request that the City of Raleigh retain the name of Fayetteville for the recently completed downtown mall which was formerly Fayetteville Street.

/s/ Beth Finch
Beth Finch, Mayor

/s/ Marion C. George /s/ Gene Plummer
Marion C. George, Mayor Pro Tem Gene Plummer, Councilmember

/s/ Marie W. Beard /s/ Steve Satisfsky
Marie W. Beard, Councilmember Steve Satisfsky, Councilmember

/s/ J.L. Dawkins /s/ Vincent H. Shields
J.L. Dawkins, Councilmember Vincent H. Shields, Councilmember

Delegations:

Council recognized Mrs. Geneva B. Foushee for herself and her husband, John E. Foushee, of Temple Avenue. Mrs. Foushee requested the council to forgive the interest penalty on a street paving assessment for lots #110 and 111 on Temple Avenue due to the fact that she had not received a bill from the Tax Department concerning this matter until after the interest had accumulated.

The City Manager read a letter to the Council in which he stated that no legal basis for this claim existed, and that the City Attorney concurs.

Following some discussion, Mr. George offered motion to forgive the \$90 penalty, seconded by Mr. Satsky and carried unanimously.

Police Legal Advisor, Douglas Canders, was recognized and requested permission from the council to attend the executive session scheduled for this evening and received the O.K.

City Manager reports:

The City Manager presented the results of a study on the Public Safety Officer matter as requested by the City Council. He displayed a projection indicating the present Public Safety Officer setup. He stated that there were three captains, seven lieutenants, eight back up firemen and nine duty firemen at the Airport. City Manager recommended the elimination of three captains from the program and retaining the balance between July 26 and December and that nine permanent PSO positions will be established creating three shifts and six backups. He requested council's approval.

Following a brief discussion, Mr. Dawkins offered motion to follow the foregoing recommendation of the City Manager and Fire Chief and create the nine permanent PSO positions, motion seconded by Mr. Satsky and carried unanimously.

The City Manager reminded the Council of the transfer of the property to the First Union National Bank, and that the bank has requested that the city vacate the buildings by September 8th so they could proceed with their work. Mr. Thomas requested a work session by the council to discuss this matter. It was decided to set such a work session at a later date.

The City Manager reminded council of the League of Municipalities Convention in Greensboro on October 16, 17 and 18th and stated he plans to make block reservations for this convention for council's benefit and requested that he be notified of those persons not desiring to attend.

Council then entered into executive session at 10:45 P.M. to consider the Police Department request for an attorney for their defense as contained in item 8 on the agenda.

Following the executive session, council reconvened into regular session, and Mayor Finch announced that no action other than Police Department request had been taken in executive session.

Mr. Satsky then offered motion that the City Council provide legal counsel as requested pursuant to NCGS 160A-167 for Police Captains J.H. Hart and J.E. Wade, motion seconded by Mr. Dawkins and carried unanimously.

Matters of interest to the City Council:

Mr. George raised a question on the salary computation for city employees for the new fiscal year. He asked which book is being used and which salary. Mrs. Beard stated that she had received numerous phone calls from city employees who were confused as to how their salary increases for the new fiscal year were computed. Mr. George stated that he had also received calls.

Following some discussion, Mrs. Beard offered motion to amend the action taken on the pay plan and reconsider altogether the salary budget, motion seconded by Mr. Shields.

The City Manager informed council that the pay plan implemented was that approved by council at an earlier budget session.

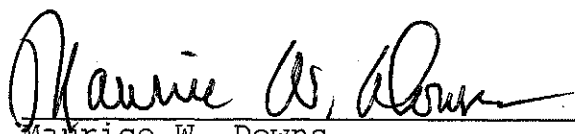
Mayor Finch raised the question with the City Attorney as to whether or not it would be proper for council to reconsider its action and the City Attorney replied insofar as it did not affect the tax rate adopted.

Following considerable discussion on this, Mr. Dawkins suggested that council get additional information from the City Manager and then take action if necessary.

Mr. Satsky then raised a point of order on City Council's policy on action on items not on the agenda without consideration at least 48 hours prior to presentation.

Mayor Finch ruled that Mr. Satsky's point of order was valid and that she would consider the motion to adjourn.

Mr. Dawkins then offered motion to adjourn at 11:55 P.M. and Mayor Finch declared the meeting adjourned.


Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JULY 25, 1977
8:00 P.M.

Present: Mayor Beth Finch

Council Members: Mrs. Marie Beard, Mr. J.L. Dawkins, Mr. Marion C. George, Jr., Mr. Vincent Shields and Mr. Steve Satsky.

Council Member Absent: Mr. Gene Plummer

Others Present: Mr. William G. Thomas, III
Mr. Robert Cogswell, Interim City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and the Reverend J.F. Williams, Pastor of United Pentacostal Church offered the invocation. Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch then recognized Youth Council representatives Kathy Hoffman, Tina Hoffman and Fred Kennedy, present in the audience to observe council proceedings.

The first order of business was the approval of minutes and upon motion by Mr. Satsky seconded by Mr. Dawkins and carried unanimously, minutes of a special meeting of June 22, 1977 were approved as submitted by the clerk.

Council next considered approval of minutes of a special meeting of June 29, 1977 on General and Parking Facilities Budget for FY 1977-78.

Mr. George offered motion for approval of the minutes on the General and Parking Facilities Budget and leave the Salary Budget open for further consideration, motion seconded by Mrs. Beard. Following a brief discussion, Mr. George amended his motion to continue this matter until after Item 8 on the agenda tonight. Mrs. Finch called for a vote and it carried unanimously.

(Item 8 on the agenda was consideration of changing the method of computing longevity pay under the new city wide career pay plan.)

Upon motion by Mr. Satsky, seconded by Mr. Dawkins and carried unanimously approval was given minutes of the Regular Meeting of July 11, 1977 as submitted by the clerk.

Mayor Finch then stated that she wished to make an announcement to the other councilmembers and to those assembled in the council room and stated that councilmember Gene Plummer, who has been seriously ill since last Spring and unable to attend council meetings since that time had visited her in her office today and as she put it "walking, talking and fussing" and obviously is much improved and regrets he is unable to attend the meetings.

Mayor Finch then announced that a petition had been received from Mrs. Lillian Elfmon today and after the agenda had been prepared and Mrs. Elfmon requested a hearing on this petition tonight. Copies of the petition had been furnished each councilmember. Mayor Finch stated that if there was no objection this matter would be considered after item 14 this evening. There was no objection voiced.

Public Hearings:

A public hearing had been published for this date and hour on the rezoning from P2 Professional District to C1P Shopping Center District or to a more restrictive zoning classification of an area located at 4001 Raeford Road. Planning board recommended approval.

Council recognized Mr. Ken Tucker of Carpert Crafters, for the rezoning. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM P2 PROFESSIONAL DISTRICT TO C1P SHOPPING CENTER DISTRICT AN AREA LOCATED AT 4001 RAEFORD ROAD. ORD. NO. NS1977-77.

Mr. Dawkins 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 R6 Residential District to R5 Residential District or to a more restrictive zoning classification of an area located at 403 Oakridge Avenue. Planning Board recommended denial of R5 zoning and approval of R5A zoning.

Attorney Ervin Baer was recognized for the petitioners, Mr. and Mrs. Joseph Yeago and requested R5 zoning for this area.

Mayor Finch stated that the City Clerk had received a petition in opposition to this proposed rezoning and that said petition was valid which under code requirements would take a 3/4 vote of the council to make the amendment to the zoning ordinance.

Attorney Elmo Zumwalt was recognized representing property owners and area residents in opposition to the proposed rezoning. Mr. Zumwalt introduced Mrs. Barbara Todd, a member of the Joint Planning Board who registered her opposition to the proposed rezoning.

Attorney Zumwalt was again recognized representing opponents and stated that the formal petition of opposition had been filed with the clerk who had found it to be valid and that petitions from area residents also in opposition totalling over 300 names had been submitted.

Mrs. Josephine Hunter Deem of 506 Oakridge Avenue, was recognized in opposition and added that property on the east side of Oakridge Avenue opposite Hilltop Avenue is privately owned property and not occupied by apartments as shown on a map.

Mr. Dawkins asked that a show of proponents and opponents to this rezoning be made and two persons stood for the rezoning and approximately 65 in opposition.

Attorney Baer was again recognized in rebuttal and stated that homeowner cost and other costs had increased over the years.

Attorney Zumwalt was also recognized in rebuttal and stated that no significant change had been made in this area and in their opinion none was necessary.

Following some discussion of this matter, Mr. Satsky offered motion to deny the rezoning, seconded by Mr. Dawkins and carried; Mr. Shields voting no.

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 221 Old Wilmington Road. Planning Board recommended denial of C1 and approval of C1A zoning.

Mrs. Margaret Page, the petitioner, was recognized and requested C1 rezoning. There was no opposition present.

Mr. George offered motion that the area be rezoned to C1 as requested, motion seconded by Mrs. Beard.

Mr. Satsky then offered substitute motion for rezoning of the area to C1A as recommended by the Planning Board, motion seconded by Mr. Shields and carried; Mrs. Beard voting no.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R5 RESIDENTIAL DISTRICT TO C1A LOCAL BUSINESS DISTRICT AN AREA LOCATED AT 221 OLD WILMINGTON ROAD. ORD. NO. NS1977-78.

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 317 and 321 Longview Drive. This is a recent annexation to the city and Planning Board has recommended approval of R10. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY TO R10 RESIDENTIAL DISTRICT AN AREA LOCATED AT 317 and 321 LONGVIEW DRIVE. ORD. NO. NS1977-79.

Mr. Satsky 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 initial zoning to R10 Residential District or to a more restrictive zoning classification of an area located on the north side of Country Club Drive and including the Hillendale Subdivision. This is a newly annexed area and Planning Board recommended approval of R10 zoning. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY R10 RESIDENTIAL DISTRICT AN AREA LOCATED ON THE NORTH SIDE OF COUNTRY CLUB DRIVE AND INCLUDING THE HILLENDALE SUBDIVISION. ORDINANCE NO. NS1977-80.

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

Copies of all of the foregoing ordinances are on file in the clerk's office in Ordinance Book NS1977.

A public hearing had been published for this date and hour on the proposed annexation of the Veterans of Foreign Wars Club on Doc Bennett Road. The clerk certified to the council that all property owners in the area had been notified of this public hearing. The Annexation Technical Review Committee recommended denial of this annexation. The 2.2 report indicated all real property less inventories is \$75,060.00, and the projected revenue is \$465.00 per annum. The area is currently receiving PWC electricity, extension of water would be a 16 inch water main, 10,500 ft. of the cost of \$157,500.00, a six inch sewer main, 10,500 ft. of the cost of \$42,000.00 and a lift station at a cost of \$10,000.00. As indicated

cost for water and sewer extension are prohibitive at this time. Fire protection services not available within the standard response distance and Police protection cannot be reasonably extended to the VFW site. It was pointed out that Police and Fire protection stationed at Grannis Field Terminal could not leave the Terminal area due to the Federal Hijack law.

Mr. Pete Callahan representing the VFW Post 670, petitioner, was recognized and requested annexation.

Attorney Charles Sweeney, representing VFW, was recognized and stated that VFW desired annexation for protection of their facility.

Attorney Willis Brown was recognized for VFW and requested annexation. There was no opposition present.

The City Attorney informed council that the petition for annexation stated this area was contiguous to city limits, but this incorrect according to the City Engineer, also as stated in the 2.2 report Police and Fire vehicles stationed at the Airport cannot respond due to FAA regulations.

Following some discussion of this matter, Mr. George offered motion to continue this public hearing to August 8 meeting and that Section 2.2 information be provided the petitioners, motion seconded by Mr. Shields and carried unanimously.

A public hearing had been published for this date and hour on the annexation of the Calvary Methodist Church located on Madison Avenue on Ireland Drive, pursuant to NCGS 160A-24. The clerk certified that all property owners in this area had been notified of this public hearing. The Annexation Technical Review Committee recommended approval. There was no opposition present.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE THE CALVARY METHODIST CHURCH LOCATED ON MADISON AVENUE AND IRELAND DRIVE. ANNEXATION NO.196.

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

A public hearing had been published for this date and hour on the annexation of the Murchison Road Area right-of-way and east between Shaw Road and Tammy Street. The clerk certified that all property owners in the area had receive written notice of this public hearing. The Annexation Technical Review Committee recommended approval. Mr. W.O. Green was recognized and requested approval of the annexation. There was no opposition present.

The 2.2 report indicated the tract consists of Tulleys Mobile Home Sales, Jimbo's Restaurant, Burger Hut Restaurant, Auto Service Center, Town and Country Auto Sales, Smitty's Quick Cleaners, A&T Hardware, Auto Garage and the Body Shop Health Club (Massage Parlor).

Following some discussion, Mr. Shields offered motion to follow the foregoing recommendation of the Annexation Technical Review Committee and annex this area but excluding that tract of land on which the massage parlor is located, motion seconded by Mr. Satsky and carried unanimously.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE THE MURCHISON ROAD AREA RIGHT-OF-WAY AND EAST IN THE VICINITY OF SHAW ROAD AND TAMMY STREET. ANNEXATION NO. 197.

The foregoing annexation ordinances are on file in the clerk's office in Annexation Book 1977.

Upon motion by Mr. Satsky, seconded by Mr. Shields and carried unanimously public hearings were set for August 22, 1977 on the following items:

- A. Consideration of the initial zoning to R15 Residential District, R10 Residential District, P2 Professional District and C1P Shopping Center District or to a more restrictive zoning classification an area located on the north and south sides of Morganton Road between McPherson Church Road and Huntington Park Subdivision.
- B. Consideration of the initial zoning to R6 Residential District, C1P Shopping Center District and C3 Heavy Commercial District or to a more restrictive zoning classification an area located on the west side of Murchison Road between Shaw Road and Brenda Drive.
- C. Consideration of the rezoning from R10 Residential District and C1 Local Business District to C1P Shopping Center District or to a more restrictive zoning classification an area located on the northwest corner of Ramsey Street and Country Club Drive.
- D. Consideration of the rezoning from R10 Residential District to C1P Shopping Center District or to a more restrictive zoning classification an area located at the northwest corner of Helen Street and Hwy 59.
- E. Consideration of the rezoning from R5A Residential District to C1 Local Business District or to a more restrictive zoning classification an

area located at 2700 Murchison Road.

- F. Consideration of the rezoning from R5 Residential District to C1 Local Business District or to a more restrictive zoning classification an area located at 914 Hay Street.
- G. Consideration of the proposed annexation of the Barbour properties located on Vesper Lane.
- H. Consideration of the proposed annexation of 1912, 1914, 1916, 1918 and 1924 Powell Street.
- I. Consideration of the proposed annexation of the McCauley-Mc Donald property (Old Union Oil Terminal) located on the east side of Elizabethtown Road.
- J. Consideration of the proposed annexation of the Kayo Service Station property located on Raeford Road.

Planning Board Matters:

Upon motion by Mr. Satisfsky, seconded by Mr. Dawkins and carried unanimously Bordeaux Center Office and Winn Dixie Store extension (Bordeaux West Addition) preliminary and final ClP Review located on Village Drive at Owen Drive in Bordeaux West Shopping Center was given conditional approval as recommended by the Planning Board.

Upon motion by Mr. Satisfsky, seconded by Mr. Dawkins and carried unanimously Horne's Furniture Store addition preliminary and final ClP review located on Sycamore Dairy Road (Yadkin Road Extension) was given conditional approval as recommended by the Planning Board.

Upon motion by Mr. Satisfsky, seconded by Mr. Shields and carried unanimously Earthtone Creations Greenhouses preliminary and final ClP review located at 3806 Raeford Road was given conditional approval as recommended by the Planning Board.

Upon motion by Mr. Satisfsky, seconded by Mr. Dawkins and carried unanimously Village Drive Townhouses preliminary and final group development review located on Village Drive was given conditional approval as recommended by the Planning Board.

Upon motion by Mr. Satisfsky, seconded by Mrs. Beard and carried unanimously Cross Creek Beverage Store preliminary and final ClP review located on U.S. 401 By-Pass at Morganton Road was given conditional approval as recommended by the Planning Board.

This concluded Planning Board matters.

There were no Public Works Commission matters presented.

Council next gave reconsideration to an ordinance requiring the Building Inspector to correct conditions of substandard property located at 1900 Cowan Street owned by Mr. George Jeffreys. (This matter continued from the June 27 and July 11 meeting.) The City Attorney presented this matter and stated that there had been no change in the circumstances since it was last heard. That is to say the structure was in a dilapidated condition and had not been brought up to code requirements and in addition intruded several feet into the street right-of-way. The City Attorney informed council that Mr. Jeffreys had been mailed a written communication informing him that this matter would again be presented to council this evening.

Mr. Jeffreys was recognized and stated that his position and opinion had not changed from the last meeting and that he had spent considerable sums of money on the structure already and was aware of the city's opinion that the structure intruded into the street right-of-way, but stated that he had no funds to do anything further about it.

Mr. George asked the City Attorney if the city could relocate the house for the owner and the City Attorney replied that he did not know until he could research the matter. Following some further discussion, Mr. Satisfsky offered motion to continue this matter to the next meeting on August 8, motion seconded by Mr. Shields.

Following some further discussion, Mr. George offered substitute motion that if legal, accept the proposal offered by the property owner and assist him in relocating the structure to another location and that the owner sign the necessary papers to not make advance claim against the city for this location. Mr. George's substitute motion failed for lack of a second.

Mayor Finch then called for a vote on the original motion and it carried unanimously.

Mayor Finch informed Mr. Jeffreys that this action by City Council would be his legal notice in lieu of a written communication for the next meeting on August 8th and Mr. Jeffreys acknowledged the notice.

Council next gave reconsideration to a proposed ordinance concerning the removal

of flowers from graves in city maintained cemeteries. (This matter continued from the July 11 meeting) The City Attorney presented this matter and stated that at City Council's request, he had rewritten the proposed ordinance and added the penalty clause, said penalty being only that the Cemetery Superintendant was authorized and directed to remove all but one flower arrangement from a grave after the tenth day of any funeral.

AN ORDINANCE AMENDING CHAPTER 10 "CEMETERIES" OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE REGARDING REMOVAL OF FLOWERS FROM GRAVES IN CITY MAINTAINED CEMETERIES. ORDINANCE NO. S1977-2.

Mr. Dawkins 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 Ordinance Book S1977.

Council next gave consideration of changing the method of computing longevity pay under the new city wide career pay plan. (Continued from the July 11 meeting)

The City Manager presented this matter and gave the following explanation as to how the career pay plan employees salaries were computed. Under method 1, he stated, took the career pay plan grade and step salary applied to the new longevity pay scale and the resultant was then compared to the present pay, we took the higher of the two, he stated and then applied the cost of living which council had prescribed.

Criticism received from some city employees he stated, was that under this method of computation some of the old employees did not see their longevity pay reflected in their first payroll check.

To accomplish this would require a new method he described as method #2 which would take the grade and starting salary, compare that to the present salary of the employee and whichever is the higher of the two, then apply longevity and then apply cost of living.

The City Manager then displayed a projection which indicated that under method 2, 159 employees would be affected at a cost of \$50,213.00 to the city. Following a lengthy discussion of this matter, Mr. George offered motion to continue this item to the August 8th meeting and during the interim the City Manager would furnish a corrected computation of the salaries, motion was seconded by Mr. Shields. Mrs. Beard then offered an amendment which was approved that the foregoing computation be made by the second method. Mayor Finch then called for a vote on the motion and it carried unanimously.

Captain J.D. Edge, Jr, of the Fayetteville Fire Department was recognized with comments on Pay Plan inequities, and was assured that this would be corrected.

Council next gave consideration to a request from Attorney Jerome Clark for Afro Enterprise Inc. for reconsideration of an initial zoning of property on Granby Street on Murchison Road. Attorney Clark was recognized and stated that in June 1974, Afro Enterprises sold to another firm lots 44,46 and 20 in Mount Olive Subdivision Part I and took a Deed of Trust to secure the unpaid balance. The firm failed in its payments to Afro Enterprises and in June of 77 the property was foreclosed and sold to protect its investment, Afro bought in at the sale and received title to the property. In the meantime the property involved had been initially zoned R6 Residential. Notices of the initial zoning went to TCM Promotions, the purchaser and owner of record at the time and they neither sought the appropriate classification nor advised Afro of the fact that the initial zoning would take place. All of the property between the lots in question and Murchison Road have been zoned C3 Commercial, the classification which Afro considers appropriate for the property it now owns.

Since Afro was not the owner of the property at the time of the initial zoning, but has been in the process of trying to get the property back for a number of months, Attorney Clark stated it is hoped the council will see fit to make an exception to the ordinance forbidding an application for rezoning within one year after rezoning. The business at this location is the Utopia Lounge. Attorney Clark requested council on its own motion to waive the one year limitation on zoning and requested C3 zoning.

Following some discussion, Mr. George offered the following motion: that city council waive the rule and permit them to initiate a rezoning petition immediately, motion seconded by Mr. Shields.

The City Attorney ruled that the council may not waive the requirement. Mr. George then withdrew the foregoing motion and offered the following motion: that the City Council authorize city administration to file a petition for the rezoning of property owned by Afro Enterprises (the three lots) as outlined on the map, motion seconded by Mr. Shields and carried unanimously.

Council next gave consideration to a resolution authorizing the condemnation of parcels for the Weiss Avenue right-of-way.

The City Attorney presented this matter and recommended adoption of the resolution for the following parcels of property on Weiss Avenue: Parcel #M4, Kermit Branch, \$400.00, Parcel #N7, Bertha Myers, Heirs \$50.00, Parcel #N8, Fred Davis \$245.00, Parcel #S2, Savoy Realty \$60.00, Parcel # S9 Robert F. Bleeker, Jr., \$100.00.

RESOLUTION AUTHORIZING CONDEMNATION OF PARCEL FOR THE WEISS AVENUE RIGHT-OF-WAY.
RESOLUTION NO. R 1977-47.

Mr. Satsky introduced the foregoing resolution and moved its adoption, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a request by Community Development for approval of a contract with James B. Godwin Associates for Planning services for Community Development Block Grant Program third year funding.

Council recognized Mr. Richard Herrera of Community Development who requested approval of the contract.

After a brief discussion Mr. Satsky offered motion for approval of the foregoing contract as requested, seconded by Mr. Shields and carried unanimously.

Council next gave consideration to authorizing the condemnation of several parcels in the Southeast Neighborhood Development Program at the request of Community Development, Mr. Herrera was again recognized and requested condemnation authorization for the following parcels: A-12-William DePrater-\$18,000.00, Parcel K-4 James Williams Heirs-\$3,850.00, Parcel # M-3-Phoebe Shaw-\$6,600.00, Parcel #0-7-Pedro Orsonio-\$9,400.00 Parcel # P-8 - Gene Ammons -\$12,500.00.

Following a brief discussion Mr. Satsky offered motion to authorize condemnation of the foregoing parcels as requested by Community Development, seconded by Mr. Shields and carried unanimously.

Council next gave consideration to an ordinance declaring a speed limit change on Briar Circle off Owen Drive. The City Engineer presented this matter and stated that the entire length of Briar circle is abutted by the Briarwood Arms Apartment complex. A number of residents within the apartment complex have petitioned for lowering the speed limit from 35 mph to 25 mph. In view of this petition, and a Police Department recommendation to lower the speed limit to 25 mph, he stated, he had prepared a proposed ordinance to affect such speed limit change for council's consideration.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE # 8-"SPEED CONTROL"DECLARING A 25 MILE PER HOUR SPEED LIMIT ON BRIAR CIRCLE. ORDINANCE NO. NS1977-81.

Following a brief discussion, Mr. Satsky 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 Ordinance Book NS1977.

Council next gave consideration to appraisals of the Rufus Washington property on Jasper Street.

The City Manager presented this matter and stated that in a memorandum to council that on December 13, 1976. council levied a paving assessment of \$10.69 per foot against owners of property abutting Jasper Street with the exception of the Rufus Washington property. The computed assessment rate for the Rufus Washington property was \$536.32.

The council instructed City Administration to obtain appraisals of the Washington property as to increased value by the paving project. This appraisal stated the increased value at \$200.00. On March 28, 1977, the council requested that 3 more appraisals of the increased value be obtained through the Clerk of Court.

The appraisal by the three members of the commission appointed by the Clerk of Court were received and stated that the improved value of the property is \$536.00 or \$10.69 per front foot the same as the assessment rate.

Mr. George asked if Mr. Washington had been notified that this matter was coming up for discussion this evening and the City Manager replied that he had not.

Following a brief discussion, Mr. George offered motion that no action be taken on this matter until Mr. Washington is notified by City Administration, motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to the petition submitted by Mrs. Lillian Elfmon which Mayor Finch had mentioned at the beginning of this meeting. The petition was that council waive the requirement of prohibiting copings around graves in the City Cemetery. The City Manager presented this matter and stated that some coping exists in some of the City Cemeteries but they had existed prior to the passage of the present law which prohibits them. The City Manager read from the code for council's information Section 10-11 relating to coping, fences, posts, etc. prohibited and removal. This section states that no coping, fencing, posts or enclosures of any kind shall surround any lot or part thereof nor shall any walk or brick, stone,

cement or any other material be placed on or around a lot or grave and the Cemetery Superintendant shall forthwith remove the same without notice.

The City Manager recommended that council resist this effort and petition.

Following a brief discussion Mrs. Beard offered motion to follow the foregoing recommendation of the City Manager and deny the petition, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to the approval of Taxicab Driver permits.

The City Manager presented this matter and stated that he, the Taxicab Inspector and the Chief of Police recommended approval for Taxicab Driver permits for the following named persons: Bobby Lee Kearney, Arthur Robert Robinson, Jr., James Melvin Davis, Glenn Edward Cane, Don Shaw and James Robert Johnson.

Mr. Satsky offered motion for approval of the foregoing as recommended, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to several appointments to various boards and commissions. Two appointments exist to the Board of Adjustment. Mayor Finch stated that the incumbants desired to serve again and Mr. Dawkins nominated and moved the reappointment of the following named by acclamation vote to the Board of Adjustment for three year terms of office each, said terms to expire in July 1980: F. Royal Loyd, Jr., and Charles Smith. The motion carried unanimously.

One appointment to the Public Works Commission Retirement Plan (an attorney) was carried over to 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 Department of Regina Chamberlain. The resignation was noted by the council.

Matters of interest to the City Council:

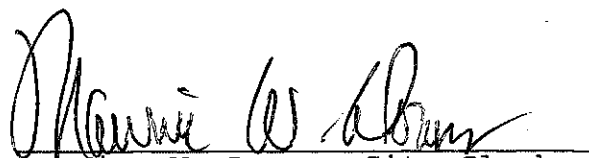
Mr. George directed a question to the City Engineer regarding the Downtown Circulation Plan regarding right-of-way, and the City Engineer displayed a projection and stated that the dotted lines on said projection indicated extensions of Maiden Lane and Mason Street across the Seaboard Coastline track and did not indicate that rights-of-way for such extensions had been completed as yet.

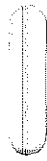
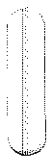
Mayor Finch informed council that the National League of Cities meeting was to be held in San Francisco this year in the fall and stated that the cost for council to attend this meeting would be approximately \$896.00 per person. She reminded council that the league now holds regional meetings throughout the country and that the North Carolina League of Municipalities provides essentially the same information as that from the League of Cities, and in view of the distance and cost involved, she recommended that City Council defer to attendance at the regional meetings rather than this one to be held on the west coast in view of the distance and the expense involved. Mayor Finch stated she was not asking for action on this matter this evening, but that merely council give some consideration to who, if anyone is to attend and also to the attendance at regional meeting.

Mayor Finch reminded council members of the joint meeting with the Spring Lake governing board on Wednesday night and of the County Governmental Association meeting on Tuesday night here in City Hall.

Mrs. Finch also informed council that she had received a communication from the lady councilmember on the Raleigh City Council in which she stated the historic name of the City of Fayetteville will be retained by the City of Raleigh for their new downtown mall. This information was received with happy enthusiasm and expressions of pleasure from the councilmembers.

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



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
AUGUST 8, 1977
8:00 P.M.

Present: Mayor Beth Finch

Councilmembers: Mrs. Marie Beard, Mr. J.L. Dawkins, Mr. Marion C. George, Mr. Vincent Shields and Mr. Steve Satsky.

Absent: Councilman Gene Plummer

Others present: Mr. William G. Thomas III, City Manager
Mr. Robert Cogswell, Interim City Attorney
Mr. Ray Muench, PWC Manager

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

Mayor Finch then awarded service pins to the following employees:

For 5 years service:

Mr. William G. Thomas, III, City Manager
Mr. Walter Kolody, Engineering Department
Mr. Richard Witiak, Fire Department
Mr. Namon F. King, Recreation & Parks Department
Mr. James H. Holland, Recreation & Parks Department
Mrs. Susan Swayzee, Inspection Department
Mr. Michael Sutton, Fire Department

For 10 years service:

Mr. Julius Lockamy, Fire Department
Mr. McKinley Surles, Inspection Department

For 20 years service:

Mr. Willie Baker, Sanitation Department

For 25 years service:

Mr. Herbert Smith, Fire Department
Mr. Wilbur Johnson, Fire Department
Mr. Isley Matthews, Fire Department
Mr. E.J. Smith, Fire Department
Mr. A.H. Matthews, Fire Department
Mr. W.D. Johnson, Fire Department

For 30 years service:

Mr. J.P. Jones, Fire Department
Mr. Harold D. Black, Fire Department
Mr. Archie Haire, Fire Department
Mr. Joe E. Newsom, Fire Department
Mr. Elmer Garvin, Fire Department
Mr. John Edge, Fire Department

Mayor Finch then recognized the following Youth Council representatives present in the audience to observe council proceedings: Sean Alvarez, Roy Bullock and Gerry Cobb.

The first order of business was the approval of the minutes and upon motion by Mr. Satsky, seconded by Mrs. Beard and carried unanimously, the minutes of a special meeting of June 29, 1977, on General and Parking Facilities Budget for FY1977-78 were approved as submitted by the clerk.

Upon motion by Mr. Satsky, seconded by Mr. George and carried unanimously, minutes of the regular meeting of July 25, 1977 were approved as submitted by the clerk.

Council next gave reconsideration to the annexation of the VFW Club on Doc Bennett Road. Annexation Technical Review Committee recommended denial. (This matter continued from the July 25, 1977 meeting.)

Attorney Charles Sweeney, representing the VFW, was recognized and stated that their main objective was Fire and Police protection.

Mr. Thomas again reminded council that Fire protection services were not available within the standard response distance and Police protection cannot be reasonably extended to the VFW site. He again stated that Police and Fire protection stationed at Grannis Field Terminal could not leave the terminal due to FAA regulations.

Following lengthy discussion of this matter, Mr. Shields made the motion to follow the recommendation of the Annexation Technical Review Committee and deny the

request, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave reconsideration to the proposed annexation of Ft. Bragg Military Reservation. Annexation Technical Review Committee recommended approval.

Mayor Finch stated that this matter had been resolved for the time being, that since it had been advertised as a public hearing she would call for anyone who wants to speak on the matter pro or con to come forward to speak. There was no response.

Mayor Finch recognized Mr. Robert Cogswell, City Attorney, who recommended that this public hearing be continued until February 8, 1978, or sometime thereafter.

Mr. Satsky made the motion to follow the recommendation of the City Attorney and continue this public hearing until February 8, 1978, seconded by Mr. Dawkins and carried unanimously.

Planning Board Matters:

Council next recognized Mr. Cliff Strassenberg, Director of the Joint Planning Board, who presented the comprehensive revisions to the current Fayetteville Urban Area Thoroughfare Plan. Mr. Strassenberg stated that no immediate action is requested. He stated that after council has had time to study the plan, a public hearing should be held to receive public input.

Mr. Strassenberg stated that the current thoroughfare plan was developed during the early 1960's and was adopted in 1962. In 1968 the plan was amended to include minor revisions based on the projection of travel patterns to 1990, and this plan still serves as the official thoroughfare plan for the City of Fayetteville. This plan is now outdated due to changes in travel patterns, growth of the two car families, decline in transit usage, suburban industrial development, population growth and other related factors. In terms of cost the recommended plan represents an estimated total cost of \$200 million when fully implemented. The current N.C. Highway Improvement Program has approximately 45% of this cost for the planned construction period of 1976-1983.

Mr. Strassenberg suggested that in the weeks ahead, a public hearing be called by the City Council to solicit officially citizen input on the plan, following that at some subsequent date, Council would officially adopt the plan or modifications to as would the Town of Hope Mills and the County Commissioners, then the State Board of Transportation would review and join in with you to adopt the plan.

Following some discussion Mr. Satsky made the motion to accept the presentation as information and set a date for the public hearing at the next meeting, seconded by Mr. Dawkins and carried unanimously.

There were no PWC matters to be discussed.

Council next gave reconsideration of an ordinance requiring the Building Inspector to correct conditions of property located at 1900 Cowan Street owned by Mr. George Jeffreys. (This matter continued from previous meetings.)

The City Attorney presented this matter and stated that at the last meeting council asked two basic questions, and he had given them a memorandum in response to these questions. He asked if there were any questions concerning the memo. He stated that he could not find any way that he could do what was asked of him at the last meeting, other than amend the City Code.

A lengthy discussion followed.

Mr. Jeffreys was recognized and stated that he could not afford an attorney and that the value of the house is not that great. He had been paying taxes on this house for several years and did not know that the property was on the street right-of-way until last year. He further stated that out of the three houses on this land not one of them met the requirements.

The City Attorney was again recognized and recommended that he seek advice from higher authority (Attorney General) on this matter and bring the response back to the next council meeting.

After a lengthy discussion on this matter, Mr. Dawkins offered the motion to follow the recommendation of the City Attorney and seek advice from the Attorney General and bring responses back to the next council meeting, seconded by Mr. Shields and carried unanimously.

The next item considered was a proposed revision of the City-Wide Career Pay Plan providing for recomputation of longevity pay.

Mr. Thomas presented this matter and stated that at the last meeting he was instructed by the council to recompute the salaries of the career employees by the new method 2 and present this to council at the next meeting. Mr. Thomas again explained to council how this was computed under the new method 2.

Mr. Thomas stated that at the next meeting he would present to council the procedure in each department for promotion from I to II or if authorized, I, II or III. He would also make his recommendations for reclassifications submitted by the department heads.

Mr. George made the motion that the new recomputed Salary Budget as listed be approved and that council retain jurisdiction over the new Salary Budget so they can authorize any corrections that might be necessary, seconded by Mr. Shields and carried unanimously.

Mr. Thomas then asked when the new pay change should go into effect and where does the money come from?

Mr. George made an addendum to the main motion that the new pay change be retroactive to July 1, 1977 or the first pay period of the fiscal year.

Mr. Satsky made the motion that council take the necessary funds of approximately \$50,000.00 be taken from contingency and reallocated to the Salary Budget, seconded by Mr. Shields and carried unanimously.

Council recognized James Reynolds of the Fire Department. He stated that he had discussed the new pay plan with other members of the Fire Department who had been with the Fire Department for five years or less and they are very satisfied. They know what they have to work for. He further stated that some of the career employees with the department were dissatisfied with the plan because of the way the longevity was computed, with this straightened out there should be no more problems.

The next item on the agenda was consideration of appraisals of the Rufus Washington property. (Continued from the July 25 meeting.)

Mr. Cogswell presented this matter. At the last meeting this matter was continued until Mr. Washington could be notified by the Administration of this meeting.

Mr. Cogswell stated that Mr. Washington had been notified and was present in the audience.

At the last meeting the appraisals by the three members of the Commission appointed by the Clerk of Court were received and stated that the improved value of the property is \$536.00 or 10.69 per front foot the same as the assessment rate.

Mayor Finch then recognized Mr. Washington and asked if he understood what was being done. He replied, yes. His objection was that the remaining property was too small to build on, and therefore the property was useless to him.

Mr. George made the motion that the property be assessed at the rate of \$1.50 per lineal foot. The motion failed for lack of a second.

Mr. George made the motion that the property be assessed at the rate of \$5.00 per lineal foot, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a condemnation resolution for needed right-of-way at the intersection of Gillis Street and Salter Avenue owned by Mrs. A.H. Phillips. (This is a Federal Local Public Works Paving project.)

Mayor Finch recognized Mr. Robert Cogswell and he stated that the two streets are to be paved and this particular portion is needed for adequate turning radius.

RESOLUTION AUTHORIZING CONDEMNATION OF RIGHT-OF-WAY FOR FEDERAL LOCAL PUBLIC WORKS PROJECT, CORNER OF GILLIS STREET AND SLATER AVENUE. Res. No. R1977-48.

Mrs. Beard introduced the foregoing resolution and moved its adoption, seconded by Mr. Dawkins and carried unanimously.

A copy of the foregoing Resolution is on file in the Clerk's office in Resolutions Book R1977.

Council next gave consideration to a request from Eutaw Heights Baptist Church for street and sidewalk improvements on Scotty Hill Road.

Mr. Bennett presented this matter and stated that the church has requested through one of their members, that the city participate in curbs and gutters and street widening and sidewalks along their property abutting Scotty Hill Road. The estimated cost of that participation is \$2273.00.

Mr. Shields made the motion to approve the request for city participation to the extent of \$2273.00, seconded by Mrs. Beard and carried unanimously.

The next item on the agenda was the consideration of a petition for speed limit change to 25 mph in the Tallywood Subdivision area.

Mr. Bennett presented this matter and stated that they had received a petition with approximately 45 signatures from residents of Emeline, Fairfield, Ravenhill Drive and Kintyre Drive requesting the speed limit be reduced from 35 to 25 mph.

Joseph Kosarski, representing the residents of the area was recognized. He stated that 100% of the people he had contacted agreed that something had to be done with the speed limit. He stated that the speeders are driving in excess of fifty miles per hour.

Mr. Frank Di Christina, a resident of the area, was recognized in favor of the speed limit reduction. He stated that they are victims of congestion from the intersections of Raeford Road and McPherson Church Road, that people are coming through their area to avoid the light at that intersection.

Mr. Shields commented that it appears that enforcement of the present speed limit would greatly improve the situation and would like to try that first.

Council recognized Mr. Roy Bradley, 3201 Kintyre Drive, who stated he was concerned with the children and the elderly people of the area who get out and do their jogging and health walks. There are no walkways or sidewalks for their protection.

Mr. Satsky commented that the key is enforcement, not change of speed limit.

Mrs. Beard asked for comment from Mr. Bennett.

Mr. Bennett stated that the answer is concentrated enforcement, not to lower the speed limit.

Mr. Shields made the motion to follow the recommendation of the City Engineer and retain the 35 mph speed limit, seconded by Mr. Satsky and carried unanimously.

Council then considered changing the name of Beverly Drive to Medical Drive, located off Owen Drive in the vicinity of Cape Fear Hospital.

Mr. Thomas presented this matter and stated that he had received a petition from the six medical installations being built there to change the name to Medical Drive. The petition was found to be valid. He immediately checked with the Joint Planning Board and they in turn checked with the Post Office and there were no objections from them or the property owners. Seven out of eight were in favor of changing the name. Therefore he recommended the name of the street be changed from Beverly Drive to Medical Drive.

Mr. Shields made the motion they follow the recommendation of the City Manager and change the name of Beverly Drive to Medical Drive, effective immediately, seconded by Mr. Satsky and carried unanimously.

Council next gave consideration to the award of bids for four police sedans for the Police Department.

Mr. Thomas presented this matter and stated that although it has been customary to require at least three bids for most purchases of this type there is no legal requirement to do so. There is a dire emergency behind this, to avoid the repairs on the four vehicles and take advantage of the 1977 prices. We recommend that the low bid of M&O Chevrolet Company for \$18,744.69 be accepted.

Mr. Dawkins made the motion to follow the recommendation of the City Manager and award the low bid to M&O Chevrolet, seconded by Mr. Satsky and carried unanimously.

The next matter was the consideration of a request from the Cumberland County Board of Elections to set the filing fee for the upcoming municipal elections.

Mr. Thomas presented this matter and stated that the Board of Elections drew to his attention that City Council should fix the filing fees for upcoming municipal elections. This is the new GS163-294.2 which requires that the governing board shall fix the filing fees for municipal elections.

The governing board has the authority to set the filing fee for filing between a minimum of \$5.00 and a maximum of 1% of the annual salary of the office sought.

It is recommended that the filing fees be fixed as follows:

Mayor - \$48.00 (1% of \$4,800.00) and City Council - \$24.00 (1% of \$2,400.00)

Motion was made by Mr. Satsky to follow the recommendation of the City Manager and set the filing fees, seconded by Mr. Shields and carried unanimously.

The next item on the agenda was consideration of retaining MacMillan and MacMillan Architects for the renovation of Central Fire Dept. for office space.

Mr. Thomas presented this matter and recommended that the architectural firm of Mac Millan and Mac Millan be engaged by the City to provide architectural service for the alterations and additions to the Central Fire Station. These alterations and additions are to provide offices and other space for the permanent location of the Fire Dept. Administrative Offices.

The preliminary cost estimates for the alterations and additions is \$48,000.00.

The approved FY 77-78 Budget includes an appropriation of \$50,000.00 for the project.

Motion was made by Mr. Satisfsky that all Fayetteville architectural firms be contacted and be allowed to make a proposal on Central Fire Station and their proposals be returned to council for consideration, seconded by Mr. Shields and carried unanimously.

Council next gave consideration to the approval of taxi franchises.

Mr. Thomas presented this matter and stated that there were three certificates of Public Necessity and Convenience returned to the City for Re-assignment by the council.

As a result of the investigation on each applicant and subsequent public hearing, the Taxi Inspector recommends the awarding of the three available franchises as follows: Mr. Douglas Porter - 1 certificate, Mr. Hollis Williams - 1 certificate, and Mr. Joe Marshall - 1 certificate.

Mr. George made the motion to follow the recommendation of the City Manager, seconded by Mrs. Beard and carried unanimously.

Council deferred action to the next meeting on an appointment to the Public Works Commission Retirement Plan.

Mayor Finch asked if there were any delegations to be heard and recognized Mr. Bill Bowser, Vice President of the Longhill Branch of the NAACP.

Mr. Bowser stated that he was quite concerned that he heard the City Attorney always expressing the fact that you could be in violation of the law. He felt that this City Council had been in violation of one of the major laws concerning individuals since 1972, requiring that any organization which has as many as 100 employees have an Affirmative Action Plan, a personnel policy, and this gives every individual working under them due process which means that if you were fired that you would have the alternative of facing your accusers and have an attorney present, and also other considerations that would be spelled out. One other thing is that you should file an EEOC report once a year telling the government how many blacks and whites you have and that an effort be made to hire women and minorities and at least a proportion of their population ratio. He stated that there were many more he would like to discuss at some time and hoped that the council would consider them.

Mayor Finch thanked Mr. Bowser and stated that he had pointed out the very critical need for a full time City Attorney who could keep the council apprised at all times of how much of the law we need to know and where we stand in regard to it.

City Manager's report:

Mr. Thomas stated that on June 27, 1977, the City Council passed a Resolution authorizing an application to be filed under Round II of the Local Public Works Program for the following streets: Slater Avenue, Gillis Street, Preston Avenue and Waddell Drive. The estimated cost of these improvements, \$364,000.00, matched preliminary estimates of the amount of funding we could expect under this program.

Today, August 8, 1977, we received formal notification from the Economic Development Administration that we are eligible to apply for up to \$405,000.00. Our application must be in the Atlanta Regional Office of the EDA within (15) fifteen days of this formal notification.

It is recommended that a two-block segment of South King Street be added to the Street Improvement Project to bring the estimated cost to \$405,000.00. We are requesting that the Mayor be authorized to sign this resolution.

RESOLUTION AUTHORIZING LOCAL PUBLIC WORKS PROGRAM APPLICATION. RES. NO. R1977-49.

Mr. Dawkins then introduced the foregoing Resolution and made the motion that they approve the recommendation of the City Manager and authorize the application to be filed on the Public Works Funds, seconded by Mrs. Beard and carried unanimously.

A copy of the Resolution is on file in the Clerk's office in Resolutions Book R1977.

Mayor Finch then brought up the action taken on July 11, 1977, concerning the Geneva Foushee paving matter. She said there had been much controversy over this since the action. There seemed to be some misunderstanding as to why council did this. She recognized the City Attorney.

Mr. Cogswell stated that he and Mr. Thomas stated at that time they were of the opinion that there was no legal basis for the release. He suggested that there were two choices. 1. To rescind the action. 2. To seek the opinion of the Attorney General.

Mr. Dawkins made the motion that Mr. Cogswell seek the opinion of the Attorney General on this matter, seconded by Mrs. Beard and carried unanimously.

Matters of interest to the council:

Mrs. Beard asked Mr. Thomas about the employees life insurance program. He said that it would be presented to council in the near future.

Mayor Finch reminded council of the trip to San Francisco, all persons going should contact her office, reservations had to be made by the end of the week.

Thereafter, no other matters of business to be discussed, the meeting was adjourned at 11:00 upon motion made and duly seconded.


Patricia L. Thomason
Acting City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
AUGUST 22, 1977
8:00 P.M.

Present: Mayor Beth Finch

Council Members: Mrs. Marie Beard, Mr. J.L. Dawkins, Mr. Marion George, Mr. Vincent Shields and Mr. Steve Satsky.

Absent: Councilman Gene Plummer

Others Present: Mr. William G. Thomas, III, City Manager
Mr. Robert Cogswell, Interim City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and the invocation was offered by Chaplain (Colonel) Corbin W. Ketchersid, Corps and Post Chaplain, Ft. Bragg. Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch then recognized Fayetteville Youth Council representatives, Beth Newman, Alex Arab and Ernie Hernandez.

First order of business was the approval of minutes of the regular meeting of August 8, 1977, and upon motion by Mr. Dawkins, seconded by Mr. George and carried unanimously said minutes were approved with the following correction. "On the matter of the bids for cars, motion made by Mr. Satsky, seconded by Mr. Dawkins."

Public hearings:

A public hearing had been published for this date and hour on the initial zoning to R15 Residential District, R10 Residential District, P2 Professional District and C1P Shopping Center District or to more restrictive zoning classifications of an area located on the north and south sides of Morganton Road between McPherson Church Road and Huntington Park Subdivision. Planner Mitchell informed council that there were six different tracts of land involved in this initial zoning and that Planning Board recommended approval of the initial zoning as stated.

Mayor Finch then recognized proponents and Attorney Herb Thorp was recognized for property owners on the north side of Morganton Road in favor of P2 zoning as requested. Mr. Thorp also read an affidavit from realtor Paul A. Dawkins, who stated he was familiar with the properties located on the north and south sides of Morganton Road east of McPherson Church Road and west of Huntington Park and that those properties have no reasonable value for residential use in view of the fact that they are situated on a four lane highway with a traffic count for 1976 of 14,000 automobiles per day and as a practical matter the cost of erecting appropriate residential houses on these properties upon completion would far exceed the market value of the house and the lots and that the highest and best use to the properties would be P2 Professional and that if these properties are zone residential it would be practically impossible to use the the land in question for residential purposes.

Attorney Stacy Weaver Jr. was also recognized for Mr. and Mrs. Dan Barker, Mr. and Mrs. Ike O'Hanlon and Eddie O'Hanlon and Mr. George Crumbley, property owners on the south side of Morganton Road for P2 zoning.

Mr. Don Whitehead, Mandalay Street, Huntington Park, was recognized in opposition to the added commercial interests in this area. Mr. Charles Sweeney, a resident of Huntington Park, was recognized in opposition to the proposed P2 zoning.

Mr. Charles Kirkman, resident of the area, was recognized in opposition to P2 zoning and for R15 zoning.

Mr. Riley Williams, resident of the area was recognized in opposition to the P2 zoning and for R15 zoning.

Following some discussion, Mr. Dawkins offered motion for the adoption of an Ordinance to follow the recommendation of the Joint Planning Board and initially zone the area as follows: Tract 1- R15, Tract 2- R15 and P2, Tract 3- R10 and R15, Tract 4- R10, Tract 5- R10 and Tract 6- C1P, motion seconded by Mr. Satsky and carried unanimously. The Ordinance title appears below.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: INITIALLY ZONE TO R15 RESIDENTIAL DISTRICT, R10 RESIDENTIAL DISTRICT, P2 PROFESSIONAL DISTRICT AND C1P SHOPPING CENTER DISTRICT AN AREA LOCATED ON THE NORTH AND SOUTH SIDES OF MORGANTON ROAD BETWEEN MCPHERSON CHURCH ROAD AND HUNTINGTON PARK SUBDIVISION. ORDINANCE NO. NS1977-82.

At this point Mayor Finch introduced the new Assistant City Manager, Mr. John Smith.

A public hearing had been published for this date and hour on the initial zoning to R6 Residential District, C1P Shopping Center District and C3 Heavy commercial District or to a more restrictive zoning classification an area located on the west side of Murchison Road between Shaw Road and Brenda Drive. Planning Board recommen-

ded approval. There was no opposition present.

Ordinance title:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY R6 RESIDENTIAL DISTRICT, C1P SHOPPING CENTER DISTRICT AND C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED ON MURCHISON ROAD BETWEEN SHAW ROAD AND BRENDA DRIVE. ORDINANCE NO. NS1977-83.

Mr. Satsky 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 R10 Residential District and C1 Local district to C1P Shopping Center District or to a more restrictive zoning classification of an area located on the northwest corner of Ramsey Street and Country Club Drive. Planning Board recommended approval. Planner Mitchell stated this area was rezoned at the May 23 meeting and Attorney Richard Wiggins had requested a rehearing on this matter at the June 13 meeting and council had referred it back to the Planning Board for review and rehearing at this time.

Attorney Wiggins was recognized for the petitioner and requested rezoning from R10 and C1 to C1P.

Mrs. Fred Warwick, 116 Country Club Drive, was recognized in opposition. Mr. Clinton Harris of 110 Chloe Drive was also recognized and requested pedestrian rights-of-way in this area.

Following some discussion, Mr. Dawkins offered motion to follow the foregoing recommendation of the Planning Board, motion failed for lack of a second.

Following some further discussion, Mr. George offered motion to continue this public hearing to the next regular meeting on September 12, 1977, 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 C1P Shopping Center District or to a more restrictive zoning classification of an area located at the northwest corner of Helen Street and Highway 59. Planning Board recommended denial of C1P and approval of C1A.

Attorney Robert H. Butler was recognized for the petitioner, Green Valley Estates. Attorney Ervin Baer was also recognized for the petitioner.

Attorney Elvis Lewis was recognized representing residents of Green Valley, Englewood and Forest Hills in opposition to the commercial zoning. Mr. George Hardwick, a resident of the area was recognized in opposition. Mr. Milton Ingeman was also recognized in opposition and approximately 50 persons were present in the audience in opposition to the commercial zoning. Colonel Sumner E. Smith, developer of Forest Hills, was recognized in opposition and requested that the city buy the land in question and develop it into a recreation area.

Following some discussion, Mr. Dawkins offered motion to deny the rezoning, seconded by Mr. Shields and carried unanimously.

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 an area located at 2700 Murchison Road. Planning Board recommended approval.

Mr. Joe Thompson, the owner, was recognized for the zoning. There was no opposition present.

Ordinance title:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R5A RESIDENTIAL DISTRICT, C1 LOCAL BUSINESS DISTRICT AN AREA LOCATED AT 2700 MURCHISON ROAD. ORDINANCE NO. NS1977-84.

Mr. Dawkins 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 R5 Residential District to P2 Professional District or to a more restrictive zoning classification of an area located at 914 Hay Street. Planning Board recommended approval of rezoning the front half of the lot to P2 Professional District.

Mr. John Edge, the petitioner, was recognized and requested the rezoning.

There was no opposition present.

Mr. Dawkins then moved for approval of the rezoning as recommended by the adoption of the following Ordinance and that the back of the lot remain R5 and the front of the lot be rezoned to P2, motion seconded by Mr. Satsky and carried unanimously.

The Ordinance title appears below:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R 5 RESIDENTIAL DISTRICT TO P2 PROFESSIONAL DISTRICT AN AREA LOCATED AT 914 HAY STREET. ORDINANCE NO. NS1977-85.

All of the foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1977.

A public hearing had been published for this date and hour on the proposed annexation of the Barbour properties located on Vesper Lane. The Annexation Technical Review Committee recommended approval.

Mr. Ronald Barbour was recognized in opposition to the annexation of lot #2, his property, and presented a petition of opposition to the extension of Vesper Lane.

Mr. Carol Barbour was recognized and requested annexation of lot #1, his property but not lot #2.

Following some discussion, Mr. Satisfsky offered motion for the annexation of lot #1 but the motion failed for the lack of a second.

Following some further discussion, Mr. George offered motion for the annexation of the areas in question as recommended but his motion failed for lack of a second.

Following some further discussion, Mr. Shields offered motion the annexation of both lots as recommended, motion seconded by Mr. George and carried: Mr. Satisfsky voting no.

The annexation ordinance title appears below:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL ANNEXING THE BARBOUR PROPERTIES LOCATED ON VESPER LANE. ANNEXATION # 198.

A public hearing had been published for this date and hour on the proposed annexation of 1912, 1914, 1916, 1918, 1920 and 1924 Powell Street. The Annexation Technical Review Committee recommended approval.

Mr. William McPhee and Mr. B.B. Campbell were recognized for the annexation. Mr. Frank Suber, 1924 Powell Street was recognized in opposition and stated he lived on a very limited income, was physically infirmed and could not afford to pay City taxes and for City utilities to his property.

Following some discussion, Mr. George offered motion for approval as recommended and for annexation of the property, the motion failed for lack of a second.

No further motion was made and Mayor Finch declared that no action was taken on this matter.

A public hearing had been published for this date and hour on the proposed annexation of the McCauley-McDonald property (Old Union Oil Terminal) located on the east side of Elizabethtown Road. The Annexation Technical Review Committee recommended approval. There was no opposition present.

Annexation Ordinance title:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL ANNEXING THE MCCAULEY-MCDONALD PROPERTY (OLD UNION OIL TERMINAL) LOCATED ON THE EAST SIDE OF ELIZABETHTOWN ROAD. ANNEXATION NO. 199.

Mrs. Beard 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 the Kayo Service Station property located on Raeford Road. The Annexation Technical Review Committee recommended approval. There was no opposition present.

Annexation Ordinance title:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL ANNEXING THE KAYO SERVICE STATION PROPERTY LOCATED ON RAEFORD ROAD. ANNEXATION #200.

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

All of the foregoing annexation ordinances are on file in the Clerk's office in Annexation Ordinance Book 1977.

Upon motion by Mr. Satisfsky, seconded by Mr. Dawkins and carried unanimously public hearings were set for September 26, 1977 on the following items:

- A. Consideration of the rezoning from R5 Residential District to C1 Local Business District or to a more restrictive zoning classification of an

area located on the north side of Bullock Street between Murchison Road and Slater Avenue.

- B. Consideration to grant a special use permit for a nursing home in a R6 Residential District as provided for in the City of Fayetteville Zoning Ordinance, Section 32-24 (3) located at 400 Pelt Drive.
- C. Consideration of the rezoning from R6 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification an area located at the northwest corner of Danbury Road and Granby Street.
- D. Consideration of the rezoning from R5 Residential District to M2 Heavy Industrial District or to a more restrictive zoning classification an area located between Hillsboro and Greensboro Streets north of Moore Street.
- E. Consideration of the rezoning from R5A Residential District and P2 Professional District to C1P Shopping Center District or to a more restrictive zoning classification an area located on the north side of Village Drive between Owen Drive and Friendship Drive.
- F. Consideration of the initial zoning to R10 Residential District or to a more restrictive zoning classification an area located on Mitchell Boulevard between Ireland Drive and Roxie Avenue.
- * G. Consideration of a paving petition from property owners on Pelt Drive from Murchison Road to the eastern margin of the W.L. Jackson property.

Upon motion by Mr. Dawkins, seconded by Mr. Shields and carried unanimously a public hearing was set for September 12, 1977 on the following item:

- A. Consideration of a request for a Special Use Permit for the establishment of a "Home for the Care of Children" as provided for in Section 32-24 (3) of the City of Fayetteville Zoning Ordinance for property located at 416 Chatham Street.

Upon motion by Mr. Satisfsky, seconded by Mr. Dawkins and carried unanimously a special public hearing was set for September 19 at 7:30 O'clock p.m. on the following item:

- A. Consideration of the proposed comprehensive revisions to the Fayetteville Urban Area Thoroughfare Plan.

Planning Board Matters:

Upon motion by Mrs. Beard, seconded by Mr. Dawkins and carried unanimously conditional approval was given Breezewood Plaza Group Development Program Area and final review located on Cheselka Street at Breezewood Avenue.

Upon motion by Mr. George, seconded by Mr. Satisfsky and carried unanimously, conditional approval was given Campbell's Used Car Lot preliminary and final C1P review located at 2104 Murchison Road.

Upon motion by Mr. Satisfsky, seconded by Mr. Shields and carried unanimously conditional approval was given Carpet Crafters Storage addition preliminary and final C1P review located at 4001 Raeford Road.

Council next considered Lowe's lumber shed preliminary and final C1P review located on Raeford Road. Planning Board recommended conditional approval.

Mr. Robert Ham, a representative of Lowe's, was recognized in opposition to condition #8 a requirement that the developer dedicate the portion of land indicated on the plan for the Ireland Drive Extension right-of-way and requested deletion.

Following a brief discussion, Mr. Dawkins offered motion for approval of the foregoing preliminary and final C1P review for Lowe's lumber shed as recommended by the Planning Board as stated and including all eight conditions, motion seconded by Mrs. Beard and carried unanimously.

Public Works Commission Matters:

Upon motion by Mr. Satisfsky, seconded by Mrs. Beard and carried unanimously an outside city application by Perry Horne for one one inch water connection to serve a residence at 2325 Camden Road was approved.

Upon motion by Mr. Satisfsky, seconded by Mr. Shields and carried unanimously an outside city application by Mamie Council for one one inch water connection to serve a residence at 1107 Wilmington Highway (NC-87) was approved as recommended by PWC subject to a petition for annexation being submitted and other conditions.

* Resolution title:

PRELIMINARY RESOLUTION REQUIRING THE PAVING OF PELT DRIVE FROM MURCHISON ROAD TO CARLYLE STREET. RESOLUTION NO. R1977-50.

Upon motion by Mr. Satisfsky, seconded by Mr. Shields and carried unanimously approval was given to extend the bid dated July 18, 1975 by General Electric Co. for the purchase of the seventh and eighth combustion turbine generators from major construction funds.

PWC Manager Muench stated that this approval is requested to order the seventh unit for shipment in December 1978, and the eighth unit for shipment in December, 1980. The purchase price of unit seven is 2,421,496.00 and unit eight is 2,691,000. The installation cost of each unit is \$44,990.00.

This concluded PWC matters.

The City Attorney informed the council that he had received no answer as yet from the Attorney General concerning the Ordinance requiring the Building Inspector to correct conditions of property located at 1900 Cowan Street owned by Mr. George Jeffreys.

Council next gave consideration to the matter of retaining an architect for the renovation of Central Fire Station for office space. (This matter continued from the August 8, 1977 meeting at which time the City Manager was requested to secure quotes from local architects.)

The City Manager reported he had received quotes to design and supervise the renovation of Fire Central to accommodate the Fire Administration Office as follows: Paul H. McArthur, Jr., and Associates - 10%, Mason S. Hicks - 9.1%, Gordon E. Peoples - 9%, McMillan and Mc Millan - 9%, J.J. Rose minimum \$800.00 maximum \$1500.00 plus unstated costs of the following: consultant structural engineer, printing, telephone and postage.

The City Manager stated that in his opinion, J.J. Rose was the lowest of the quotes.

Following some discussion, Mr. Dawkins offered motion to retain J.J. Rose, seconded by Mrs. Beard and carried unanimously.

Council next recognized Mr. Jim Jackson, President of the Fayetteville Junior Chamber of Commerce who introduced two other officers of the Jaycees also present with him, informed the City Council that after observing this council meeting he was more appreciative of their efforts, extended their cooperation at any time and any manner they could assist and invited the City Council to attend the Miss Fayetteville Pageant on September 3, 1977, in Reeves Auditorium at Methodist College at 8:00 P.M. at which time the Miss Fayetteville will be crowned and presented to City Council. Mayor Finch thanked Mr. Jackson for his remarks and for the invitation.

The City Manager informed council that Mr. Milton Mazarick of the Recreation and Parks Advisory Commission, who was to present a request for a special activity center on Washington Drive had requested cancellation of this request to a later date.

Council next gave consideration to an ordinance amending Chapter 20, Article 11, City Registration of Vehicles of the Code of Ordinances. The City Manager presented this matter and stated this ordinance would increase the price of City tags to \$5.00 as directed by council to be effective January 1, 1978.

Ordinance title:

AN ORDINANCE AMENDING CHAPTER 20, ARTICLE 2, CITY REGISTRATION OF VEHICLES OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1977-3.

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

Council next gave consideration to an ordinance amending Chapter 7, Article 2, Dogs of the Code of Ordinances.

The City Manager presented this matter and stated this ordinance would increase the license tax to \$5.00 on each dog effective January 1, 1978.

Ordinance title:

AN ORDINANCE AMENDING CHAPTER 7, ARTICLE 2, DOGS OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1977-4.

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

Copies of the foregoing ordinances are on file in the Clerk's office in Ordinance Book S1977.

Council next gave consideration to an offer from N.C. Dept. of Transportation Right-of-way Division for right-of-way on Cliffdale Road at the site of Fire Station #6.

The City Manager presented this matter and stated the D.O.T. has offered the

City \$3,281.00 in consideration of taking of a small portion of land from the frontage of the new Fire Station #6 on Cliffdale Road. He stated he believed the offer is a reasonable one and recommended that the council authorized the Mayor to sign the deed of easement.

Following a brief discussion, Mr. Satsky offered motion, seconded by Mr. Dawkins for approval of the foregoing and that the Mayor be and she hereby is authorized and directed to sign the deed of easement for the City, motion carried unanimously.

Council next gave consideration to a resolution applying for an LEAA Grant for an Auto Theft Specialized Unit for the Police Dept. The City Manager presented this Resolution, recommended its adoption informing council that the Federal Subgrant dollar request would be in the amount of \$9000.00 for which the City would make a local cash matching contribution in an amount of \$500.00.

Resolution title:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE APPLYING FOR FEDERAL SUBGRANT IN THE AMOUNT OF \$9000.00 WITH A LOCAL CASH MATCHING CONTRIBUTION OF \$500.00 FOR AN AUTO THEFT SPECIALIZED UNIT FOR THE FAYETTEVILLE POLICE DEPT. RESOLUTION NO. R1977-51.

Mr. Satsky 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 Clerk's office in Resolutions Book R1977.

Council next gave consideration to 6 ordinances imposing liens against real property for the demolition of substandard structures at various locations in the City.

Upon motion by Mr. Satsky, seconded by Mr. Dawkins and carried unanimously the ordinances were adopted at 11:30 o'clock P.M. The ordinance titles appear below:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$125.00 AGAINST PROPERTY LOCATED AT 521 GREER AVENUE AND OWNED BY GERALD WAITMAN. ORDINANCE NO. NS1977-86.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$225.00 AGAINST PROPERTY LOCATED AT 624 GREER AVENUE AND OWNED BY GRADY W. BELL HEIRS. ORDINANCE NO. NS 1977-87.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF 213.00 AGAINST PROPERTY LOCATED AT 815 BARNES STREET AND OWNED BY MARTHA EVANS, HEIRS. ORDINANCE NO. NS1977-88.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$200.00 AGAINST PROPERTY LOCATED AT 926 TAFT STREET AND OWNED BY JAMES MCNEILL. ORDINANCE NO. NS 1977-89.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$115.00 AGAINST PROPERTY LOCATED AT 206 WALL STREET AND OWNED BY LACY MCDOUGALD, JR. ORDINANCE NO. NS1977-90.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$150.00 AGAINST PROPERTY LOCATED AT 115 JONES STREET AND OWNED BY CHARLIE MCDOUGALD. ORDINANCE NO. NS1977-91.

Copies of all of the foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1977.

Council next gave consideration to approving taxicab driver permits and upon motion by Mr. Satsky, seconded by Mr. George and carried unanimously, taxicab driver permits were approved for the following named as recommended by the Taxi Inspector, the Chief of Police and the City Manager: George Thomas McIntyre, Mary T. Durham, Joseph Williams, Jr., Charles Lewis, Charles Bruce Easley, Clyde O'Neal, Jr., Robert L. Quick, Robert Joseph Frost, Theresa Marie Robertin, Carol L. Strong, Samuel Lee Bailey, Earnest Quick, Calvin Willie Young, Jim W. Lemley, William David Council, Hubert Eldon Roscoe and Glenn Williams.

Council next gave consideration to an appointment to the Public Works Commission Retirement Plan.

Mr. Satsky nominated Attorney Neill Fleishmann.

Mr. George then offered ^{motion,} seconded by Mr. Dawkins and carried unanimously that nominations be closed and Mr. Fleishmann be and he hereby is appointed by acclamation vote to the Public Works Commission Retirement Plan for a term of five years, said term expiring in June 1982.

Delegations:

Mayor Finch recognized Mr. Clinton Harris who requested pedestrian rights-of-way at various places throughout the city and that the assessment of Mr. Rufus

Washington be reduced to \$4.00 from \$5.00.

City Manager reports:

The City Manager reported on position classification plan changes in reclassification and made the following recommendations: 1. Reclassification of position of Superintendant City Buildings from Grade 13 to 14. 2. Reclassification of position of Assistant Director of Human Relations from Grade 11 to 12. 3. Add the new position of Assistant Director of I.D. at Grade 14. 4. Delete Photo Lab Technician Grade 2 from I.D. Bureau. 5. Delete the term Janitor/Maid, Grade 4 and substitute Building Custodian 1 and 2 Grades 4 and 5 respectively. 6. Reclassify Patrolman II from Grade 14 to Grade 13.5. 7. Add new position of Patrolman III, grade 14. 8. Reclassify Fireman II, grade 12 to grade 11.5. 9. Add new position of Fireman III, grade 12. 10. Reclassify position of Senior Accounting Clerk from grade 9 to grade 10. 11. Reclassify position of Traffic Services Supervisor from grade 17, to 18.

The City Manager informed council that other changes were under consideration and will be presented at a later date.

There was then a detailed discussion of Fireman I, II, and III.

Mr. George then offered motion to continue this matter until the next regular meeting at which time Mr. Thomas will bring back recommendations concerning a proposal for Fireman I, II and III, and the procedure for promotion, seconded by Mrs. Beard and carried unanimously.

The City Manager next made a report and recommendation on the relocation of the Engineering Dept. and Fire Dept. Administration offices. Due to the sale of the property where these offices are located to First Union Bank for the construction of the new building, and stating that the deadline for vacating is September 8, 1977, the City Manager stated that the Fire Dept. will relocate to the second floor of Central Fire Station. Engineering had been considered for relocation to City Hall, however, if this move were made a separate heating and airconditioning system would be required for the third floor and the present elevator would have to be reconditioned at a cost of \$80,000.00. A new external elevator situated on the east wall of City Hall would cost \$60,000.00. Therefore, City Hall is not the solution.

Mr. Thomas stated he proposed other uses for City Hall, such as relocating the Personnel Dept. and the Administrative Assistant to the City Manager since there was no more room at the Kyle House for these offices and the Personnel should be relocated on a first floor with a ramp to accomodate the handicapped and the growing number of persons using the Personnel office daily.

Mr. Thomas then made the following recommendations: A. relocate Personnel to the first floor of City Hall with a ramp. B. Relocate Engineering to temporary quarters and authorize the leasing of such quarters for 1 year with the provisions for extension to a second year at a cost not to exceed \$8400.00. C. Move the Personnel office to the first floor of City Hall and allocated \$4,000.00 to meet relocation costs of Engineering and Personnel. (Mr. Thomas stated that he had two possibilities for Engineering relocation.)

Mr. Dawkins then offered motion that the City Manager be and he hereby is authorized to act on the foregoing recommendations, seconded by Mr. Satsky and carried Mrs. Beard voting no.

This concluded City Managers reports.

Council next recognized the City Attorney who stated that the contract had been drawn and submitted on the Prince Charles Hotel purchase. It will be reviewed and be ready by tomorrow afternoon. The County Commissioners wish to close this matter on September 1. The City Attorney stated he is meeting with the hotel owner's attorney, Mr. Stacy Weaver tomorrow and they will finalize the contract and it will be placed in the mail to the council by Wednesday. The City Attorney requested that council meet in special session at 5:00 p.m. next Monday, August 29, to act on the matter.

City Council followed the City Attorney's recommendation and set a special meeting for 5:00 p.m., Monday August 29, as requested.


Matters of interest to the City Council:

Mrs. Beard stated that several merchants in the 400 block of Franklin Street had suffered considerable rain water in their places of business during several recent heavy rainfalls. The City Manager was requested to have this problem checked out by the Street Dept. for correction.

Mr. George requested the City Manager to notify the First Baptist Church on Moore Street as to when work will start on the ditch which runs on the north side of their property.

Mayor Finch informed council that the Downtown Revitalization Commission had requested a meeting and had asked council if one could be scheduled. No date could be reached so Mayor Finch stated she would contact Mr. Bernard Stein to reschedule such a meeting.

Thereafter, all matters of business having been completed, this regular session was adjourned at 12:05 a.m. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

SPECIAL MEETING
MONDAY, AUGUST 29, 1977
5:00 P.M.
KYLE HOUSE

Present: Mayor Beth Finch

Council Members: J.L. Dawkins, Gene Plummer, Vincent Shields and Steve Satsky.

Absent: Councilmembers: Marie Beard and Marion George

Others Present: William G. Thomas, III, City Manager
Robert Cogswell, Interim City Attorney
George McCarthy, Finance Officer
Robert M. Bennett, City Engineer
John Smith, Assistant City Manager

Others Present: Mr. Raymond Pittman, Owner, Prince Charles Hotel
Attorney Stacy Weaver, Attorney for Mr. Pittman

Mayor Finch called the meeting to order for the purpose of considering the contract on the Sears Building and the purchase of the Prince Charles Hotel property on the north side of Hay Street. Mayor Finch called on Interim City Attorney Robert Cogswell who presented Council with an explanation of the contract.

Mr. Plummer then offered motion at 5:20 p.m. that the Council be called into official session for the purpose of taking action on this contract concerning the Sears Building. Motion seconded by Mr. Dawkins and carried unanimously.

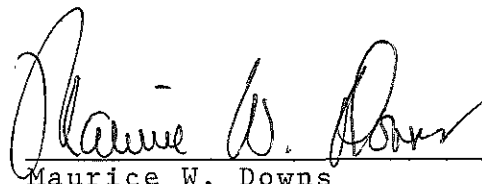
Mr. Satsky then offered motion for the adoption of the Capital Project Ordinance to cover purchase of land on the north side of Hay Street. Motion seconded by Mr. Plummer and carried unanimously. (the Ordinance title appears below)

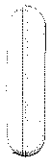
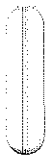
CAPITAL PROJECT FUND ORDINANCE AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 159-13.2. ORDINANCE NO. NS1977-92.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1977.

Mr. Satsky then offered motion to adopt the contract as corrected and authorize the Mayor to sign. Motion seconded by Mr. Shields and carried unanimously.

The meeting was then adjourned at 5:35 p.m. upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
SEPTEMBER 12, 1977
8:00 P.M.

Present: Mayor Finch

Council Members: Mrs. Marie Beard, Mr. J.L. Dawkins, Mr. Marion C. George, and Mr. Vincent Shields.

Council Members Absent: Gene Plummer and Steve Satisfsky.

Others Present: Mr. William G. Thomas, III, City Manager
Mr. Robert Cogswell, Interim City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and the Reverend Vernon Tyson, Minister of Hay Street United Methodist Church offered the invocation. Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch recognized Youth Council Representatives Debbie West, Mary Ellen Lively and Ronald McNairy.

Upon motion by Mr. Dawkins, seconded by Mr. George and carried unanimously, minutes of the regular meeting of August 22 were approved as submitted by the Clerk.

Upon motion by Mr. Shields, seconded by Mr. Dawkins and carried unanimously, minutes of a Special Meeting of August 29, 1977 were approved as submitted by the Clerk.

Public Hearings:

Reconsideration was given a petition for the rezoning from R10 Residential District and C1 Local Business District to C1P Shopping Center District or to a more restrictive zoning classification of an area located on the northwest corner of Ramsey Street and Country Club Drive. (This public hearing was continued from the August 22 meeting). Planning Board recommended approval of rezoning the total tract to C1P.

Attorney Richard Wiggins was recognized for the petitioner and property owner, Tarts Investment Corporation and requested the rezoning.

Mrs. Fred Warwick of Country Club Drive an adjacent property owner was recognized with a question on buffer zones and in opposition to the rezoning.

Mr. Clinton Harris of 110 Chloe Drive was recognized in opposition to the rezoning.

Following a brief discussion, Mrs. Beard offered motion to rezone the area to C1P Shopping Center District as recommended by the Planning Board and by the adoption of an ordinance, motion seconded by Mr. Dawkins and carried unanimously. The ordinance title appears below.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R10 RESIDENTIAL DISTRICT AND C1 LOCAL BUSINESS DISTRICT TO C1P SHOPPING CENTER DISTRICT AN AREA LOCATED ON THE NORTHWEST CORNER OF RAMSEY STREET AND COUNTRY CLUB DRIVE. ORDINANCE NUMBER NS 1977-93.

A copy of the foregoing ordinance is on file in the clerk's office in Ordinance Book NS1977.

A public hearing had been published for this date and hour on a request for a Special Use Permit for the establishment of a Home for the Care of Children as provided for in Section 32-24 (3) of the City of Fayetteville Zoning Ordinance for property located at 416 Chatham Street and leased to the County of Cumberland. Planning Board recommended conditional approval that the applicant prepare a parking plan in accordance with the ordinance (five parking spaces required) prior to the issuance of any permits, that the site be developed in accordance with the plan submitted and parking plan as required above, and that the City Engineer approve the parking plan and drainage plan.

Mr. Bob Searle, of the Cumberland County Department of Social Services was recognized and described intended residential group home facility pointing out that a maximum of nine youths between the ages of nine through seventeen would use the facility. In addition, house parents trained for this purpose would be present at all hours or relieved by trained personnel.

There was no opposition present.

Following a brief discussion, Mr. Shields offered motion for approval of the foregoing request and the granting of the special use permit as recommended by the Planning Board, motion seconded by Mrs. Beard and carried unanimously.

Upon motion by Mrs. Beard, seconded by Mr. Dawkins and carried unanimously the following Public Hearings were set: The first for October 10, 1977 and the

second for September 26, 1977.

1. The rezoning from R6 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification of an area located at 1803 Pamalee Drive.
2. The paving pursuant to petition of Sandhurst Drive by the adoption of the following Resolution:

Resolution Title:

PRELIMINARY RESOLUTION REQUIRING THE PAVING, PURSUANT TO PETITION OF SANDHURST DRIVE FROM THE END OF PAVEMENT ON BEAUMONT ROAD TO 50 FEET WEST OF THE NORTH-WEST CORNER OF LOT 11, BLOCK H, PLAT BOOK 18, PAGE 38 CUMBERLAND COUNTY REGISTRY. RESOLUTION NO. R1977-52.

A copy of the foregoing Resolution is on file in the Clerk's office in Resolutions Book R1977.

Public Works Commission matters:

Mr. Ray Muench, PWC Manager, presented the PWC matters.

Upon motion by Mrs. Beard, seconded by Mr. George and carried unanimously one 1-inch water connection to an existing main to serve a residence at 1940 Owen Drive owned by Billy Cain was approved.

Upon motion by Mr. Dawkins, seconded by Mrs. Beard and carried unanimously, one 1-inch water connection to an existing main to serve a residence at 3441 Rosehill Road and owned by Elliott Quick was approved.

Upon motion by Mr. George, seconded by Mrs. Beard and carried unanimously an extension of approximately 380 feet of 6-inch water main to serve residences at 1912, 1914, 1916 and 1918 Powell Street was approved.

This concluded the PWC matters.

Council next gave reconsideration to an ordinance requiring the Building Inspector to correct conditions of property located at 1900 Cowan Street, owned by Mr. George Jeffreys. (this matter continued from several previous meetings)

Interim City Attorney Cogswell informed council that he had not as yet received an answer from the State Attorney General's Office as directed by the council.

Mr. George suggested that the council consider acquiring a quitclaim deed from Mr. Jeffreys for a nominal consideration and permit him to remove all physical property from the lot.

Mr. Cogswell advised council to wait for the opinion from the State Attorney General's Office.

Following some discussion of this matter, Mr. Shields offered motion, seconded by Mr. Dawkins and carried unanimously to continue this matter to the meeting following the receipt of the answer from the State Attorney General's Office.

Council next gave consideration to a request from property owners on Rosehill Road for clarification of the Rosehill Road street resurfacing.

City Engineer Bob Bennett, reviewed City Council's action on April 25, 1977, in ordering this section of street paved. He stated that on April 25, 1977, City Council conducted a public hearing concerning improvements of Rosehill Road from Ramsey Street to U.S. 401 By-Pass. Several property owners attended this meeting and offered suggestions.

The Council action was to make improvements similar to N.C. Highway 53, which serves Rohm & Haas east of the City and \$352,000.00 was approved for the project. The project as approved by the council is to resurface a two-lane width, provide a rumble strip on each side of the driving lanes and to provide widened shoulders for safety purposes. Of the \$352,000.00 approved \$100,000.00 was for right-of-way acquisition and \$252,000.00 is for construction. The project is to be assessed at \$2.00 per linear foot. The rumble strips, wider shoulders and bank sloping dictate a minimum of 10 feet of right-of-way acquisition on each side of the existing right-of-way.

Mr. Robert C. Williams, a property owner on Rosehill Road, was recognized representing himself and other property owners on Rosehill Road. Mr. Williams presented a request for himself and other property owners seeking clarification of the April 25th action on the improvements and specifically concerning any additional right-of-way except at the bridge and intersections and requested that the City discontinue its effort to acquire the additional 10 feet of right-of-way on either side of Rosehill Road and the 20 feet additional on the south side across from LaFayette Cemetery. He requested that the improvements be made within the existing right-of-way without any additional acquisition of right-of-way except at the bridge and intersections and for the same \$2.00 assessment as previously approved on April 25, 1977.

Following some discussion, Mr. George offered motion that City Council amend the

action taken on April 25, 1977 with reference to the paving method and width and lanes and that rather than constructing the two lanes with rumble shoulders as stated, we will construct the four lane roadway with curb and gutter as outlined by the City Engineer and with the further understanding City Administration will be authorized to acquire the additional property needed at intersections to construct the road, motion seconded by Mr. Dawkins and carried unanimously.

Dr. Mason Quick, a Rosehill Road property owner, was also recognized and requested additional information on condemnation proceedings and the City Attorney was requested to furnish the information desired.

Council next gave consideration to condemnation of parcels in the Southeast Neighborhood Development Program. Mr. Richard Herrera, of the Office of Community Development presented these proposed condemnations and requested approval. The parcels are as follows: L-7, E.H. Williamson Estate, \$4,600.00, will not accept offer. Parcel M-1, E.H. Williamson Estate, \$2,200.00 will not accept offer. Parcel M-5, E.H. Williamson Estate, \$5,000.00, will not accept offer.

Following a brief discussion, Mr. Dawkins offered motion to approve the condemnations for the foregoing parcels as recommended, motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to submitting redevelopment plans for review by the Planning Board.

Mr. Herrera also presented this matter and requested the Council's authorization for submission. He stated the plans included 1. Wilmington Road Neighborhood Development Project, 2. Collier Drive Community Development Project and 3. Adams Court Development Project.

Following a brief discussion, Mr. Dawkins offered motion to grant authorization requested, motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to a resolution authorizing the sale of surplus personal property by the Fire Department.

The City Manager presented this matter and stated that he and the Fire Chief recommend adoption of the resolution which would authorize the sale of one refrigerator by private sale for a minimum amount of \$100.00.

Resolution title:

RESOLUTION AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY. RES. NO. R1977-53.

Mrs. Beard introduced the foregoing Resolution and moved its adoption, seconded by Mr. Dawkins and carried unanimously.

A copy of the foregoing Resolution is on file in the clerk's office in Resolutions Book R1977.

Council next gave consideration to the award of bids.

These matters were presented by the City Manager.

Upon motion by Mr. Dawkins, seconded by Mrs. Beard and carried unanimously the bid of Eastman Kodak in the amount of \$3,302.85 was approved for a microfilm reader/printer for the Finance Department.

Upon motion by Mr. Dawkins, seconded by Mrs. Beard and carried unanimously the bid of LaFayette Ford in the amount of \$10,487.00 for two Fire Department automobiles and the bid of Bryan Pontiac-Cadillac in the amount of \$18,720.93 for four Inspection Department automobiles was approved.

Upon motion by Mrs. Beard, seconded by Mr. Dawkins and carried unanimously the bid of American LaFrance in the amount of \$73,606.00 for one Fire Department Pumper truck was approved.

Upon motion by Mr. Shields, seconded by Mrs. Beard and carried unanimously the bid of Bradford Sales Company in the amount of \$17,486.00 for two additional prefabricated metal comfort stations to be used in City Parks was approved.

Upon motion by Mrs. Beard, seconded by Mr. Dawkins and carried unanimously the bid of Motorola Communications and Electronics Inc. in the amount of \$7,550.40 was approved for five additional portable (walkie-talkie) radio units for the Police Department.

Council next gave consideration to appointments.

Three appointments to the Human Relations Advisory Commission for two resignations and one vacancy created for missing three consecutive months of meetings were deferred until the next regular meeting of the City Council.

Mayor Finch informed council that one vacancy had been created on the Joint Planning Board due to the resignation of Mrs. Barbara Todd.

Mr. Dawkins nominated Mrs. Sue Hobgood.

Mr. Shields then offered motion that nominations be closed and that Mrs. Hobgood be appointed by acclamation to complete the term of Mrs. Todd run to June 1980, motion seconded by Mr. George and carried unanimously.

Mayor Finch informed council that she had appointed Mr. Hawkins Stanton to the Metropolitan Housing Authority due to the resignation of Mrs. Nancy Bruns.

There were no delegations present.

Council recognized Interim City Attorney Cogswell who informed them that he had received a reply from the State Attorney General's Office concerning the Mrs. Geneva Foushee paving assessment interest matter. Mr. Cogswell informed council that he had been advised by the Attorney General's opinion that the action taken by council in forgiving this interest was not legal.

Following a brief discussion, Mr. George offered motion to continue consideration of this matter until the September 26, 1977 regular meeting and a copy of the City Attorney's letter to the State Attorney General be furnished to each council member and to the person affected, motion seconded by Mr. Shields and carried unanimously.

Mr. Cogswell reminded council that according to the law, it could be subject to suit during the interim.

City Manager Reports:

The City Manager stated the following named applicants had been certified by the Civil Service Commission for the position of Police Officer and are recommended by himself and the Chief of Police: Dwight Talton, Calvin Gray, Peter Hathaway, Howard Edsall, Gwendolyn Newton, Ronnie Purdy, Samuel Sessoms, James Luladakes, Joseph Cervantes, Robert Shamborg, Larry Williams, Edwin Rabens, III, Lieutenant Sellar, Charlie Baxley, Glenn Griffith and Leon Byers.

Mr. Dawkins offered motion for approval of the foregoing as recommended, seconded by Mrs. Beard and carried unanimously.

On the personnel reclassification matter presented by the City Manager at the last council meeting and continued until this time, council heard request from the City Manager for a postponment of this matter for an additional two weeks in order to prepare and make recommendations.

Mr. Dawkins offered motion, seconded by Mrs. Beard and carried unanimously that such postponment be approved as requested by the City Manager.

Attorney Cogswell informed council that a request had been made for council approval of legal assistance for two Police Officers and requested an executive session at the end of this regular meeting.

Matters of interest to the City Council:

Mr. George stated that the first part of the Downtown Circulation Plan had been completed and then offered motion for completion of the inner or second loop and authorize that improvement for the extension of Bow Street, Maiden Lane to tie to Caswell Street at grade level, motion seconded by Mrs. Beard and carried unanimously.

Mrs. Beard asked about the Vista Drive Park. The City Manager stated that this was an eight acre site on Turnpike Road between Isley Street at Rochester which was being cleaned up by Recreation & Parks Department but that no plans for such a park were presently being considered.

Mrs. Beard inquired about life insurance for City Employees, and the City Manager replied that the local government employees retirement system had been contacted concerning this and such plans were being developed and he hoped to have something within a month to present to council.

Mrs. Beard stated that with the opening of the middle school on Raeford Road, only one school crossing was provided and that persons were concerned about the safety of the children crossing Raeford Road. The City Manager was requested to check this.

Mayor Finch stated to council that the Downtown Revitalization Commission still wanted a meeting with City Council.

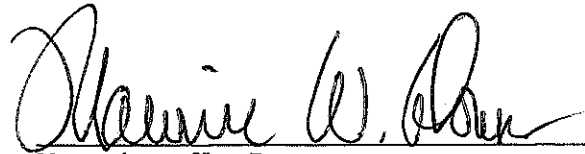
Mr. George offered motion to request recommendations from the Commission in writing and then set a meeting, seconded by Mr. Shields and carried unanimously.

Mr. Shields then offered motion, seconded by Mr. George and carried unanimously to adjourn into executive session at 10:20 P.M. to discuss the Police Department Personnel matter.

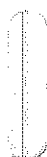
Council then reconvened into regular session out of executive session at 10:40 P.M.

Mr. George then moved that an attorney be employed by the City to represent the two officers in question, Officers W.D. Simons and S.A. Shane. The motion was seconded by Mrs. Beard and carried unanimously.

Thereafter all matters of business having been completed this meeting was adjourned at 10:45 P.M. upon motion made and duly seconded.



Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MONDAY, SEPTEMBER 26, 1977
8:00 P.M.

Present: Mayor Beth Finch

Council Members: Mrs. Marie Beard, Mr. J.L. Dawkins, Mr. Marion C. George, Jr., Mr. Vincent Shields and Mr. Steve Satsky.

Absent: Mr. Gene Plummer

Others Present: Mr. William G. Thomas, III, City Manager
Mr. Robert C. Cogswell, Interim City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and Pastor Marvin Brown, Abner Chapel, Seventh Day Adventist Church offered the invocation. Following the invocation, Mayor Finch led the audience in the Pledge of Allegiance to the Flag.

Mayor Finch recognized Youth Council Representatives Mary Gilliam, Martha Maxwell and Cindy Muncy present in the audience to observe council proceedings.

First order of business was the approval of the minutes of the regular meeting of September 12, 1977 and upon motion by Mr. Dawkins, seconded by Mrs. Beard and carried unanimously said minutes were approved as submitted by the clerk.

Mayor Finch informed the council members that Mr. Cogswell had requested an executive session at the end of this meeting to consider some legal actions. There was no objection voiced. Mayor Finch welcomed the large crowd present in the council chamber this evening, invited their active participation in City Government affairs and to come back again.

Public Hearings:

First consideration was given to the proposed comprehensive revisions to the Fayetteville Urban Area Thoroughfare Plan. (This matter continued from the public hearing held in the council chamber last Monday, September 19, 1977 in order to receive additional input from the general public regarding the proposed revisions.) At the public hearing on this matter, Mrs. Beard had suggested in view of the fact that only approximately six persons were present then, this matter be carried over until this evening to give the news media time to give it publicity so that persons interested in this matter could be present this evening and voice any comments.

Mayor Finch called on Planning Director, Cliff Strassenburg, who made some brief comments concerning the revisions and offered to answer any questions that might be asked this evening.

Mayor Finch asked if there were any proponents who wished to be heard and there were none.

Mayor Finch then asked if there were opponents to be heard and Mr. Clinton Harris was recognized in opposition to certain aspects of the planned revisions inasmuch as those plans did not include sidewalks, pedestrian rights-of-way and bike paths.

Next recognized was Mr. Neil McNeil of 1702 Rodgers Drive speaking for himself and presenting a 527 signature petition of opposition to the proposed extension of Jasper Street through to Lyon Road. It was Mr. McNeil's contention that should this extension be made, the residents and property owners of Greenwood Subdivision would be hurt by the additional traffic into their neighborhoods and to a reduction in the value of their properties.

Mr. S.M. Holmes of Edenwood Drive in the same locality was recognized also in opposition to the proposed Jasper Street Extension and for the same reasons stated by Mr. McNeil.

Mr. Shields commented that he too, was against the extension of Cain Road and Jasper Street as thoroughfares into residential neighborhoods.

Mrs. Beard voiced the same opinion and commented that Council should leave the residential areas alone.

Following some discussion of this matter, Mr. Satsky offered motion that the connector of Ft. Bragg Boulevard to Raleigh Road be deleted from the thoroughfare plan, motion seconded by Mr. Dawkins and carried unanimously.

Mr. George then offered additional motion that no further action be taken by the City Council at this time on the thoroughfare plan and that it be continued for further study, 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 C1 Local Business District or to a more restrictive zoning-classification of an area located on the north side of Bullock Street between Murchison Road and Slater Avenue. Planning Board recommended approval.

Mr. James Ratchford, the Petitioner, was recognized. There was no opposition present.

Ordinance title:

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 ON THE NORTH SIDE OF BULLOCK STREET BETWEEN MURCHISON ROAD AND SLATER AVENUE. ORDINANCE NO. NS1977-94.

Mr. George 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 a request to grant a Special Use Permit for a nursing home in an R6 Residential District located at 400 Pelt Street.

Mr. Lory Williams, the petitioner, was recognized and stated that a rest home retirement facility would be constructed on the site consisting of 20 semi-private rooms with a capacity for 44 beds. Mr. Williams further stated that an adult day care facility would also be part of the operation. There was no opposition present.

Following a brief discussion, Mrs. Beard offered motion for the approval of the request and to grant a Special Use Permit for the nursing home as petitioned, motion seconded by Mr. George 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 northeast corner of Danbury Road and Granby Street. Planning Board recommended approval.

Attorney Jerome Clark was recognized for the petitioner. There was no opposition present.

Ordinance title:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R6 RESIDENTIAL DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED AT THE NORTHEAST CORNER OF DANBURY ROAD AND GRANBY STREET. ORDINANCE NO. NS1977-95.

Mrs. Beard introduced the foregoing ordinance and moved its adoption, seconded by Mr. Satsky and 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 between Hillsboro and Greensboro Streets north of Moore Street. Planning Board recommended approval.

Mr. Matthew Smith for M.M. Smith Storage Co., the petitioner, was recognized for the rezoning. There was no opposition present.

Ordinance title:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R5 RESIDENTIAL DISTRICT TO M2 HEAVY INDUSTRIAL DISTRICT AN AREA LOCATED BETWEEN HILLSBORO AND GREENSBORO STREETS NORTH OF MOORE STREET. ORDINANCE NO. NS1977-96.

Mr. Satsky 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 R5A Residential District and P2 Professional District to C1P Shopping Center District or to a more restrictive zoning classification of an area located on the north side of Village Drive between Owen Drive and Friendship Drive. Planning Board recommended denial of C1P and approval of P2 for the entire tract.

Attorney Stacey Weaver was recognized for the petitioner, Village Drive Properties, and stated his client wished to modify their request, that a depth of 400 feet along Village Drive be rezoned C1P and the balance P2.

Dr. Tom Woodworth, a resident of the area was recognized and requested P2 and opposed to C1 zoning.

Mr. James Daughtry, a resident of the area was recognized for himself and approximately 15 others present in the audience in opposition to C1P and suggested that the frontage along Village Drive be rezoned to P2 and the balance remain R5A.

Mr. Ray Espy, resident of Glendale Acres in opposition to C1P and P2 for Village Drive frontage and the balance R5A.

Following a brief discussion, Mrs. Beard offered motion to rezone P2 the area 350 feet in depth along that line of the bank lot on Village Drive and the balance of the area zoned R5A by the adoption of the following ordinance, motion seconded by Mr. Shields and carried unanimously.

Ordinance title:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R5A RESIDENTIAL DISTRICT TO P2 PROFESSIONAL DISTRICT AN AREA LOCATED ON THE NORTH SIDE OF VILLAGE DRIVE BETWEEN OWEN DRIVE AND FRIENDSHIP DRIVE. ORDINANCE NO. NS1977-97.

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 on Mitchell Blvd. between Ireland Drive and Roxy Avenue. Planning Board recommended approval. There was no opposition present.

Ordinance title:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE INITIALLY R10 RESIDENTIAL DISTRICT AN AREA LOCATED ON MITCHELL BLVD. BETWEEN IRELAND DRIVE AND ROXY AVENUE. ORDINANCE NO. NS1977-98.

Mr. Satsky 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 paving, pursuant to petition from the property owners on Pelt Drive from Murchison Road to the eastern margin of the W.L. Jackson property. (Carlyle Street) The clerk certified that copies of the preliminary resolution had been mailed to all property owners informing them of this public hearing tonight. The City Engineer presented this matter. There was no opposition present.

Resolution title:

FINAL RESOLUTION REQUIRING THE PAVING, PURSUANT TO PETITION OF PELT DRIVE FROM MURCHISON ROAD TO THE EASTERN MARGIN OF THE W.L. JACKSON PROPERTY. (CARLYLE STREET). RESOLUTION NO. R1977-54.

Mr. Satsky offered the foregoing motion and moved its adoption, seconded by Mr. Dawkins and carried unanimously.

A public hearing had been published for this date and hour on the paving, pursuant to petition from the property owners of Sandhurst Drive from the end of the existing pavement at Beaumont Road to 50 feet west of the northwestern corner of Lot 11.

The clerk certified that copies of the preliminary resolution had been mailed to all property owners informing them of the hearing tonight. The City Engineer presented this matter. There was no opposition present.

Resolution title:

FINAL RESOLUTION REQUIRING THE PAVING, PURSUANT TO PETITION OF SANDHURST DRIVE FROM THE END OF EXISTING PAVEMENT AT BEAUMONT ROAD TO 50 FEET WEST OF THE NORTHWESTERN CORNER OF LOT 11, BLOCK H, PLAT BOOK 18, PAGE 38 CUMBERLAND COUNTY REGISTRY. RESOLUTION NO. R1977-55.

Mr. Dawkins introduced the foregoing Resolution and moved its adoption, seconded by Mrs. Beard and carried unanimously.

In connection with the foregoing matter, Mr. Dawkins then offered motion that the installation of the utilities on Sandhurst Drive be negotiated and approved with PWC in accordance with PWC Extension Policies, motion seconded by Mrs. Beard and carried unanimously.

Copies of all of the foregoing ordinances and resolutions are on file in the City Clerk's office in Ordinance Book NS1977 and Resolutions Book R1977.

Upon motion by Mr. Satsky, seconded by Mr. George and carried unanimously, public hearings were set for October 24, 1977, on the following items:

- A. Consideration of the rezoning from R5 Residential District to P2 Professional District or to a more restrictive zoning classification of an area located at 908 and 910 Hay Street.
- B. Consideration of a request for a special use permit for a parking lot in an R5 Residential area as provided for in the City of Fayetteville Zoning Ordinance, Section 32-23(1a) an area located at 914 Hay Street.
- C. Consideration of the initial zoning to M2 Industrial District or to a more restrictive zoning classification an area located on the south side of Elizabethtown Road between Gillespie Street and Wilmington Road.
- D. Consideration of the initial zoning to C (1) P Shopping Center District, C3 Heavy Commercial District, R6 Residential District, M1 Industrial District and M2 Industrial District or to a more restrictive zoning classification an area located along West Hudson Street between Cumberland Road and U.S. 301.
- E. Consideration of the initial zoning to C1P Shopping Center District or to a more restrictive zoning classification an area located at 4299 Raeford Road.
- F. Consideration of the rezoning from R5A Residential District to P1 Professional District or to a more restrictive zoning classification an area located on Melrose Road between Walter Reed Drive and Roxie Avenue.
- G. Consideration of the rezoning from R5 Residential District to C1 Local Business District or to a more restrictive zoning classification an area located on Grove Street between HWY 301 North and "B" Street.
- H. Consideration of the initial zoning to R10 Residential District or to a more restrictive zoning classification an area located on Vesper Lane between Rose's Lake and Rosehill Road.
- I. Consideration of the initial zoning to C1P Shopping Center District, C3 Heavy Commercial District and M1 Industrial District or to a more restrictive zoning classification an area located at the intersection of Murchison Road and Shaw Road.
- J. Consideration of the proposed annexation of the McCauley/McDonald property located on Shaw Road at Gregory Street.
- K. Consideration of the proposed annexation of the Brewington property located on Wilmington Highway.
- L. Consideration of the proposed annexation of the Connors property located on Raleigh Road.
- M. Consideration of the proposed annexation of the Cain property located on Owen Drive.
- N. Consideration of the proposed annexation of the Quick property located on Rosehill Road.
- O. Consideration of the proposed annexation of the Zalaski property located on Stoneykirk Road.

Planning Board Matters:

Council heard recommendation from the Planning Board for conditional approval, pursuant to a memo of September 26 for Wickliffe Subdivision preliminary and final review located on Morganton Road at Bethune Street.

The developer, Mr. Jack Litton was recognized in objection to the requirement to dedicate a twenty foot legged triangle where Bethune Street and Virginia Avenue intersect Morganton Road and a requirement to dedicate a two foot wide right-of-way along Morganton Road to accomodate utilities and sidewalk before the issuance of any occupancy permits. Mr. Litton stated that he may want to build multi-family units on the first two lots of this subdivision facing Morganton Road as a buffer from the single family dwellings on the remaining ten lots and the dedications for the corners and for the utilities and sidewalks would not leave enough room for this purpose.

Following a brief discussion, Mr. Dawkins offered motion for approval of the foregoing as recommended by the Planning Board, seconded by Mrs. Beard.

Mr. George then offered a substitute motion that the plan be approved with the condition that the property owner grant a twenty foot easement at each corner and not be permitted to plant any grass at these locations and that it be kept mowed, motion seconded by Mr. Shields.

Following some further discussion, Mr. Satsky offered additional substitute motion to continue this matter for two weeks, seconded by Mrs. Beard and carried unanimously.

Upon motion by Mr. Dawkins, seconded by Mrs. Beard and carried unanimously, preliminary and final ClP review was approved for New Hope Baptist Church on Rosehill Road near the Hillendale West Subdivision pursuant to conditional approval by the Planning Board.

Upon motion by Mrs. Beard, seconded by Mr. George and carried unanimously, Village Drive Townhouses revision and final review located off Village Drive, east of Marlboro Road was continued until October 10th and the City Attorney was requested to draw an ordinance if one does not exist on sight clearance.

Upon motion by Mrs. Beard, seconded by Mr. Dawkins and carried unanimously preliminary and final ClP review for the Ambassador Animal Hospital (Cedar Falls Shopping Center Addition) located on U.S. 401 North located on Cedar Falls Road was continued until October 10th and the City Attorney was requested to draw an ordinance if one does not already exist on sight clearance.

Upon motion by Mr. George, seconded by Mrs. Beard and carried unanimously Broadell Subdivision 3 extension located on West Cochran Avenue at the Big Cross Creek was approved conditionally as recommended by the Planning Board in their memo of September 26.

This completed the Planning Board matters.

There were no Public Works Commission matters presented.

Council next gave consideration to an ordinance requiring the Building Inspector to correct conditions of property located at 1101 Turnpike Road owned by Mr. Rufus Washington. (Mr. Washington was given a 90 day extension to make such corrections at the June 27, 1977 meeting, however, Mr. Tony Maccy, the City Chief Housing Inspector reported that as of this date, September 21, 1977, Mr. Washington had not corrected or taken necessary action as ordered by the City Council.)

Mr. Washington was in the audience and was recognized and stated that due to circumstances, he had not been able to make the necessary corrections as ordered by the council. Mr. Washington requested an additional extension to make such corrections.

Mrs. Beard offered motion to grant an additional 90 day extension to Mr. Washington to make the necessary corrections, seconded by Mr. Dawkins and carried unanimously.

Council next considered a no parking ordinance on the north side of Russell Street abutting the Law Enforcement Center.

The City Engineer presented this matter and stated that this request came to him from the Chief of Police and stated that turning movements from Russell Street to get into the new off street parking lots at the Law Enforcement Center need to be accommodated by eliminating the few on street parking spaces along Russell Street between Cool Spring Street and Dick Street. The City Engineer concurred with the suggestion made by the Chief of Police.

Ordinance title:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE #11 "PARKING PROHIBITED" PARKING PROHIBITED AT ALL TIMES, ALONG RUSSELL STREET BETWEEN COOL SPRING STREET AND DICK STREET. ORDINANCE NO. 1977-99.

Mr. Dawkins 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 Ordinance Book NS1977.

Council next gave consideration to a request for a 90 day extension for a mobile home to be located at 2215 Mruchison Road.

This request came from Mr. J. Bernard Farmer, Executive Director of the Fayetteville Cumberland County Opportunities Industrialization Center. Mr. Farmer stated that on October 1, 1977, they will be relocating their center to larger facilities and to give them ample time to remove the structure, requested an additional 90 day extension. Mr. Farmer state he had the requisite approval of the Inspection Superintendant and the Chief of Fire Department. Mr. Farmer stated justification of his request was that this component will house the high school diploma component students in this curriculum.

Following a brief discussion, Mr. George offered motion for approval of the foregoing and for the granting of the 90 day extension as requested, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to ordinances requiring the Building Inspector to correct conditions of several locations throughout the City.

Ordinance title:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 320 INGRAM STREET AND OWNED BY ROBERT FULMORE AND WIFE, IRENE FULMORE. ORDINANCE NO. NS1977-100.

Ordinance title:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 322 INGRAM STREET AND OWNED BY MOSES MCELVINE AND WIFE, JOSEPHINE MCELVINE. ORD. NO. NS1977-100.

Ordinance title:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 322 SIMMONS STREET AND OWNED BY LOUELLA COVINGTON HEIRS. ORD. NO. NS1977-102.

Ordinance title:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 425 BEVIL STREET AND OWNED BY EVANDER EVANS HEIRS. ORDINANCE NO. NS1977-103.

Ordinance title:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 421 BEVIL STREET AND OWNED BY MARGARET MCDONALD BEEBE. ORDINANCE NO. NS1977-104.

Ordinance title:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 1315 LEVY STREET OWNED BY A.H. PHILLIPS. ORDINANCE NO. NS1977-105.

Ordinance title:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 505 GREER AVENUE AND OWNED BY GERALD L. WAITMAN AND WIFE, ROSALYN W. WAITMAN. ORDINANCE NO. NS1977-106.

Ordinance title:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED 315 VANSTORY STREET AND OWNED BY RICHARD ALLEN CAMPBELL AND WIFE, DONNIE LOU W. CAMPBELL. ORD. NO. NS1977-107.

Ordinance title:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 542 HILLSBORO STREET AND OWNED BY THURMAN A. SMITH AND WIFE, JAMESENA G. SMITH. ORD. NO. NS1977-108.

Mr. Dawkins introduced the foregoing ordinances and moved their adoption, seconded by Mrs. Beard and carried unanimously.

Copies of the foregoing ordinances are on file in the clerk's office in Ordinance Book NS1977.

Council then recognized Interim City Attorney, Bob Cogswell, who reported on the George Jeffreys property matter at 1900 Cowan Street. Mr. Cogswell reminded council that this is a substandard structure located in the street right-of-way and that pursuant to their (council's) instructions, he had written to and obtained an answer from the State Attorney General's office concerning council's authority in this matter and had received a reply from him late today. Pursuant to the opinion rendered by the Attorney General Mr. Cogswell recommended to council that the City negotiate with the property owner for acquisition of the property by quitclaim deed.

Following a brief discussion, Mr. Satisfsky offered motion, seconded by Mr. Dawkins and carried unanimously, that the Interim City Attorney be and he hereby is, authorized and directed to negotiate with the owner on the property in question.

Council next gave consideration to drainage improvements for the 400 block of Franklin Street. (Several business places in this section of Franklin Street had been flooded due to abnormally heavy rains approximately six to eight weeks ago and had requested relief.)

The City Engineer presented this matter and stated that the existing drainage system in the 400 block of Franklin Street is inadequate to accomodate heavier rains. The result is ponding of water for approximately a 100 foot length of Franklin Street for a short period after heavy rains.

He stated he had investigated improvements to the existing system and found no substantial improvements that could be made to alleviate flooding conditions. He stated that he believed that the only solution is a new drainage line from the low point to Cross Creek, a distance of approximately two thousand feet.

The tentative storm sewer would cost approximately \$130,000.00 to install.

Following a brief discussion, Mr. Satisfsky offered motion for approval of the foregoing storm sewer system and that funds for construction come from Downtown Circulation Funds, seconded by Mr. George and carried unanimously.

Council next gave consideration to an application to the Governor's Highway Safety Program for a signal system needs survey for the City of Fayetteville. The City Engineer presented this matter and stated that the application is contained in a concept statement to the Governor's Highway Safety office for funding under the Governor's Highway Safety Program. (70%) for the purpose of engaging the services of a consulting traffic engineering firm to conduct the study.

He stated it is anticipated that the cost of engineering services for this project will range between 30 and \$50,000.00 as follows: GHSP funds (70%) \$21,000.00 to 35,000.00. City funds (30%) \$9,000.00 to \$15,000.00, for a total of from \$30,000. to \$50,000.00 .

The exact cost of the project will not be known until a contract is negotiated with the traffic engineering consultant.

Mr. Bennett stated to the council that this study is sorely needed to identify system and equipment needs, to coordinate and extend coordination of signalized locations thereby improving traffic operation and reducing our high accident rate.

He recommended along with the City Manager that the concept statement and application for a signal system needs study be approved and forwarded to the Governor's Highway Safety office by the council.

In response to an inquiry as to where the funds for such a study would come from, the City Manager replied from the Street Improvements Budget.

Following some discussion of this matter, Mr. Satisfsky offered motion, seconded by Mr. Dawkins and carried unanimously that authorization be and it hereby is granted for the submission of the concept statement and application for the signal system needs study to the Governor's Highway Safety Office for funding under the Governor's Highway Safety Program as recommended by the City Engineer and City Manager.

Council next gave consideration to bids.

The City Manager stated that bids had been received on September 21, 1977, for the City's motor oil greases and gear lube, automatic transmission fluid, diesel fuel oil, #2 Fuel oil, kerosene and anti-freeze needs for the coming year. The City Manager stated that the low bid on each of the foregoing items is recommended with the exception of #2 fuel oil and second bidder is recommended for this item. The question was asked of the City Manager about unit prices submitted on each of the foregoing items and the City Manager replied that unit prices had been submitted but were not shown on the bid tabulation sheet this evening because of the detail involved, but that the unit prices had been multiplied by the quantity and the total cost of each bidder shown.

Following some discussion, Mr. George offered motion to continue this matter to the next regular meeting and that the City Manager show the unit prices presented, seconded by Mrs. Beard and carried unanimously.

The City Manager informed council that bids had been received for trucks and truck bodies for various departments on September 6, 1977, and the low bids were as follows: Item #1- two pick up trucks for the Recreation & Parks Dept., LaFayette Ford, \$8647.00. Item #2- one 24,000 lb. GVW truck cab and chassis only for the Recreation & Parks Dept. - LaFayette Ford, \$7,200.00. Item #3- two 25,500 lb. GVW trucks cab and chassis only with diesel engines for the Street Dept., LaFayette Ford \$30,035.00. Item #4- two 32,000 lb. GVW trucks, cab and chassis only with diesel engines for the Sanitation Dept., Ed Mac Truck Sales and Service Inc. \$35, 482.52.

Item 5- two rear loading compaction bodies for the Sanitation Dept. - Worth Keeter, Inc. \$16,084.00.

Mr. Dawkins offered motion for award of the bids for the foregoing equipment to the foregoing firms as recommended by the City Manager, seconded by Mrs. Beard and carried unanimously.

The City Manager reported the receipt of bids for the complete rebuilding and reconditioning of one 1962 model Fire Dept. pumper truck. This includes installation of a new diesel engine, new transmission, new air brake system, new power steering system, complete rebuild of the pump and reconditioning and repainting of the body. The low bid was submitted by American LaFrance in the amount of \$42,124.43 and is the bid recommended.

Mr. Satsky offered motion for approval and acceptance of the foregoing bid of American LaFrance as recommended by the City Manager, seconded by Mr. Dawkins and carried unanimously.

Upon motion by Mr. Satsky, seconded by Mr. Dawkins and carried unanimously taxi cab driver permits were approved for the following named pursuant to recommendation by the Taxi cab Inspector, Chief of Police and the City Manager: Christopher James Smith, O'Toole R. Jackson, John Delbert Harmon, Robert George Carter, Ronald Jeff Hamilton, Walter Anthony McGee, Pete Foy, Jr., Milton Blake Stevens, Horace Cornell Underwood, William Earl Geddie, James DiCosta Honeycutt, Gary Lee Beatty.

Council next gave consideration to three appointments to the Human Relations Advisory Commission.

Mr. George nominated Odessa Dennis. Mayor Finch nominated Clara Chavis.

Mr. Dawkins then offered motion that nominations be closed and that the afore named be and they hereby are, appointed to the Human Relations Advisory Commission by acclamation vote. Ms. Dennis to fill the unexpired term of Ernest Morine, resigned, said term expiring in March, 1978 and Ms. Chavis to fill the expired term of Everett Mullen said term to expire in March 1978, motion seconded by Mr. Satsky and carried unanimously.

Three appointments to the Educational Development Council were carried over to the next regular meeting.

Delegations:

Council recognized Attorney Don Canady, representing Police Officer Jack D. Watts. Mr. Canady stated that Officer Watts had been a Police Officer on the Fayetteville Police Dept. since 1949 and that he must now retire after 28 years of service due to health reasons. Mr. Canady stated that Officer Watts was of the opinion that he had not been paid for all of his accumulated sick leave time since his employment. He stated that the old records indicated that Officer Watts had accumulated 14 days of sick leave per year originally. He stated that Officer Watts had worked up to July 29, 1977, and that his pay was stopped on August 30, 1977, and that according to his study of the records in the Police Dept. and in the Finance Dept. Officer Watts was due 18 work days to September 26, 1977. He requested that City Council authorize payment to Officer Watts of the remaining sick leave and vacation time due him to September 26, 1977.

City Manager Thomas informed council that according to his study of the records Officer Watts is entitled to and he agrees with Mr. Canady that an additional 5½ days vacation and 21 to 31 days of sick leave are still due.

Mr. George then offered motion to authorize the City Manager or City Administration to pay Officer Jack Watts his leave time not to exceed 51 days, motion seconded by Mrs. Beard and carried unanimously.

Mr. Clinton Harris was also recognized and requested council to direct the City Attorney to draw an ordinance to permit Bingo in the City for the benefit for those Senior Citizens who cared to participate, and that the City go on record as doing something about the construction of sidewalks.

City Manager Reports:

The City Manager presented a proposed group life insurance program for City Employees.

The N.C. General Assembly, at the last legislative session amended the City of Fayetteville Charter eliminating the \$2000 employee life insurance benefit restriction. Pursuant to your request to analyze the employee group life insurance program for improvement of benefits, we submit the following:

I. Current Life Insurance Program:

The City currently provides the following life insurance benefits to its employees at no cost to its employees:

- A. \$2,000 Life and 2,000 Accidental Death and Dismemberment to all active employees after a thirty (30) day waiting period following the 15th of the month after date of hire at a cost of \$.54/1000 per month for life insurance and \$.05/1000 per month for A D & D.
- B. Retired employees with a minimum of 10 years of active service with the City are covered by a \$1,000 Life Insurance benefit.
- C. Police Officers covered under the Law Enforcement Officers Benefit Fund have an additional \$5,000 in Life Insurance while active and \$3,000 in benefits after retirement.

The total annual cost to the City of the above program is approximately \$12,000.

In addition to the above, employees may take out dependent Life Insurance at their cost through payroll deduction.

II. Proposed Life Insurance Program:

In order to greatly enhance the employee Life Insurance benefits at the least amount of additional cost, we recommend an insurance package utilizing a combination of the Local Governmental Employees Retirement System, the Law Enforcement Officers Benefit Fund, additional coverage for certain employees through the current insurance carrier and self insurance on new employees as follows:

A. Employees participating in the Local Government Employees Retirement System (LGERS) - LGERS, for a cost to the City of approximately \$15,000 annually will provide all eligible employees a Life Insurance benefit equal to the proceeding 12 month salary up to a maximum of \$15,000. Employees are eligible for this coverage after 12 full months of participation in LGERS. City of Fayetteville employees have a one year waiting period after date of hire before they can participate in LGERS, making a two year waiting period for life insurance benefits under LGERS.

B. Employees participating in the Law Enforcement Officers Benefit Fund (LEOBF) Police officers covered under LEOBF have \$5,000 in Life Insurance benefits. In addition, after two years of service, the City will add insurance with our current insurance carrier to bring benefits up to equal insurance coverage under LGERS at an estimated annual cost to the City of approximately \$6,000.

C. Retired employees- The City will continue its existing \$1,000 policy on retired employees with a minimum of ten years service. The City will cover future retired employees, who are not otherwise covered under LGERS or LEOBF with the existing \$1,000 benefit.

D. Non participating Employees- A small group of employees (18) are still employed by the City who signed waivers not to participate in LGERS when it was first put into effect by the City. The City will add insurance coverage with our current insurance carrier to make their benefits equal to the benefits under LGERS at an estimated annual cost of approximately \$1,000.

E. Ineligible Employees- The City will provide, on a self insurance basis, \$2,000 life and \$2,000 accidental death and dismemberment benefits to all new employees after a 30 day waiting period and all current employees who are not yet eligible for benefits under LGERS or LEOBF. This coverage will continue until an employee would become eligible for benefits under LGERS or LEOBF. This coverage will not apply to any occurrence which is covered under workman's compensation, LGERS or LEOBF benefits.

III. Conclusions.

The total estimated annual cost to the City of benefits to the levels described above is approximately \$22,000 or \$10,000 above our current cost for employees life insurance. The above proposed program, though somewhat complicated is the most coverage we can get at the lowest cost. For example, to provide a flat \$10,000 coverage per employee on the same basis that we now provide the \$2,000 coverage would cost the City and additional estimated \$40,000 - \$45,000 per year. The combination of LGERS, LEOBF and private insurance will allow us to equalize benefits for all employees while still taking advantage of the extremely low rates under LGERS.

IV. Recommendation.

It is recommended that the proposed program as outlined here above be made effective the first day of the next quarter which is October 1, 1977. The City can only enter into the death benefit program of LGERS on the first day of the quarter. The next possible effective date would be January 1, 1977.

Following the City Manager's Life Insurance Program presentation, council decided to meet again on this matter on Thursday, September 29, 1977 at 5:00 P.M. in the Kyle House for further discussion.

The City Manager reported that he had received a request for the closing of Kirkwood Drive for a neighborhood watch picnic on Sunday, October 2, 1977.

Mr. Dawkins offered motion, seconded by Mrs. Beard for approval of the closing of Kirkwood Drive as requested. Motion carried unanimously.

The City Manager reported that resumes for the Community Development Director were available in his office at the Kyle House. The cut off date for applications was discussed and Mr. Dawkins offered motion, seconded by Mrs. Beard and carried unanimously that they be cut at October 15, 1977.

Council then entered into executive session at 12:10 A.M. to consider the legal actions mentioned by the Interim City Attorney at the beginning of this meeting.

Council reconvened into regular session at 12:15 A.M.

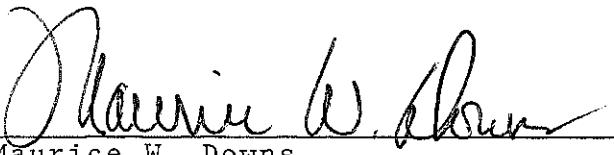
Mr. Dawkins then offered motion to rescind council's action of July 11, 1977 on the Geneva Foushee paving assessment interest penalty of \$90.00, motion seconded by Mrs. Beard.

Following some discussion, Mr. George offered substitute motion to continue the matter and that the person be informed as to when action is to be taken by the City Council, motion seconded by Mr. Shields.

Mayor Finch then called for a vote on the substitute motion and it was as follows: For: Council members Shields and George. Against: Councilmembers Satsky, Dawkins and Beard.

Mayor Finch declared the substitute motion lost and called for a vote on the main motion and it was as follows: For: Councilmembers Satsky, Shields, Dawkins and Beard. Against: Councilmember George. Mayor Finch declared the original motion carried.

Thereafter all matters of business having been completed this regular session was adjourned at 12:30 A.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

SPECIAL MEETING
THURSDAY
SEPTEMBER 29, 1977
5:00 P.M.
KYLE HOUSE

Present: Mayor Beth Finch

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

Absent: Councilman Gene Plummer

Others Present: W.G. Thomas, III, City Manager
Robert C. Cogswell, Interim City Attorney
George McCarthy, Finance Director
John Monaghan, Jr., Administrative Assistant to the City Manager
Daryl Bowkes, Student Intern, Personnel

Mayor Finch called the meeting to order for the purpose of reviewing the new City employee life insurance program proposal originally presented to the City Council at the regular meeting on Monday, September 26, 1977 and deferred to this date for further discussion.

Mayor Finch called on City Manager Thomas for the re-presentation and review.

The City Manager first introduced Mr. Daryl Bowkes, the new student intern working in the Kyle House on personnel procedures.

The City Manager then presented the insurance program with a slide projection as proposed originally on Monday, September 26. (see minutes of that meeting)

Following the presentation there was general discussion and questions and answers.

Mr. George commented that the City's insurance should be let out for bids.

Mr. Shields commented that coverage should begin immediately for employees after the thirty day waiting period and without the 2 year waiting period and all employees receive the \$5,000 benefit rather than just the police officers and that coverage should begin effective October 1, 1977 as proposed.

Mayor Finch then asked Council if they wished to go into official session to take action on the life insurance proposal and Mr. Satisfsky offered motion to go into official session, seconded by Mr. Dawkins and carried unanimously.

Mr. Satisfsky then offered motion that we adopt the insurance plan which will provide under LGERS \$2,000 death benefits and \$2,000 ADB- accidental death benefits after 30 days conditional employment and the first two years after the 30 days and after two years in government coverage under LGERS would amount to their prior 12 months salary to to \$15,000 maximum and that the employees under LEOBF after 30 days conditional employment with the city will provide under self insurance LGERS the first two years \$2,000 life - \$2,000 ADB and after the first two years that we will through a private carrier provide coverage for prior 12 months salary up to \$15,000 maximum. Motion seconded by Mr. Dawkins.

The City Manager then reminded Council that with the adoption of this proposed plan employee dependency coverage as provided presently will be ^{out} effective October 1, 1977.

Mr. Dawkins then suggested that the City Manager get bids for dependency coverage immediately.

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

Mr. George then offered motion that we authorize City Administration after ample input from the City Council to solicit bids from several companies after three to four options have been drawn and ask several reliable companies in this area to submit bids on the various options. Motion seconded by Mrs. Beard and carried unanimously.

The City Manager then requested Council to adopt the resolution attached to the life insurance proposal which is the intent to enter into the agreement with NCLGERS to provide the insurance program.

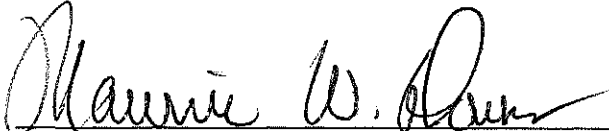
RESOLUTION TO ENTER AGREEMENT FOR NORTH CAROLINA LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE EMPLOYEES DEATH BENEFITS. RESOLUTION NO. R1977-56.
Mr. Satisfsky then introduced the foregoing resolution and moved its adoption by City Council. Motion seconded by Mr. Dawkins and carried unanimously.
A copy of the resolution is on file in the Clerk's office in Resolutions Book R1977.

Mayor Finch informed council that she had received a communique for the State ABC Board regarding beer permit applications. She reminded Council that the Chief of Police now receives and processes these applications and forwards them to the Mayor's office. Henceforth,, she stated, copies of the applications will be sent to each Council Member for their information.

Mrs. Beard then informed the Council that she had requested and received a copy of the employees' benefit program and policy from the Town of Chapel Hill. She

stated it was a greatly expanded program over ours and asked that Council look it over for information. The copy was given to the City Manager who was asked to review it and pass along copies to Council Members.

Thereafter, upon motion and duly seconded, this special session was adjourned at 6:10 P.M.


Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
OCTOBER 10, 1977
8:00 P.M.

Present: Mayor Beth Finch

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

Absent: Gene Plummer

Others Present: William G. Thomas, III, City Manager
Robert Cogswell, Interim City Attorney
Ray Muench, P.W.C. Manager

Mayor Finch called the meeting to order and the invocation was offered by the Reverend Harold Bridges of New Hope Baptist Church. Following the invocation, Scout Huey Johnson, Troop 735, Comfort Presbyterian Church led the Pledge of Allegiance to the Flag.

Mayor Finch recognized the following Fayetteville Youth Council Representatives present in the audience to observe council proceedings: Pam Crook, Sally Hart and Caroline Cooper.

First order of business was the approval of minutes and upon motion by Mr. Satsky, seconded by Mr. Dawkins and carried unanimously, minutes of the Regular Meeting of September 26, 1977 were approved as submitted by the clerk. Upon motion by Mr. Satsky, seconded by Mr. Dawkins and carried unanimously, minutes of a Special Meeting of September 29, 1977 were approved as submitted by the clerk.

Public Hearings:

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 1803 Pamalee Drive. Planning Board recommended approval.

Mr. Seth Williams, the applicant, was recognized for the rezoning. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R6 RESIDENTIAL DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED AT 1803 PAMALEE DRIVE. ORDINANCE NO. NS1977-109.

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 Clerk's office in Ordinance Book NS1977.

Upon motion by Mr. Dawkins, seconded by Mr. Satsky and carried unanimously, public hearings were set for November 14, 1977, on the following matters:

- A. Consideration of the proposed annexation of the Seven Mountains Restuarant on East Mountain Drive.
- B. Consideration of Redevelopment Plans for Wilmington Road Neighborhood Development Program, First Year Amended, Collier Drive Community Development Program and Adams Court Community Development Program.

Planning Board Matters:

Council gave reconsideration to Wickliffe Subdivision Preliminary and final review located on Morganton Road at Bethune Street. (This matter continued from the September 26th meeting) Planning Board recommended conditional approval per their September 26 memorandum which contained a provision that the developer dedicate a 20 ft. legged triangle where Bethune Street and Virginia Avenue intersect Morganton Road. (At the September 26 meeting, the Interim City Attorney had been directed to check the Code of the City to see if a provision for a triangular site distance right-of-way was included.) The Interim City Attorney informed Council that section 32-20 of the Code, did cover site distance and stated that he had conferred with the City Engineer on this matter and suggested that Council review the City Engineer's letter before making a decision inasmuch as the area must be kept clear.

Following some discussion, Mr. George offered motion to continue the foregoing matter to October 24, 1977, as well as Item 4 B, Village Drive Townhouses revision and final review located off Village Drive east of Marlboro Road and agenda Item 4C Ambassador Animal Hospital (Cedar Falls Shopping Center Addition) preliminary and final ClP review located on U.S. 401 North at Cedar Falls Road, both of which contain dedication provisions and that during the interim the City Council be furnished with a copy of the City Engineer's letter. Motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to authorizing the Mayor to submit to the State of North Carolina and the U.S. Department of HUD, Land Use Policies and Housing Elements for certification that the City of Fayetteville is carrying out a continuing comprehensive land use planning process. The Planning Board recommended the forwarding of these documents through the Mayor's Office to the State of North Carolina and the U.S. Department of HUD.

Following a brief discussion, Mr. Dawkins offered motion, seconded by Mrs. Beard to forward the foregoing to the State and to HUD as recommended by the Planning Board. Motion carried unanimously.

Mayor Finch informed the Council at this point that the Interim City Attorney had requested an executive session at the end of this meeting to consider litigation matters. No objection to the executive session was voiced.

Public Works Commission Matters:

Motion by Mr. Dawkins, seconded by Mr. Satisfsky and carried unanimously a one inch water connection to the Eva Goodman property located at 241 West Mountain Drive outside the City was approved.

Upon motion by Mr. Satisfsky, seconded by Mr. Dawkins and carried unanimously a 4 inch sanitary sewer connection to a mobile home belonging to P.L. Willoughby at 2431 Moody Street and 2405 Moody Street outside the city was approved.

P.W.C. Manager Muench also requested consideration of the Council of the release of a utility easement area to the Y.M.C.A. of Fayetteville at a location on Spruce Street. Mr. Muench stated the property owner, the Y.M.C.A. desired to sell the property and P.W.C. no longer needed the easement. P.W.C. requested Council's approval of the release.

Following a brief discussion, Mr. Dawkins offered motion for approval of the foregoing easement release and that the Mayor be and she hereby is authorized and directed to sign said release for the City. Motion seconded by Mrs. Beard and carried unanimously.

P.W.C. Manager Muench next requested Council's consideration of several resolutions authorizing the acquisition by condemnation of sanitary sewer easements.

RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR WATER AND SEWER IN, UPON AND OVER CERTAIN LAND AND OWNED BY W. R. COMPANY. RESOLUTION NO. R1977-57.

Mr. Satisfsky introduced the foregoing Resolution and moved its adoption, seconded by Mr. Dawkins and carried unanimously.

RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR SANITARY SEWER IN, UPON AND OVER CERTAIN LAND OWNED BY THOMAS B. DUNCAN AND WIFE, ELOISE T DUNCAN. RESOLUTION NO. R1977-58.

Mr. Satisfsky introduced the foregoing Resolution and moved its adoption, seconded by Mr. Shields and carried unanimously.

RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR SANITARY SEWER IN, UPON AND OVER CERTAIN LAND OWNED BY EUGENE A. LEADBETTER AND WIFE, RUTH N. LEADBETTER. RESOLUTION NO. R1977-59.

Mr. Satisfsky introduced the foregoing Resolution and moved its adoption, seconded by Mr. Dawkins and carried unanimously.

Mr. Muench informed Council that a resolution authorizing the acquisition by condemnation of a sanitary sewer easement over property of Ransom N. Smith would not be presented to Council for consideration this evening inasmuch as Mr. Smith had signed an easement after this item was placed on the agenda this evening.

RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR SANITARY SEWER IN, UPON AND OVER CERTAIN LAND OWNED BY BROOKS RAY GRIMES AND WIFE, MADELINE HAIRE GRIMES. RESOLUTION NO. R1977-60.

Mr. Dawkins introduced the foregoing Resolution and moved its adoption, seconded by Mr. Satisfsky and carried unanimously.

Copies of all of the foregoing Resolutions are on file in the Clerk's office in Resolutions Book R1977.

The P.W.C. representatives were then excused from the meeting.

Council next gave consideration of condemnation of property for Massey Hill Program Area No. 1, Second Year Program owned by A.E. Barber Heirs. Mr. Richard Herrera of the Community Development Department was recognized and presented the foregoing matter stating that this was Parcel E-1 of Lot 1, Block 9, Villettex Mills, just compensation offered was \$36.00 and this was a friendly condemnation because all of the heirs could not be located.

Mr. Satisfsky then offered motion, seconded by Mr. Dawkins for approval of the

foregoing condemnation request and the motion carried unanimously.

Council next gave consideration to a resolution endorsing the State Highway Bond Act of 1977.

Following a brief discussion, Mr. Dawkins offered motion, seconded by Mr. Satsky and carried unanimously that such a resolution be adopted endorsing said Bond Act. Motion carried unanimously.

Mrs. Beard then requested they return to Item 6 which contained in addition to the condemnation matter a request for a public hearing by Community Development Department, and requested that the Mayor inform those present in the audience of the purpose of the public hearing which was set for November 14 earlier in this meeting, and this the Mayor did.

Mrs. Beard then offered motion that the Community Development Department provide additional information on this matter shown as Item 3B on the agenda to the Council prior to the public hearing on November 14th, seconded by Mr. George and carried unanimously.

Council next gave consideration to a resolution concerning improvement to Highway 13.

In a memorandum to the Mayor and Council, Mr. E.J. Edge, Chairman of the Fayetteville Transportation Advisory Committee stated that on September 8, 1977, Mayor Finch received a letter from Mr. Marvin K. Blount, Sr., of Greenville, North Carolina soliciting the City of Fayetteville's participation in an effort being organized by Greenville Citizens to petition the North Carolina Department of Transportation to under take improvements of U.S. Highway 13. Mayor Finch referred the matter to the Transportation Advisory Committee for review and recommendation to City Council.

On October 5, 1977, the Transportation Advisory Committee, upon the recommendation of its Technical Coordinating Committee voted unanimously to recommend that the Fayetteville City Council, Board of County Commissioners and the other Municipal Governing Boards in Cumberland County adopt a resolution supporting the preparation of a feasibility study making highway improvements to U.S. 13 Highway corridor.

A RESOLUTION CALLING UPON THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF MAKING HIGHWAY IMPROVEMENTS IN THE U.S. 13 HIGHWAY CORRIDOR FROM FT. BRAGG/POPE AIR FORCE BASE AT FAYETTEVILLE, NORTH CAROLINA TO THE NORTH CAROLINA, VIRGINIA LINE AT SUFFOLK. RESOLUTION NO. 1977-61.

Mrs. Beard 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 Clerk's office in Resolutions Book R1977.

Council next gave consideration to a request to prohibit parking by Mr. Montrose of 2320 Gillespie Street.

Assistant City Engineer, Milton Bluhm, presented this request and stated that Mr. Montrose owns and operates the Mt. Rose Motel, and is requesting the City to establish a no parking ordinance in front of his business. He states that truckers are parking on the shoulder of Gillespie Street (Eastern Blvd. service road) and blocking the access to the motel.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE NORTH CAROLINA SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE 11, PARKING PROHIBITED ON GILLESPIE STREET (EASTERN BOULEVARD SERVICE ROAD ON THE WEST SIDE) ON TRAILWOOD STREET TO MCINNIS STREET. ORDINANCE NO. NS1977-110.

Mr. Satsky 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 NS1977.

Council next gave consideration to an alternate route for installing storm sewer line to alleviate flooding in the 400 block of Franklin Street.

The Assistant City Engineer presented this matter and stated that City Engineer had investigated another route for installing the storm sewer line to alleviate the flooding in the 400 block of Franklin Street. (This matter was originally presented to Council at the last regular meeting on September 26.) The alternate route is from the low point in the 400 block eastwardly along Franklin Street to the proposed Ray Avenue intersection, thence along Ray Avenue northwardly to Cross Creek. This route has the advantage in that a major portion of the route would be along the proposed Ray Avenue and could be installed in conjunction with Ray Avenue.

Since this routing would be within the street right-of-way no additional easements would be required whereas the original route would require the purchase of an easement from the northern margin to Cross Creek.

It further appears that the Ray Avenue routing would be about \$7,000 less expensive, including the estimated cost of the required easement along the Maiden Lane route.) Therefore, we recommend planning to accomplish this work in conjunction with the Ray Avenue project. There was considerable discussion of this matter and of the right-of-way cost involved and of the possibility of extending the drain line down Maiden Lane to Ray Avenue.

Following this discussion, Mrs. Beard offered motion that the City Engineer, secure more information on the right-of-way cost figures and defer this matter to the October 24th meeting, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a request by L&O Investments Inc. for City participation in Hillendale West Section 2, Part 2.

The Assistant City Engineer presented this matter and stated the request is for paving for the city participation in Hillendale West, Section 2, Part 2 and the City participation is for a recently constructed street intersection and is pursuant to city participation policy. The cost to the city is \$1,530.75 and approval is recommended.

Mr. Satsky offered motion for approval of the foregoing participation of \$1,530.75 as recommended, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a proposed Cumberland County Dog Ordinance Agreement.

The Interim City Attorney presented this matter and stated that the agreement concerns apprehension of dogs in the City of Fayetteville and delivered to the County Dog Pound. He stated that provisions of the agreement state that the County shall accept dogs which are apprehended under the city ordinance by city officials and delivered to the County Animal Control Shelter and the City and County would agree that dogs delivered to the Animal Control Shelter, pursuant to this agreement should be kept and disposed of at the Animal Control Shelter in accordance with the County Ordinance.

Mr. Cogswell stated that the City Ordinance must be amended first before this agreement is entered into and suggested that such amendments to the City Ordinance first and then City Council reconsider this matter at the October 24th meeting.

Following a brief discussion, Mr. Satsky offered motion to defer this matter to October 24th, seconded by Mr. Dawkins and carried unanimously.

Council next gave reconsideration to the bid for fuels, lubricants and anti-freeze for the City which was continued from the September 26th meeting in order for the City Manager to provide unit prices on these items.

The City Manager presented the unit prices along with the original bid and made the same recommendation as before in that: Item 1- motor oil, greases and gear lubes be awarded to Gulf Oil Co. - U.S. for their bid of \$42,357.00. Item 2- automatic transmission fluid be awarded to Texaco Inc. for their bid of \$696.00. Item 3- diesel fuel be awarded to Gulf Oil Co. - U.S., for their bid of \$46,837.50. That Item 4- fuel oil be awarded to the second lowest bidder-Fuller Oil Co. Inc. for their bid of \$20,125.00 because they can deliver fuel oil in smaller quantities than truck loads since the City does not have the storage capacity and Item 5- kerosene to the Fuller Oil Co. Inc. for their bid of \$2,975.00 and Item 6- anti-freeze to Texaco Inc. for their bid of \$4,600.00.

Following a brief discussion, Mr. Satsky offered motion for approval of the foregoing and for award of the bids as recommended by the City Manager, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to bids for tires, batteries and recapping for the City of Fayetteville. The City Manager presented this matter and made the following recommendations: That the contract for all regular tread passenger car tires and the contract for belted mud and snow tread passenger car tires be awarded to Corder Vossler Co. and that the contract for radial mud and snow tread passenger car tires be awarded to Raynor Tire Co.

That the contract for small truck tires be awarded to Croder Vossler Co.

That the contract for large truck tires be awarded to Corder Vossler Co.

That the contract for tractor tires be awarded to Corder Vossler Co.

That the contract for motor grader tires be awarded to Raynor Tire Co.

That motorcycle tires be purchased on the basis of price quotations on local motorcycle dealers in that no bids were received.

That the contract for recapping be awarded to the sole bidder- Croder Vossler Co. and that the contract for batteries be awarded to Graham Battery Co. (Unit prices were also provided on these bids for Council's information.)

Mr. Dawkins then offered the motion for approval of the foregoing and for award of the bids as recommended by the City Manager, seconded by Mr. George and carried unanimously.

Council next gave consideration to the setting of Trick or Treat night for Halloween on October 31, 1977. The City Manager presented this matter and stated that a request had been received from a private citizen to set the night and hours for the observance of Halloween.

Following some discussion, Mrs. Beard offered motion to approve the hours of 6:00 to 9:00 P.M. on Monday, October 31, 1977, for the observance of Halloween as recommended, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to appointments.

One appointment to the Human Relations Advisory Commission was deferred to October 24th inasmuch as no nominations were made to fill this position.

Council next considered three appointments to the Educational Development Council.

Mrs. Beard nominated Mrs. Carolyn Harris. Mayor Finch nominated Mr. Wayne Thomson.

Mr. George then offered motion that nominations be closed and the foregoing be appointed by acclamation, motion seconded by Mr. Dawkins and carried unanimously.

Council next considered three appointments to the Advisory Recreation and Parks Commission.

Mr. Shields nominated Mr. Milton Mazerick. Mr. Dawkins nominated Mr. Al Kulig. Mr. Dawkins further nominated Mr. Mike Uzzell.

Mr. Dawkins then offered motion that nominations be closed and the foregoing be appointed by acclamation vote for three year terms of office each, said terms expiring in October, 1980, motion seconded by Mr. George and carried unanimously.

Council next gave consideration to two appointments to Downtown Revitalization Commission.

Mr. Satsky nominated Mr. Thomas Stewart, Mr. Dawkins nominated Mrs. Sharon Askins.

Mr. Dawkins then offered motion that nominations be closed and the foregoing be appointed by acclamation vote, seconded by Mrs. Beard and carried unanimously.

There were no delegation present.

City Manager Reports:

The City Manager reported the following named had been certified by the Civil Service Commission for appointment to the Fire Department and were recommended by himself and the Fire Chief.

Julian C. Adkins, John E. Ingle, Joel D. Faircloth, Bobby C. Fullmore, James E. Ridgin, Gary R. Tart.

Mr. Satsky offered motion for approval of the foregoing appointments to the Fire Department as recommended, seconded by Mrs. Beard and carried unanimously.

The City Manager reported the following resignations from the Fire Department: Barney McDonough, Todd B. Drachman and Thomas J. Parsons. The City Manager also reported the following resignations from the Police Department: Patrolman D.K. Robinson, Patrolman Julian E. Davis and Patrolman Billy J. Turner.

Council noted the resignations.

The City Manager further stated that he wished to inform the Council with sadness of the death on October 6, 1977, of Patrolman William J. Malone who was appointed to the Police Department on February 12, 1973 and whose funeral was conducted today.

Mayor Finch offered the sympathy of the Mayor and Council to Mr. Malone's family.

Mayor Finch requested that the incident of the death of a City Employee be given to the City Council for recognition.

Matters of interest to the City Council:

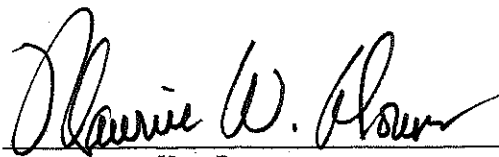
Mrs. Beard stated that complaints had been received about trucks parking on the sidewalk at the Western Union Office Building on Gillespie Street and blocking pedestrian traffic. The City Manager replied that this had been taken care of at one time in the past and that he would see to handling it again.

Mayor Finch reminded the Council Members of the League of Municipalities Meeting in Greensboro beginning next Sunday, October 16, 1977, and encouraged all Council Members to pick up their reservations.

Mr. Dawkins then offered motion, seconded by Mrs. Beard that Council enter into an executive session at this time to consider litigation matters at 9:30 P.M.

Council reconvened into regular session out of executive session at 9:40 P.M.

All matter of business having been completed, this regular session was adjourned at 9:41 P.M. upon motion made and duly seconded.



Maurice W. Downs
City Clerk

CERTIFICATE OF THE BOARD OF ELECTIONS
FOR
CITY OF FAYETTEVILLE MUNICIPAL PRIMARY ELECTIONS

October 11, 1977

CUMBERLAND COUNTY
NORTH CAROLINA

We, the undersigned Board of Elections of Cumberland County, North Carolina, do hereby certify that we met in the Office of the Board at 12:00 noon on Thursday, October 13th, 1977 and did canvass the original returns of the Registrars and Judges of Election of the votes cast in the municipal primary election for Mayor and City Council candidates held on October 11th, and we do hereby certify that the following are true and correct totals of votes cast for the following candidates in said returns:

<u>FOR MAYOR</u>	<u>TOTAL VOTES RECEIVED</u>
George W. Armento -----	193
Edward P. Devenish -----	95
Beth Finch -----	4037
Vincent H. Shields -----	1298
<u>FOR COUNCIL</u>	<u>TOTAL VOTES RECEIVED</u>
James E. (Jim) Adams -----	1174
Marie W. Beard -----	2097
Robert H. Beatty -----	1115
Joseph (Joe) Breaux, Sr. -----	242
J. L. Dawkins -----	3784
Herman W. Dunn, Sr. -----	1076
Mildred Evans -----	2932
Marion George -----	2422
John W. (Bill) Hurley -----	3314
Derrill F. LeCroy -----	422
George O. Markham -----	3040
Steve Satisky -----	1689
Robert Bruce Wilkins -----	613
Wayne T. Williams -----	3479

We, therefore certify that pursuant to such tabulation, we have judicially determined that the votes received for candidates for Mayor and City Council resulted in the nomination of the following candidates to run in the municipal election to be held on November 8, 1977:

FOR MAYOR (2 candidates receiving the highest number of votes):

Beth Finch

Vincent H. Shields

FOR CITY COUNCIL (12 candidates receiving the highest number of votes):

James E. (Jim) Adams

Herman W. Dunn, Sr.

George O. Markham

Marie W. Beard

Mildred Evans

Steve Satisky

Robert H. Beatty

Marion George

Robert Bruce Wilkins

J. L. Dawkins

John W. (Bill) Hurley

Wayne T. Williams

Given under our hand and seal, this 13th day of October, 1977.

Elizabethtown Road between Gillespie Street and Wilmington Road. Planning Board recommended approval.

Attorney Irvin Baer was recognized for the property owners. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO ZONE INITIALLY TO M2 INDUSTRIAL DISTRICT AN AREA LOCATED ON THE SOUTH SIDE OF ELIZABETHTOWN ROAD BETWEEN GILLESPIE STREET AND WILMINGTON ROAD. ORDINANCE NO. NS1977-112.

Mr. Dawkins 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 initial zoning to C1P Shopping Center District, C3 Heavy Commercial District, R6 Residential District, M1 Industrial District and M2 Industrial District or to a more restrictive zoning classification of an area located along West Hudson Street between Cumberland Road and U.S. 301. Planner Mitchell stated that this was another recent annexation and that Planning Board recommended approval except for the moving and storage company which is out. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO ZONE INITIALLY TO C1P SHOPPING CENTER DISTRICT, C3 HEAVY COMMERCIAL DISTRICT, R6 RESIDENTIAL DISTRICT, M1 INDUSTRIAL DISTRICT AND M2 INDUSTRIAL DISTRICT OF AN AREA LOCATED ALONG WEST HUDSON STREET BETWEEN CUMBERLAND ROAD AND U.S. 301. ORDINANCE NO. NS1977-113.

Mr. Satsky 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 initial zoning to C1P Shopping Center District or to a more restrictive zoning classification of an area located at 4299 Raeford Road. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE C1P SHOPPING CENTER DISTRICT AN AREA LOCATED AT 4299 RAEFORD ROAD. ORDINANCE NO. NS1977-114.

Mr. Satsky 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 A Residential to P1 Professional District or to a more restrictive zoning classification of an area located on Melrose Road between Walter Reed Drive and Roxie Avenue. Planning Board recommended approval.

Attorney Herb Thorp was recognized for the applicant. Mr. Allen Becker of Furman Drive was recognized in opposition based on the increased traffic which would be generated from the location of a private hospital in this location.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R5 RESIDENTIAL DISTRICT TO P1 PROFESSIONAL DISTRICT AN AREA LOCATED ON MELROSE ROAD BETWEEN WALTER REED DRIVE AND ROXIE AVENUE. ORDINANCE NO. NS1977-115.

Mr. Dawkins 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 to R5 Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located on Grove Street between Hwy. 301 North and "B" Street. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R5 RESIDENTIAL DISTRICT TO C1 LOCAL BUSINESS DISTRICT AN AREA LOCATED ON GROVE STREET BETWEEN HWY 301 NORTH AND "B" STREET. ORDINANCE NO. NS1977-116.

Mr. Dawkins 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 initial zoning to R10 Residential District or to a more restrictive zoning classification of an area located on Vesper Lane between Rose's Lake and Rosehill Road. Planner Mitchell stated that this was a recent annexation to the City and Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO ZONE INITIALLY R10 RESIDENTIAL DISTRICT AN AREA LOCATED ON VESPER LANE BETWEEN ROSE'S LAKE AND ROSEHILL ROAD. ORDINANCE NO. NS1977-117.

Mr. Satsky 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 initial zoning to C1P Shopping Center District, C3 Heavy Commercial District and M1 Industrial District or to a more restrictive zoning classification of an area located at the intersection of Murchison Road and Shaw Road. Planner Mitchell stated this was a recent annexation and Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO ZONE INITIALLY C1P SHOPPING CENTER DISTRICT, C3 HEAVY COMMERCIAL DISTRICT AND M1 INDUSTRIAL DISTRICT OF AN AREA LOCATED AT THE INTERSECTION OF MURCHISON ROAD AND SHAW ROAD. ORDINANCE NO. NS1977-118.

Mr. Satsky introduced the foregoing Ordinance and moved its adoption, seconded by Mr. Dawkins and carried unanimously.

All of the foregoing Ordinances are on file in the Clerk's Office in Ordinance Book NS1977.

A public hearing had been published for this date and hour on the proposed annexation of the McCauley/McDonald Property located on Shaw Road at Gregory Street. Planner Mitchell stated that this was a satellite annexation and that the Annexation Technical Review Committee recommended denial.

Attorney Irvin Baer was recognized for the petitioners and requested annexation. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL EXTENDING THE CORPORATE LIMITS OF THE CITY TO INCLUDE BY SATELLITE ANNEXATION THE MCCAULEY/MCDONALD PROPERTY LOCATED ON SHAW ROAD AT GREGORY STREET. ANNEXATION ORDINANCE NO. 201.

Following some discussion, Mr. Satsky 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 proposed annexation of the Mamie Council property located on Wilmington Highway. (Elizabethtown Road and Belt Blvd.) The Annexation Technical Review Committee recommended denial. There was no opposition present.

Following a brief discussion, Mr. Dawkins offered motion to deny the annexation as recommended, seconded by Mrs. Beard and carried unanaimously.

A public hearing had been published for this date and hour on the proposed satellite annexation of the Samuel Conners Property located on the west side of U.S. 401 North between Andrews Road and SR 1612. The Annexation Technical Review Committee recommended denial.

Attorney Gerald Beaver was recognized for the property owners, stated that other residents of the area were proposing annexation petition and requested a 60 day continuance of this public hearing to allow for the submission of additional petitions. There was no opposition present.

Following a brief discussion, Mr. Dawkins offered motion to continue this public hearing for 60 days, seconded by Mrs. Beard and carried unanimously.

A public hearing had been published for this date and hour on the proposed annexation of the Bill Cain property located at 1940 Owen Drive. The Annexation Technical Review Committee recommended denial. There was no opposition present.

Following a brief discussion, Mr. Dawkins offered motion to deny the petition for annexation as recommended, seconded by Mrs. Beard and carried unanimously.

A public hearing had been published for this date and hour on the proposed annexation of the Mary Quick property located at 3441 Rosehill Road. The Annexation Technical Review Committee recommended denial of this annexation. There was no opposition present.

Following a brief discussion, Mr. Dawkins offered motion to follow the recommendation of the Committee and deny this annexation, seconded by Mrs. Beard and carried unanimously.

A public hearing had been published for this date and hour on the proposed annexation of the James Zelascek property located at 885 Stoneykirk Road. The Annexation Technical Review Committee recommended approval.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL EXTENDING THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE TO INCLUDE THE JAMES ZELASCEK PROPERTY LOCATED AT 885 STONEYKIRK ROAD. ANNEXATION NO. 202.

Mr. Dawkins introduced the foregoing Ordinance and moved its adoption as recommended, seconded by Mrs. Beard and carried unanimously.

The foregoing Annexation Ordinances are on file in the Clerk's Office in Annexation Ordinance Book 1977.

Upon motion by Mr. Dawkins, seconded by Mrs. Beard and carried unanimously, public hearings were set for November 28, 1977 on the following matters:

- A. Consideration of the rezoning from P1 Professional District to C1 Local Business District or to a more restrictive zoning classification an area located at 523 Beaumont Road.
- B. Consideration of the rezoning from R5 Residential District to C1 Local Business District or to a more restrictive zoning classification an area located at 845 Southern Avenue.
- C. Consideration of the rezoning from R5 Residential District to C1 Local Business District or to a more restrictive zoning classification an area located on the south side of Grove Street between "B" Street and Eastern Blvd.
- D. Consideration of the rezoning from R6 and R5A Residential District to M2 Heavy Commercial District or to a more restrictive zoning classification an area located on the south side of Pelt Drive between Providence Street and Carlyle Street.

Planning Board Matters:

Council next gave reconsideration to Wickliffe Subdivision preliminary and final review located on Morganton Road at Bethune Street. Planning Board recommended conditional approval per their memorandum of September 26, 1977. This matter continued from the September 26 and October 10, 1977 meetings, due to a question raised by council on site distances and triangular rights-of-way at street corners as to whether they should be dedicated or by easement.

In a memorandum to the Mayor and Council, Interim City Attorney Cogswell stated that he had met with City Engineer Bennett and discussed this matter and that the City Engineer expressed some very cogent reasons for preferring dedication of a right-of-way as opposed to an easement. Section 32-20 of the code requires a clear sight distance within 20 feet of the intersecting rights-of-way lines of a street or railroad. In addition, the Fayetteville subdivision regulation requires the dedication of streets as rights-of-way, not easements and it has been the practice for many years that a minimum 25 foot radii along the right-of-way line be dedicated at street intersections. This provides adequate radii for turning movements at local streets. In the past it has been the practice to ask for the 20 foot legged triangle in lieu of the 25 foot radius at the intersections of higher type streets.

Planner Mitchell stated that the Planning Board recommended conditional approval including dedication of the legged triangle.

Mr. Jack Litton the developer, was recognized in opposition to the dedication of the two corners.

Following some discussion of the matter, Mr. Dawkins offered motion to give preliminary and final review to Wickliffe Subdivision, located on Morganton Road at Bethune Street as recommended by the Planning Board in their memo of September 26, 1977 including the dedication of the 20 foot legged triangle, motion seconded by Mr. Satsky and carried; Mr. Shields voting no.

Council next gave reconsideration to Village Drive Townhouses Revision and final review located off Village Drive off East Marlboro Road. This matter continued from the September 26 and October 10th meetings due to the legged triangle dedications. Planner Mitchell stated the Planning Board recommend conditional approval per their memo of September 26 and that the developer had agreed to the dedication.

Mr. Satsky then moved for conditional approval of the foregoing as recommended, seconded by Mr. Dawkins and carried unanimously.

Council next gave reconsideration to Ambassador Animal Hospital (Cedar Falls Shopping Center Addition) preliminary and final ClP review located on U.S. 401 North located at Cedar Falls Road. Planning Board also recommended conditional approval per their memo of September 26, this matter being continued from the September 26 and October 10th meetings and that the developer had agreed to the dedication.

Mr. Satsky offered motion, seconded by Mr. Dawkins for approval of the foregoing as recommended. Motion carried unanimously.

Council next gave consideration to Melrose Commercial Area addition preliminary and final group development review located on Owen Drive at Melrose Street. Planning Board recommended conditional approval and recommended further that Council defer this matter to the November 28th meeting.

Mr. Satsky then offered motion to defer the foregoing matter to the November 28, 1977 meeting as requested, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to Prado building preliminary and final ClP review located at 460 McPherson Church Road. Planning Board recommended conditional approval per their memo of October 24, 1977.

Following a brief discussion, Mr. Satsky offered motion for conditional approval of the foregoing as recommended, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to Feeder Street plan amendments. Planning Board recommended approval. Planner Mitchell stated the Feeder Street plan amendments related to the Myrtle Hill Area east of Ramsey Street and a proposed minimum design change for new Feeder Streets. The memo stated that with the extension of Eastwood Avenue, east to the Cape Fear River, opening up new land for development, it has become import to now designate a new north/south Feeder Street plan for this area as suggested in the Feeder Street plan report. The new Feeder Street from Tokay Drive to the intersection of Jones and Ramsey Street is suggested for this area. The proposed new street could provide additional benefits beyond assisting local traffic including, 1. Providing additional access points to Clark Park thus relieving traffic on Sherman Drive, 2. The tie to Tokay Drive would allow local traffic direct access to the proposed river bridge crossing on Tokay, 3. A short realignment of Hoffer Road to connect with the proposed Feeder Street could lessen truck traffic on North Street Extension and on the intervening residential streets such as Colonial Drive and 4. Traffic volumes along the heavily traveled link of Ramsey Street along Rosehill intersection along 401 By-Pass would not be significantly increased by additional development east of Ramsey Street. The Planning Board recommended approval of the new Feeder Street system plans.

Following a brief discussion, Mrs. Beard offered motion to defer this matter to the November 28th meeting for study, motion seconded by Mr. Dawkins and carried unanimously.

This concluded Planning Board matters.

Public Works Commission Matters:

Council recognized PWC Manager Muench on a request for approval of a bid for construction of water and sanitary sewer utilities to serve the Murchison Road area recently annexed into the City. PWC recommended the low bid of Dobbins Construction Company in the amount of \$57,751.00 for this work.

Mr. Satsky offered motion for acceptance of the foregoing low bid as recommended, seconded by Mr. Shields and carried unanimously.

Mr. Muench stated that bids had been received for two transformers and the bid of Westinghouse Electric Supply Company in the amount of \$209,174.00 was low and is recommended. Mr. Satsky offered motion for approval of the foregoing as recommended, seconded by Mr. Shields and carried unanimously.

Mr. Muench stated that bids had been received for six voltage regulators and the low bid of Rigby Electric Company in the amount of \$115,488.00 is recommended.

Mr. Satsky offered motion for approval and acceptance of the foregoing bid as recommended, seconded by Mr. Dawkins and carried unanimously.

PWC Manager Muench also stated that bids were received for purchase of three 25.8 KV Circuit Breakers, however all bids were rejected as PWC is exchanging circuit breakers within present substations in order to eliminate the necessity of purchasing new breakers at this time, thereby resulting in a considerable savings of money. Council commended PWC Manager Muench on this move.

PWC matters having been completed, the PWC representatives were excused from the meeting.

Council next gave reconsideration to the proposed route for installing storm sewer lines to alleviate flooding in the 400 block of Franklin Street. (This matter continued from the October 10th meeting.)

City Engineer Bennett presented this matter and displayed a projection of the proposed routes to be followed. He stated that he had not as yet received appraisal reports from the appraisers on rights-of-way.

Mr. Dawkins then offered motion to defer this matter to the November 28th meeting, seconded by Mrs. Beard and carried unanimously.

Council next gave reconsideration to the Cumberland County Dog Ordinance Agreement and a proposed Ordinance amending the City Code Section 7-19 and 7-20 as recommended by the Interim City Attorney at the last regular meeting of October 10th.

The City Attorney presented this proposed agreement and Ordinance and recommended their approval by Council.

AN ORDINANCE AMENDING CHAPTER 7 "ANIMALS AND FOWL" OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE PERTAINING TO THE CARE OF IMPOUNDED DOGS AND IMPOUNDING FEES. ORDINANCE NO. S1977-5.

Mr. Satsky 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 S1977.

Mr. Satsky then offered motion for approval of the Interlocal Agreement between the city and the county concerning the impoundment of dogs in the animal control shelter and that the Mayor and Clerk be and they hereby are, authorized and directed to sign such agreement for the City, motion seconded by Mr. Dawkins and carried unanimously.

A copy of the foregoing agreement will be placed on file in the Office of the City Clerk, following execution of the same by the County Commissioners.

Council next gave consideration to two ordinances requiring the Building Inspector to correct conditions of property located at 315 and 331 Dick Street and owned by Mr. Willis Brown. (Mr. Brown was given 180 days' extension at the April 25, 1977 meeting to make the necessary corrections.

The City's Chief Housing Inspector stated in a memorandum that as of this date Mr. Brown had not corrected or taken the necessary action as ordered by the City Council.

Mr. Satsky offered motion, seconded by Mr. Dawkins to adopt the two ordinances.

Following some discussion, during which time the question was raised of the Chief Housing Inspector if Mr. Brown was notified of this hearing on this matter tonight. He replied that he had written a letter to Mr. Brown on Thursday, October 20th. It was stated that today, October 24th was a postal holiday and the question was raised as to whether or not Mr. Brown had received the communication since he was not present at the meeting this evening.

Mr. Shields then offered a substitute motion to continue this matter until the November 14th meeting and that the City Housing Inspector contact Mr. Brown personally, motion seconded by Mrs. Beard. Mayor Finch then called for a vote on the substitute motion to continue and it was as follows: For: Councilmembers Shields and Beard. Against: Councilmembers Satsky and Dawkins. Mayor Finch then cast her vote in favor of the substitute motion and declared it carried by a vote of three to two.

Council next gave consideration to a report of a drainage problem on Murray Hill Road and Hybards Branch. The City Engineer presented this matter and stated that Mr. Don Stewart of 312 Murray Hill Road is asking the City to remove to sediment from Hybards Branch hopefully to alleviate flooding of a portion of his property.

Over a period of years Hybards Branch has become clogged with sediment up and downstream from Murray Hill Road and the culverts under Murray Hill Road are half filled with sediment. This sediment does obstruct the free flow of water through the Murray Hill Road culverts. During heavy rains the water backs up through the Murray Hill culverts spreading out over the abutting property including a portion of Mr. Stewart's lot.

The estimated cost of removing the sediment from the stream channel and culverts to include a sedimentation basin upstream from the culverts is estimated at \$15,000.

Mr. Stewart was recognized in his own behalf, presented the Council with some background information on his problem and requested Council's assistance. In response to question, Mr. Stewart stated he was of the opinion that the sediment in the stream and culverts is from upstream construction over the years. A lengthy discussion followed.

Following the discussion, Mrs. Beard offered the motion to defer this matter to the November 14th and meanwhile the Interim City Attorney and City Engineer provide additional information to the Council in greater detail, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a resolution authorizing the sale of lot #3 Vanstory Street. The City Manager presented this matter and stated that this lot was obtained in a tax foreclosure action in 1976 and the City and the County are joint owners. The County has received an offer to purchase the lot for \$300. and no upset bid has been filed. The County requests the City Council's approval to sell the City's interest in the lot to the County. The City's interest represents 47% or \$141.49. Passage of the resolution is requested.

RESOLUTION AUTHORIZING SALE OF CERTAIN CITY PROPERTY BEING LOT #3, VANSTORY STREET. RES. NO. R1977-62.

Mr. Dawkins introduced the foregoing resolution and moved its adoption as recommended, seconded by Mrs. Beard and carried unanimously.

A copy of the foregoing Resolution is on file in the Clerk's office in Resolutions Book R1977.

Council next gave consideration of the approval of an LEAA Grant application for a Victim Advocate Counselor. The City Manager presented this matter and stated that the total grant request is \$19,055. of which the City's appropriation amounts to \$953. The funds cover the salary of a counselor for one year, purchase of a vehicle, desk and related office equipment necessary for the office function. Part of the benefits to be realized by the City would be permitting judges to set provisions for reimbursement of victims as a part of the judgement rendered to assist victims in getting their loss before the courts of North Carolina.

Following a brief discussion, Mr. Satsky offered motion for approval of the submission of the subgrant application as recommended by the City Manager and the Chief of Police and to authorize the City Manager to sign said application in behalf of the City, motion seconded by Mr. Shields and carried unanimously.

Council next gave consideration to a request from Mr. Irving Veazie for street improvements for Dewey Street. The City Engineer presented this matter and stated that Dewey Street is a dedicated street 50 feet in width and about 400 feet in length running between Edgar Street and Roosevelt Street. It has never been accepted for maintenance by the City and has never been opened as a travelway. The street has grown up into large pines and scrub oaks.

Dewey Street is not needed as a public street because all the lots abutting said street have frontage on other streets that are maintained by the City.

The estimated cost for clearing, grubbing and grading the street as a travelway would be \$1900. he stated.

Mr. Veazie of 1507 Patterson Circle and a property owner at the intersection of Edgar Street and Dewey Street was recognized and requested street services on Dewey Street. He stated that he owned a residence on the corner of Edgar and Dewey Street which faced Dewey Street and he would like Dewey Street opened as a public street to provide access to his property.

Following some discussion, the City Engineer suggested that Council hold a public hearing on the matter of giving up the dedication and having the street portion revert back to the original developer, H.L. Dawson, or give it to the property owners whose property abuts the present travelway.

There was lengthy discussion of the matter during which time the Interim City Attorney was asked about the ownership of the property should the City give up the dedication. The City Attorney asked time for study of the question.

Mr. Dawkins then offered motion to defer this matter until November 28th and request the City Engineer and the City Attorney to study it further and to provide the information to the Council and that the Council hold a public hearing at this time on whether or not to accept the dedication, motion seconded by Mrs. Beard and carried unanimously. Mr. Veazie was requested to contact all of the property owners along this street to inform them of the public hearing and to be present if they so desired.

Council next gave consideration to approval of the award of bids for two trucks for the Traffic

Services Division of the Engineering Department.

The City Manager presented this matter and stated that bids were received on October 18th for the replacement of two one ton trucks for the Traffic Services Division of the Engineering Department. The low bid was submitted by M&O Chevrolet Company in the amount of \$10,146.88 and is the bid recommended.

Mr. Satsky offered motion, seconded by Mr. Dawkins and carried unanimously that the foregoing bid be awarded to M&O Chevrolet as recommended; motion carried unanimously.

Council next gave consideration to a resolution requesting the North Carolina Department of Transportation to prohibit thru trucks and establish thru truck routes. The City Manager presented this matter and stated that he had received numerous complaints from residents along Raeford Road between Robeson Street and Broadfoot Avenue about the truck traffic and that considerable congestion now existed due to heavy trucks using streets in the downtown area along Gillespie and Green Streets. He stated further the proposed resolution to the North Carolina Department of Transportation states that thru trucks have become a nuisance with noise and traffic congestion on certain state highway system streets within the city limits of Fayetteville and that it is requested that the DOT prohibit thru trucks on these streets and establish alternate thru truck routes. It is proposed to prohibit thru trucks on Raeford Road between Robeson Street and Broadfoot Avenue, Broadfoot Avenue between Morganton Road and Raeford Road and Gillespie-Green Streets between Russell Street and James Square and establish a truck route from Raeford Road along Robeson Street and around the downtown business district.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL PROHIBITING THRU TRUCKS ON CERTAIN STREETS AND ESTABLISHING ALTERNATE THRU TRUCK ROUTES. RESOLUTION NO. R1977-63.

Mr. Satsky introduced the foregoing Resolution and moved its adoption, and for forwarding to the North Carolina Department of Transportation, motion seconded by Mr. Dawkins and carried unanimously.

A copy of the foregoing Resolution is on file in the Clerk's Office in Resolutions Book R1977.

Council next gave consideration to the additional^{item} not appearing on the agenda and approved to be heard at this time earlier in the meeting concerning bids on the new Glenville Park Parking lot.

The City Engineer presented this matter and stated that bids had been received recently for the construction of a new parking lot near the present Police Club in Glenville Park. The low bidder on this project was Cobb Paving Company and their bid was \$14,656. and was the bid recommended.

Mr. Satsky offered motion for approval and for awarding of the foregoing bid to Cobb Paving Company for their bid of \$14,656. as recommended, motion seconded by Mr. Dawkins and carried unanimously.

Council next considered approval of taxi cab driver permits, and upon motion by Mr. Satsky, seconded by Mr. Dawkins and carried unanimously taxi cab driver permits were approved for the following named as recommended by the Taxi cab Inspector, the Chief of Police and the City Manager: Terry Allen Loyd, Richard Martin Donnatien, Edith Geraldine Williams, James Thomas Gregory and Roger E. Hobbs.

Council next considered appointments. One appointment to the Human Relations Advisory Commission was considered.

Mr. Satsky nominated Mr. Jerome Person for this vacancy.

Mr. Dawkins then moved that nominations be closed and that Mr. Person be appointed by acclamation to fill the unexpired term of Mr. Hector McEachern resigned, said term running to March, 1979, motion seconded by Mrs. Beard and carried unanimously.

One appointment to the Educational Development Council was deferred until the next regular meeting on November 14th.

There were no delegations present.

City Manager reports:

The City Manager informed Council that the Civil Service Commission had certified the following named persons for appointment to the Police Department and said appointees were also recommended by the Chief of Police and the City Manager: Sammy Durden, Christopher Brami, James Bates, Patrick Mahoney.

Mr. Satsky offered motion, seconded by Mr. Dawkins that the aforementioned be, and they hereby are, appointed to the Police Department as recommended, motion carried unanimously.

Council next gave consideration to Fire Department Budget revisions.

The City Manager presented this matter and stated that Fire Chief Thurman Bishop had requested a revision for the fiscal year 77-78 Fire Department Budget and the requested specifically that a portion of the \$19,269.57 retained by the City as the difference between the budget expenditures for the replacement pumper and a pumper rebuild and the lesser actual cost be utilized as follows:

A. Replace two surplus state highway patrol vehicles that are beyond reliability standards required in fire service at an estimated cost of \$11,000.

B. Purchase a used small gasoline tanker truck to permit fire equipment to be refueled at their

response areas and to facilitate fuel distribution at major fires at an estimated cost of \$5,000.

The two replacement vehicles would be for two surplus state highway patrol vehicles purchased in September 1975 to meet the requirements created by the reorganization of the Fire Department to a three platoon system. The mechanical condition of these vehicles has deteriorated significantly since budget requests were prepared last spring and in the Chief's opinion, these vehicles no longer meet the standard of reliability required in the fire service.

The small gasoline tanker truck would eliminate the present arrangement of equipment from out-lying stations leaving their response areas for refueling. Fuel could be transported with the small gasoline tanker truck from the City Garage to these response areas to eliminate this problem. A vehicle of this type would also facilitate fuel distribution at major fires.

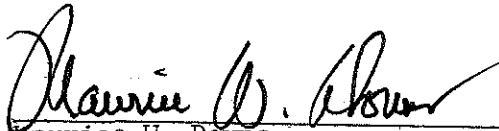
The City Manager recommended that the Fire Chief's foregoing request be approved.

There was considerable discussion regarding the use of transporting gasoline and diesel fuel in one truck and of the problems it might pose.

Following this discussion, Mr. Satisky offered motion to authorize the Fire Chief to purchase the two replacement vehicles as requested for the estimated cost of \$11,000. but to defer approval of the purchase of the used small gasoline tanker truck for the time being, motion seconded by Mr. Dawkins and carried unanimously.

There were no matters of interest presented by the Council.

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


Maurice W. Downs
City Clerk

CITY OF FAYETTEVILLE MUNICIPAL
ELECTION ON
November 8th, 1977

CUMBERLAND COUNTY
NORTH CAROLINA

November 10th, 1977

We, the undersigned Board of Elections of Cumberland County, North Carolina, do hereby certify that we met in the office of the Board at 12:00 noon on Thursday, November 10th, 1977 after canvassing the original returns of the Registrars and Judges of Election of the votes cast in the municipal election for mayor and city council in the City of Fayetteville, N. C., held on November 8th, 1977, and we do hereby certify that the following are true and correct totals of votes cast for the following candidates in said returns:

<u>VOTES FOR MAYOR</u>		<u>VOTES FOR CITY COUNCIL</u>	
Beth Finch	6557	James E. Adams	2047
Vincent H. Shields	2096	Marie H. Beard	3029
		Robert H. Beatty	1391
		J. L. Dawkins	6091
		Herman Dunn, Sr.	1113
		Mildred Evans	5069
		Marion George	3846
		John W. Hurley	5607
		George O. Markham	4884
		Steve Satisky	2398
		Robert B. Wilkins	1015
		Wayne T. Williams	5823

We therefore, certify that pursuant to such tabulation we have judicially determined that the votes received for candidates for mayor and city council resulted in the election of the following candidates:

FOR MAYOR: Beth Finch

FOR CITY COUNCIL:

J. L. Dawkins (1)
Mildred Evans (4)
Marion George (6)
John W. Hurley (3)
George o. Markham (5)
Wayne T. Williams (2)

Given under our hand and seal this 10th day of November 1977.

CUMBERLAND COUNTY BOARD OF ELECTIONS

Charles H. Harkman Chairman
Richard Bishop Member
Mary Anne Fair Member

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
NOVEMBER 14, 1977
8:00 P.M.

Present: Mayor Beth Finch

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

Absent: Councilman Gene Plummer

Others Present: Mr. William G. Thomas, III, City Manager
Mr. Robert Cogswell, Interim City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and the invocation was led by Chaplain (Cpt.) Ernest D. Bliss, Corps and Post Chaplain from Ft. Bragg. Following the invocation Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

At this time Mayor Finch recognized Fayetteville Youth Council Representatives Danny McKeithan, Alex Arab, Dan Harper and William Yadusky and asked them to come forward. Mayor Finch stated that at her request the youth council had hosted United Nations Day for the City of Fayetteville. They planned, cooked, and arranged a very informative and entertaining program. Mayor Finch stated that she would like to present to them a certificate of appreciation for a very fine activity that they did for us. Mayor Finch further stated recently the Fayetteville Cumberland County Youth Council had been entered into the Presidents Society of Keep America Beautiful. This comes as a special honor after an organization has been recognized and received the highest honor, which this group did last year and accepted an award for the City of Fayetteville for their special presentation that they had conducted. Only 12 others share this award and it is a very special honor to them and us. They will be going to New York on November 30th for their presentation on December 1, and as a token of our appreciation we will give them a check to help with their expenses on that trip. Mayor Finch thanked them for the many things they have done to assist the City of Fayetteville.

The first item on the agenda was the approval of minutes of the Regular Meeting of October 24, 1977. Upon motion by Mr. Dawkins, seconded by Mrs. Beard and carried unanimously, minutes of the Regular Meeting of October 24, 1977 were approved as submitted by the Clerk.

Mayor Finch then announced that the City Manager and the City Attorney had requested an Executive Session at the end of this meeting to discuss litigation and personnel.

Public Hearings:

Council considered the proposed satellite annexation of the Seven Mountains Restaurant on East Mountain Drive. Annexation Technical Review Committee recommended denial.

Mr. Mitchell presented this matter and stated that the committee recommended denial of this annexation based on the following: That fire protection service is not available within the standard response distance, Police patrol from patrol area No. 5 cannot be reasonable extended to this site, City garbage would not be feasible since a special run to serve the ^{site} would not be cost effective, and cost for water and sewer extensions are disproportionately high at this time.

Motion was made by Mr. Dawkins, seconded by Mrs. Beard and carried unanimously to follow the recommendation of the Annexation Technical Review Committee and deny the request.

Council next considered the approval of the Redevelopment plans for Wilmington Road Neighborhood Development Program, Collier Drive Community Development Program and Adams Court Community Development Program.

Mr. Richard Herrera of Community Development presented this matter, and requested Council approve these plans.

Those speaking in favor of the Redevelopment plan were Lillie Mae Robinson of Greer Avenue, Naomi Williams of Buxton Blvd., Leslie Tew of Wilmington Road and George Richardson of the Wilmington Road Area. All were concerned with the substandard housing, the bad condition of the area itself, and the health, safety and welfare of the children.

Mr. Alexander Geddie spoke in opposition to the plan. He stated that he lived in the commercial zoned area and there were only two streets in that area, Teacher Drive and Bullock Drive. They have paved streets, water and sewer and they were satisfied and they did not want redevelopment.

Mr. Herrera stated that in a survey taken in that area for redevelopment that there was much opposition so these streets were excluded from the plan.

Mr. Satsky made the motion, seconded by Mr. Dawkins and carried unanimously, to adopt the resolution for the redevelopment plans of the Wilmington Road Redevelopment Plan First year amended.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL APPROVING URBAN RENEWAL PLAN AND THE FEASIBILITY OF RELOCATION FOR THE WILMINGTON ROAD NEIGHBORHOOD DEVELOPMENT PROGRAM (AMENDED). RESOLUTION NO. R1977-64.

Council then considered the Collier Drive Area.

Mr. Herrera stated that \$329,320. had been allocated for the overall project. This would not complete the project but hoped for additional future funding of Community Development and City will see fit to put some more money in the area so they can continue the program. This is for the third year funding.

Those residents in favor of the program were M.E. Howard, 952 Collier Drive, Margaret McMillan, Collier Drive area and Mr. Willie Jones, a restaurant owner in the area.

Mr. Dawkins made the motion, seconded by Mrs. Beard to approve the Collier Drive Community Development Program as presented. Motion carried unanimously.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL APPROVING URBAN RENEWAL PLAN AND THE FEASIBILITY OF RELOCATION FOR THE COLLIER DRIVE COMMUNITY DEVELOPMENT PROGRAM.
RESOLUTION NO. R1977-65.

Council then considered the Adams Court Community Development Program.

Mr. Herrera presented this matter and stated that the Adams Court Community Development Program is the name for what is called the "Housing site for the elderly." We have a proposal to purchase 6 parcels of land in the area and there are approximately 12 families to relocate. There are 4½ acres and most of the housing is substandard with the exception of one vacant tract. \$237,000. has been allocated for the program. Mr. Herrera requested Council to approve the program so they can go ahead with the work.

Mrs. Horton of 1021 Adams Court spoke in opposition to the program. She stated that her house is substandard, but she likes where she lives and it is comfortable to her, and she is opposed to redevelopment.

Mr. Clinton Harris of 110 Chloe Drive, was recognized in support of this program for the Senior Citizens and asked that council make a requirement that a quarterly report be given to Council on the progress of this particular site for the Senior Citizens.

Council recognized Mr. Thad Cherry, representing the Cumberland County Senior Citizens Roundtable, who are in favor of this program. He stated that it was a splendid location and this had been talked about for a long time and he hoped it would be approved tonight.

Council recognized Elijah Lyons who was in favor of the project, stated even though he may never live there he would like to see other Senior Citizens in there.

Mr. Dawkins made the motion, seconded by Mrs. Beard to follow the recommendation of the Community Development and approve the Adams Court Community Development Program and proceed. The motion was carried unanimously.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL APPROVING URBAN RENEWAL PLAN AND THE FEASIBILITY OF RELOCATION FOR THE ADAMS COURT COMMUNITY DEVELOPMENT PROGRAM. RESOLUTION NO. R1977-66.

A copy of all of the foregoing Resolutions are on file in the Clerk's office in Resolutions Book R1977.

Upon motion by Mr. Satsky, seconded by Mr. Dawkins and carried unanimously, a public hearing was set for November 28, 1977 for consideration of the annexation of the Perkins Lincoln Mercury located on the west side of McPherson Church Road.

Planning Board Matters:

The next item on the agenda was the consideration of the Feeder Street plan amendments. (This matter continued from the October 24, 1977 meeting.)

Mr. Mitchell presented this matter and pointed out the amendments. He stated for clarification that the Feeder Street plan had nothing to do with the Tokay Drive extension and the Bridge crossing. The Tokay Drive extension is a part of the thoroughfare plan which has been on record since 1962 and has been part of the official thoroughfare plan. This Feeder Street is bounded by Tokay Drive, the Cape Fear River, and on the south, the Clark Park area and on the west, Ramsey Street area. This would be for designating a new street through the area on to the Feeder Street plan.

Mayor Finch recognized David McMillan, a resident of Tokay Drive. He and other residents were concerned about Tokay Drive becoming a major thoroughfare. He requested Council consider a deferrment of decision until they could have a look at the terrain and look at the impact that it might have on Tokay. Were that street to extend any further from its present location, it drops about 80 feet and 200 feet and without grading the side, it would become the steepest incline in Cumberland County. He would like the Council to consider deferring this until they have an onsite inspection of this. They are very concerned with the increase of traffic on Tokay.

Mayor Finch recognized Ernest Faircloth, a resident of Biscayne Drive. He stated that the terrain is very rough and they will not build any more houses on that particular street because of this.

Mr. Satsky made the motion, seconded by Mr. Dawkins, that Council approve the design for the Feeder Street according to the figures 1 and 2. The motion was carried unanimously.

Mr George made the motion that the consideration of the location of streets in the Myrtle Hill Area be continued for public hearing for the second meeting in December, seconded by Mr. Dawkins and carried unanimously.

Public Works Commission Matters:

Mayor Finch recognized Mr. Muench, PWC Manager who presented these matters.

Mr. Muench requested that authorization be given for the Mayor and Clerk to execute contracts with Dobbins Construction Co. for water and sanitary sewer utilities to serve the Murchison Road Area recently annexed to the City. This low bid was approved by Council at the October 24, 1977 meeting.

Mr. Satsky made the motion to authorize the Mayor and Clerk to execute the contract, seconded by Mr. Dawkins and carried unanimously.

Mr. Muench stated that he had received a low bid of \$55,944.40 from Westinghouse Supply Co. for the purchase of aluminum conductors and recommended that it be approved.

Mr. Satsky made the motion, seconded by Mr. George to award the contract to the low bidder, Westinghouse Supply Co. The motion carried unanimously.

Mr. Muench stated that he had received the low bid of \$13,906.14 from R.W. Moore Equipment Company for the purchase of a four-wheel diesel engine tractor, backhoe and loader and recommended that it be approved.

Mr. Satsky made the motion, seconded by Mr. Dawkins to award the contract to the low bidder, R.W. Moore Equipment Company. The motion carried unanimously.

Mr. Muench next requested approval for a one inch water connection to serve Thaddeus Chapel Church on River Road. This application was made by George E. Lee in the name of the Church.

Mr. Satsky made the motion, seconded by Mr. Dawkins and carried unanimously to approve the water connection upon the conditions set forth by PWC.

Mr. Muench next requested approval for a one inch water connection to serve the residence of Ernest M. Thornton, Jr., at 2223 Progress Drive.

Mr. Satsky made the motion, seconded by Mr. Dawkins and carried unanimously to approve the water connection upon conditions set forth by PWC.

Mr. Muench next requested approval for a one inch water connection to serve the Good Shepherd Episcopal Church in Jackson Terrace at the corner of Grady and Hamlet Streets.

Mr. Satsky made the motion, seconded by Mr. Dawkins and carried unanimously to approve the water connection subject to conditions set forth by PWC.

This concluded PWC matters.

Council next considered the two ordinances requiring the Building Inspector to correct conditions of property located at 315 and 331 Dick Street. (Continued from the October 24th meeting.)

Mayor Finch recognized Mr. Willis Brown, owner of the property. Mr. Brown stated that it had been their intention to renovate these buildings for professional purposes, that they found that it would not be economically feasible. He requested that the City demolish the buildings and also a third located at 329½ Dick Street.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 315 DICK STREET AND OWNED BY MR. WILLIS BROWN. ORDINANCE NO. NS.1977-119.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 331 DICK STREET AND OWNED BY MR. WILLIS BROWN. ORDINANCE NO. NS.1977-120.

Mr. Satsky introduced the foregoing ordinances and moved that they be adopted, seconded by Mr. Dawkins and carried unanimously.

Copies of the foregoing ordinances are on file in the Clerk's office in Ordinance Book 1977.

Mr. Cogswell requested that the third property be placed on the agenda for the next regular meeting.

The next item for consideration was the drainage problem on Murray Hill Road and Hybards Branch. (This item continued from the October 24th meeting.)

Mr. Cogswell, City Attorney requested that this item be continued until the second meeting in December.

Mr. Satsky made the motion, seconded by Mr. Dawkins and carried unanimously that this matter be continued until the second meeting in December.

The next item was the consideration of a request from Elizabeth Henderson concerning the assessments for paving Temple Avenue.

Mr. Thomas presented this matter and stated that he had been in touch with Mrs. Henderson and she requested this matter be continued.

Mr. Satsky made the motion seconded by Mrs. Beard and carried unanimously, that this matter be continued to a later date.

The next item for consideration was a presentation by Mr. Mason Hicks of the Cape Fear Valley Hospital and Bordeaux Area Traffic Plan.

Mr. Hicks presented this book containing the plan to the Council. He explained how the book was set up and how the plan was developed. He asked that Council read this book and give this plan their consideration.

The next item for consideration was a resolution supporting the bikeway proposal for construction of a bikeway to the U.S. 401 By-Pass project.

Mr. Mitchell presented this matter and stated that in a memorandum, Chairman Edge was asking Mayor and Council to consider a resolution which supports a proposed bikeway along the 401 By-Pass from Raeford Road to Ramsey Street. The Transportation Advisory Committee and the Technical Coordinating Committee have reviewed this proposal and endorse it and recommends construction.

Motion was made by Mr. Satsky, seconded by Mr. Dawkins and carried unanimously to adopt the resolution.

RESOLUTION TO THE NORTH CAROLINA BOARD OF TRANSPORTATION REQUESTING THE CONSTRUCTION OF A BIKEWAY AS PART OF THE U.S. 401 BY-PASS IMPROVEMENT PROJECT IN FAYETTEVILLE AND CUMBERLAND COUNTY. RESOLUTION NO. R 1977-67.

A copy of the foregoing Resolution is on file in the Clerk's office in Resolutions Book R1977.

Mayor Finch stated that the next items 11A, B and C would be skipped over that they were scheduled for Executive Session.

The next item was the consideration of the Oliver Street right-of-way and abandonment of unnamed street right-of-way west of Owen Drive.

Mr. Thomas presented this matter and stated that the unnamed street on the agenda should be referred to as the Charlie White Drive. He further stated that this matter was referred by the City Attorney, to Mr. Dick Lewis, because of possible conflict of interest and Mr. Lewis has furnished you his opinion on this matter. Mr. Thomas pointed out two facts, one being that the City of Fayetteville did acquire an easement for the extension of water only in the in the easement area. It did not acquire an easement for street purposes. By the minutes of March 13, 1972, it is clearly manifested that the Council rejected the dedication for street purposes. The way to remedy the whole problem would be for the landowners to proceed under N.C. General Statute 160A-299. This is the statutory procedure to close a street. Mr. Thomas stated that attached were samples of a resolution which is a notice of a public hearing and intent to close a public street, and a petition for a street closing which would be furnished by the petitioners and also a copy of the notice for public hearing for street closing. This, Mr. Thomas stated is the course of action recommended by Mr. Lewis.

Mr. Thomas stated that each one of the three have one common error in that the described portion of Oliver Street should be Charlie White Drive.

Mayor Finch recognized Mr. Elmo Zumwalt, who appeared in behalf of the property owners. He stated that they are in agreement with Dick Lewis' opinion and would like to clear up the matter.

Motion was made by Mr. Satsky, seconded by Mr. Shields and carried unanimously to adopt the resolution as corrected by Mr. Thomas and set the public hearing for the second meeting in December.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL ORDERING AND DIRECTING THAT A PUBLIC HEARING BE PUBLISHED ON THE CLOSING OF CHARLIE WHITE DRIVE. RESOLUTION NO. R1977-68.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1977.

The next item for consideration was City participation in railroad advance warning signs and authorization for the Mayor to execute the agreement.

Mr. Bennett presented this matter and stated that this is a program administered by the Department of Transportation and the Federal Highway Program Safer Roads Act which provides that highways may participate with the cities in upgrading railroad crossing signs. They have selected twenty-six city street crossings at railroads to be constructed. The city's participation would be 10% and they pay the remaining 90%. It is the City's commitment to maintain the signs thereafter.

Motion was made by Mr. Satsky, seconded by Mr. Dawkins and carried unanimously to authorize the Mayor to execute the agreement for city participation in the warning signs.

The next item considered was the NC DOT-City agreement for improvements to four city street intersections: Old Wilmington Road-Campbell Avenue, Ft. Bragg Road-Churchill Drive, Campbell Avenue-Cool Spring Street, Pinecrest Drive-Rush Road-Mirror Lake Drive.

Mr. Bennett presented this matter and stated that this was another program administered by the NC DOT administering a federal aid program to provide cities with funds for upgrading traffic signals and minor construction work. The streets selected by NC DOT are the Old Wilmington Road-Campbell Avenue, Ft. Bragg Road-Churchill Drive, Campbell Avenue-Cool Spring Street, Pinecrest Drive-Rush Road-Mirror Lake Drive. The upgrading is for new traffic signals and rounding corners including street construction at each location. The estimated cost totals \$32,000. The City's part is 30% and the Federal Highway is \$22,400. Under this proposed agreement the City is to provide all the initial funds for the project and the State is to reimburse the City upon completion. The City is called upon to provide the engineering and administering the project without reimbursement. Mr. Bennett recommended approval of the four agreements.

Motion made by Mr. Satsky, seconded by Mrs. Beard and carried unanimously to approve all the agreements for improvements to these city street intersections.

Council then considered a request from the Salvation Army to place Christmas Kettles on Hay Street.

Mr. Thomas presented this matter and stated that this is an annual request from the Salvation Army and requires Council approval.

The motion was made by Mr. Satsky, seconded by Mr. Dawkins and carried unanimously to approve this request by the Salvation Army to place Christmas Kettles on Hay Street.

The next item was the consideration of a request from the Downtown Merchants Association for approval of the Christmas Parade on December 3, 1977.

Mr. Thomas presented this matter and stated that the Downtown Merchants Association were asking for two things, one, to conduct a parade on Saturday, December 3, and to get permission to eliminate vehicular traffic and parking along the parade route prior to, during and shortly after the parade. This will require Police support and Council approval. They have been approved by the Police Department.

The motion was made by Mr. Satsky, seconded by Mr. Dawkins and carried unanimously to approved the request as recommended by the City Manager.

Mayor Finch stated that she would like to insert also that on December 2, Ft. Bragg has requested that they might join us in a tree lighting ceremony. Julia Reeves is working with them to set up that ceremony. Ft. Bragg will provide the tree. More information will be given as soon as the final plans have been worked out.

The next item was the consideration of a resolution authorizing the consideration of a resolution authorizing the acceptance of the Mass Capital Grant Contract with UMTA.

Mr. Thomas presented this matter and asked that Council authorize the Mayor to sign this resolution entering into the contract with UMTA. He further stated that this is the one for the Capital equipment that goes by the title of "purchase of twenty-five new 35 foot air-conditioned diesel transit buses, six to be equipped with wheel chair lifts," and other items to go with it. Mr. Thomas recommended approval.

Motion was made by Mr. Satsky, seconded by Mr. Dawkins and carried unanimously to adopt the resolution authorizing the acceptance of the Mass Capital Grant Contract with UMTA, and that it be signed by the Mayor. (The resolution title appears below.)

RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE MASS CAPITAL GRANT CONTRACT WITH THE URBAN MASS TRANSPORTATION ADMINISTRATION, UNITED STATES OF AMERICA, FOR PROJECT NOS. NC-03-5001 AND NC-05-0003-01. RESOLUTION NO. R1977-68A.

A copy of this resolution is on file in the Clerk's office in Resolutions Book R1977.

The next item was the consideration of an amendment to the City Park Rules and Regulations.

This matter was presented by Mr. Thomas who stated that this ordinance was drafted upon the request and recommendation of the Superintendent of Recreation and Parks. The first of the two amendments deals with hours of operation. It simply provides for a one hour later closing time for all parks (except Clark Park) during the summer months when we are on daylight savings time. Clark Park was singled out in prior action by the City Council for earlier closing. The proposed rule change reflects that prior action. The second amendment the addition of rule #19, is a safety measure designed to prevent accidents in the parks and especially in the parking lots, by prohibiting skate boarding and roller skating except in areas designated for that purpose. I have carefully reviewed both amendments and recommend to you the adoption of the ordinance.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL, PURSUANT TO SECTION 21-34 OF THE CITY CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AMENDING THE RULES AND REGULATION FOR OPERATION OF ALL MUNICIPAL PUBLIC PARKS AND RECREATION AREAS. ORDINANCE NO. S1977-6.

Mr. Satsky introduced the foregoing Ordinance and moved for its adoption, seconded by Mr. Dawkins and carried unanimously.

A copy of this ordinance is on file in the Clerk's office in Ordinance Book S1977.

The next item for consideration was the approval of taxi driver permits.

Mr. Thomas presented this matter and stated that the following named were recommended for approval by the Taxi Inspector and the Chief of Police:

Sharon Wright, Roy Pittman, William Earl Baxley and Anthony Eugene Eberhart.

Mr. Satsky made the motion, seconded by Mr. Dawkins and carried unanimously to approve all the foregoing permits as recommended.

One appointment to the Educational Development Council was deferred.

There were no delegations.

City Managers Report:

Mr. Thomas stated that he had two resignations from the Police Department. Patrolman Richard Gurrera and Trainee Howard P. Edsel.

Council noted the resignations.

Mr. Thomas stated that he had an information item. It is with pleasure that I forward to you the attached memo to me from the Fire Chief announcing that the City remains ISO Class 3 as determined by the inspection conducted by the Insurance Services Office. Not only should our Fire Department be commended for this achievement, but also the Public Works Commission and the Inspection Department for their contributions to fire protection.

Mr. Thomas stated that upon a request from the North Carolina League of Municipalities, the State Employees' Credit Union has opened its membership to City and county employees in North Carolina who are covered under a state administered retirement system. Membership was opened as of September 14, 1977. The State Employees' Credit Union is owned and operated by its members, which includes employees of the State of North Carolina, teachers and public school employees, and now city and county employees. The Credit Union offers low interest personal loans, checking account services, and 6½% passbook savings to its members. Employees of cities that have their own credit unions are not eligible for membership in its state credit union. Fayetteville is the largest North Carolina city that does not have its own employees credit union. City employees who are participating in either of the City's two retirement plans may now join the State Employees' Credit Union without any action by the city. However, a major advantage of membership in a credit union is its payroll deduction program. The City of Fayetteville has a long standing policy of not allowing payroll deduction for the collection of outside debts. Because of the great benefits that our employees can derive from credit union membership and because payroll deduction would be strictly voluntary on their part, I am recommending that the City allow its employees to sign up for credit union payroll deductions for the full range of credit union services. It should be clearly understood, however, that this does not represent a change in a city policy with regard to its collection of any other debts owned by employees to outside creditors. It should also be clearly understood that the city is not in any way responsible for the collection of credit union debts except for voluntary payroll deductions. I am recommending that the City of Fayetteville allow its employees to sign up for the credit union payroll deduction plan.

Motion was made by Mr. Satsky, seconded by Mrs. Beard and carried unanimously to follow the recommendation of the City Manager and allow City employees to sign up for the credit union payroll plan.

This concluded the City Manager's report.

Mr. Satsky asked about the Fire Chief's appointment. Mr. Thomas replied that it had expired sometime in June of 1977. He stated that he would make a full report on this at the next meeting.

At this time Mr. Dawkins wished everyone present and all the people of Fayetteville a "Happy Thanksgiving!"

Mayor Finch then asked Mr. Thomas about the second meeting in December. Mr. Thomas pointed out that the second meeting in December would fall on the 26th. It has been suggested that it be held on the 19th of December.

Mr. Dawkins made the motion, seconded by Mr. Satsky and carried unanimously that the second meeting in December be held on December 19th.

Mr. Satsky asked Mr. McCarthy if the demand deposits were put on bid. Mr. McCarthy replied no, only the investments are. Mr. McCarthy stated that if the information could be furnished with the form he would review it with the banks and bring back a report to Council.

He was instructed to do so.

Mrs. Beard asked when Kirkland Drive was to be paved. Mr. Bennett replied it was on the next contract.

Mayor Finch asked if someone would move for an executive session.

Mr. Dawkins made the motion, seconded by Mr. George, to go into executive session to discuss

litigation and peronnel. The motion carried: Mr. Satsky voting no.

Council went into executive session at 10:46 P.M.

Council reconvened at 11:20.

Item 11A, B and C on the agenda was the consideration of the following parcels for right-of-way:

Phillips Street - Slater Avenue
Weiss Avenue
Murchison Road-Gillis Street

Mayor Finch called for action on this matter.

The motion was made by Mr. Satsky, seconded by Mrs. Beard and carried unanimously to authorize condemnation of the areas by adoption of a resolution. The resolution titles appear below.

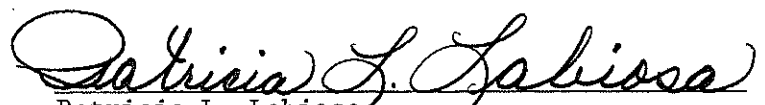
RESOLUTION OF THE CITY COUNCIL OF FAYETTEVILLE AUTHORIZING CONDEMNATION OF PARCELS FOR THE PHILLIPS STREET SLATER AVENUE RIGHT-OF-WAY. RESOLUTION NO. R1977-69.

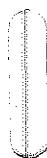
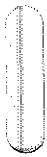
RESOLUTION OF THE CITY COUNCIL OF FAYETTEVILLE AUTHORIZING CONDEMNATION OF PARCELS FOR THE WEISS AVENUE RIGHT-OF-WAY. RESOLUTION NO. R1977-70.

RESOLUTION OF THE CITY COUNCIL OF FAYETTEVILLE AUTHORIZING CONDEMNATION OF PARCELS FOR THE MURCHISON ROAD-GILLIS STREET RIGHT-OF-WAY. RESOLUTION NO. R1977-71.

Copies of the foregoing resolution are on file in the Clerk's office in Resolutions Book R1977.

Thereafter, all matters of business having been completed, this regular meeting was adjourned at 11:20 upon motion made and duly seconded.


Patricia L. Labiosa
Acting City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
NOVEMBER 28, 1977
8:00 P.M.

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Vincent Shields and Steve Satsky.

Absent: Councilmen Gene Plummer and Marion C. George.

Others Present: Mr. William G. Thomas, III, City Manager
Mr. Robert Cogswell, Interim City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and Councilman J.L. Dawkins gave the invocation. Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

The first item on the agenda was the approval of minutes of the regular meeting of November 14, 1977.

Upon motion by Mr. Dawkins, seconded by Mrs. Beard and carried unanimously, minutes of the regular meeting of November 14, 1977 were approved as submitted by the Acting Clerk.

Mayor Finch then recognized Youth Council Representatives Ann Yeago, Tricia McMillan and Lynn O'Brian present in the audience to observe Council proceedings.

At this time Mayor Finch stated that Mr. Thomas had requested an executive session at the end of the meeting to discuss personnel. NO objections were voiced.

A public hearing had been published for this date and hour on the rezoning from P1 Professional District to C1 Local Business District or to a more restrictive zoning classification an area located at 523 Beaumont Road. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM P1 PROFESSIONAL DISTRICT TO C1 LOCAL BUSINESS DISTRICT AN AREA LOCATED AT 523 BEAUMONT ROAD. ORDINANCE NO. NS1977-121.

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

A copy of this ordinance is on file in the Clerk's office in Ordinance Book NS1977.

A public hearing had been published for this date and hour on the rezoning from R5 Residential District to C1 Local Business District of an area located at 845 Southern 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 C1 LOCAL BUSINESS DISTRICT AN AREA LOCATED AT 845 SOUTHERN AVENUE. ORDINANCE NO. NS1977-122.

Mr. Satsky introduced the foregoing ordinance and moved its adoption, seconded by Mr. Dawkins and carried; Mrs. Beard voting no.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1977.

A public hearing had been published for this date and hour on the rezoning from R5 Residential District to C1 Local Business District of an area located on the south side of Grove Street between "B" Street and Eastern Boulevard. Planning Board recommended approval.

Mayor Finch recognized Mr. M.M. Beard, appearing in behalf of all the property owners and stated that all of the property owners included were in favor of the request and that it would bring all of their property under the same zoning classification, and thereby, increase the value.

There was no opposition.

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 ON THE SOUTH SIDE OF GROVE STREET BETWEEN "B" STREET AND EASTERN BOULEVARD. ORDINANCE NO. NS1977-123.

Mr. Satsky 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 NS1977.

A public hearing had been published for this date and hour on the rezoning from R6 Residential District and R5A Residential Districts to M2 Industrial District or to a more restrictive zoning classification an area located on the south side of Pelt Drive between Providence Street and Carlyle Street. Planning Board recommended denial.

Mayor Finch recognized Mr. Gary Ciccone, representing the petitioners, and stated that this site was purchased by the petitioner five years ago with the intent of some-one locating a salvage yard there. He presented to the Council, photographs showing the layout of the general area and indicated that this area was not suitable for residential development and that the proposed use would not be detrimental to the existing residential tenant use.

Mayor Finch recognized Mr. Lory William, the owner of a rest home in the area, who was in opposition to the rezoning. The property to be rezoned is adjacent to his rest home and he would not want a junk yard right across the street. He stated that the junk yard would be detrimental to all the property owners in that area.

Mayor Finch called for action on this matter and Mrs. Beard stated she would abstain from voting due to personal interest in the area.

Mr. Dawkins made the motion to follow the recommendation of the Planning Board and deny the request. The motion failed for lack of a second.

No action was taken on this matter.

A public hearing had been published for this date and hour on the proposed annexation of the Perkins Lincoln-Mercury property located on the west side of McPherson Church Road. Annexation Technical Review Committee recommended approval.

Attorney Rudy Singleton was recognized in behalf of the property owner and requested annexation.

There was no opposition present.

AN ORDINANCE EXTENDING THE CITY LIMITS TO INCLUDE THE PERKINS LINCOLN-MERCURY COMPANY LOCATED ON MCPHERSON CHURCH ROAD. ANNEXATION ORDINANCE NO. 203.

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

A copy of the foregoing Annexation Ordinance is on file in the Clerk's office in Annexation Ordinance Book 1977.

Council next reconsidered accepting the dedication of Dewey Street.

Mr. Bennett presented this matter and stated that Dewey Street is a dedicated street 50 feet in width and about 400 feet in length running between Edgar Street and Roosevelt Street. A property owner on that street has requested the city to accept the dedication and maintain the street. Also, all property owners had been notified of this public hearing as directed by the Council.

Mayor Finch recognized Mr. Irving Veazie of 1507 Patterson Circle. Mr. Veazie stated that there was no change in his position since the meeting last month, and requested acceptance of the dedication and improving the street.

Mayor Finch recognized Mrs. Elizabeth Henderson, a property owner on Roosevelt Street. She stated she already owed the City \$2000. in paving assessments she could not pay, and was opposed to the paving.

Mr. Dawkins made the motion not to accept the dedication and deny the request, seconded by Mrs. Beard and carried unanimously.

Upon motion by Mr. Dawkins, seconded by Mrs. Beard and carried unanimously public hearings were set as follows:

December 19, 1977

- A. Consideration of the initial zoning to R10 Residential District or to a more restrictive zoning classification an area located at 885 Stoneykirk Drive.
- B. Consideration of the rezoning from R10 Residential District to P2 Professional District or to a more restrictive zoning classification an area located on the north side of Raeford Road across the intersection of Raeford Road and Fairway Drive.
- C. Consideration of the rezoning from C1 Local Business District to C2 Central Business District or to a more restrictive zoning classification an area located between Green Street and Ann Street on the north side of Bow Street.
- D. Consideration of the rezoning from R10 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification an area located on the northwest side of Pamalee Drive west of Gary Street.

- E. Consideration of the rezoning from R6 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification an area located on the northwest side of Pamalee Drive east of Gardner Street.
- F. Consideration of the initial zoning to R6 Residential District and C1 Local Business District or to a more restrictive zoning classification of an area located on the west side of Gregory Street at its intersection with Shaw Road.
- G. Consideration of a proposed annexation of Sykes property located on West Jenkins Street.
- H. Consideration of the proposed annexation of the Bobby Taylor Oil Company property located on the northwest corner of US 401 By-Pass and Rosehill Road.
- I. Consideration of a resolution requiring the paving of Blueridge Road from Westdale Drive to the southern marging of Westfield Subdivision.

PRELIMINARY RESOLUTION REQUIRING THE PAVING, PURSUANT TO PETITION, OF BLUERIDGE ROAD FROM WESTDALE DRIVE TO THE SOUTHERN MARGIN OF WESTFIELD SUBDIVISION, PLAT BOOK 12, PAGE 71, CUMBERLAND COUNTY REGISTRY. RESOLUTION NUMBER R1977-72.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1977.

January 23, 1977

- J. Consideration of the proposed annexation of property located on Camden Road and Southern Avenue.
- K. Consideration of the proposed annexation of the T.E. Hodge's Short Stop and adjacent areas located on the southwest corner of West Hudson Street, and Camden Road.
- L. Consideration of the proposed annexation of the Country Club Lake Subdivision and adjacent property located on the north side of 401 By-Pass.
- M. Consideration of the proposed annexation of Arby's Restaurant property located on the northwest corner of US 401 By-Pass and Morganton Road.

Planning Board Matters:

Upon motion by Mr. Dawkins, seconded by Mrs. Beard and carried unanimously Pierce Subdivision preliminary and final review was given conditional approval with the added utility easement stipulation and the Dancy Street turnaround.

Upon motion by Mr. Dawkins, seconded by Mrs. Beard and carried unanimously Lytton Condominiums preliminary and final group development review located on Stedman Street off MORGANTON Road was given conditional approval.

Upon motion by Mrs. Beard, seconded by Mr. Dawkins and carried unanimously "F" and "D" Subdivision preliminary and final review located on Hilliard Drive near Country Club Lake was given conditional approval.

Upon motion by Mrs. Beard, seconded by Mr. Dawkins and carried unanimously Melrose Commercial area addition preliminary and final group development review located on Owen Drive and Melrose Street was given conditional approval. (Continued from October 24 meeting.)

Upon motion by Mrs. Beard, seconded by Mr. Dawkins and carried unanimously a request for a one inch water connection to an existing main to serve a self-service gasoline station at the intersection of Rosehill Road and Pamalee Drive was granted.

There were no PWC matters to be discussed.

The next item was the reconsideration of a route for installing storm sewer lines to alleviate flooding in the 400 block of Franklin Street. (Continued from the October 24th meeting.)

Mr. Satsky stated that due to the fact that this was in conjunction with another project this should be the decision of the new Council.

Mr. Shields made the motion, seconded by Mr. Satsky and carried unanimously that this matter be continued to January 23rd or some later date.

The next item was the consideration of an ordinance and waiver requiring the Building Inspector to correct conditions of property located at 329½ Dick Street owned by Willis Brown.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 329½ DICK STREET AND OWNED BY MR. WILLIS BROWN. ORDINANCE NO. NS1977-124.

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 Clerk's office in Ordinance Book NS1977.

The next item was the consideration of ordinances imposing liens against real property. The ordinance titles appear below:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$300. AGAINST THE PROPERTY LOCATED AT 315 VANSTORY STREET AND OWNED BY RICHARD ALLEN CAMPBELL AND WIFE DONNIE LOU CAMPBELL. ORDINANCE NO. NS1977-125.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$200. AGAINST THE PROPERTY LOCATED AT 322 INGRAM STREET AND OWNED BY MOSES JUNIOR MCELVINE AND WIFE, JOSEPHINE MCELVINE. ORDINANCE NO. NS1977-126.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$250. AGAINST THE PROPERTY LOCATED AT 320 INGRAM STREET AND OWNED BY ROBERT FULMORE AND WIFE IRENE M. FULMORE. ORDINANCE NO. NS1977-127.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$300. AGAINST THE PROPERTY LOCATED AT 322 SIMMONS STREET AND OWNED BY LUELLA COVINGTON "HEIRS". ORDINANCE NO. NS1977-128.

Mr. Satsky introduced the foregoing ordinances and moved that they all be adopted, seconded by Mr. Shields and carried unanimously at 9:15 P.M.

Copies of the foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1977.

Council next considered the changing of the Loading/Unloading Zone in front of the Airport Terminal Building from 20 minutes to 10 minutes.

Motion was made by Mr. Satsky, seconded by Mr. Shields and carried unanimously to deny the request for the change from 20 minutes to 10 minutes.

At this time Mayor Finch asked what provisions were made in any of the ordinances for the handicapped. Mr. Thomas stated none.

Mayor Finch asked that a special section be designated for the handicapped.

Council then considered a resolution asking the County Commissioners to dedicate rights-of-ways for future street improvements on Fountainhead Lane, Pershing Street and McGilvary Street.

Upon motion by Mr. Satsky, seconded by Mr. Dawkins and carried unanimously the resolution asking the County Commissioners to dedicate rights-of-way for future street improvements on Fountainhead Lane, Pershing Street and McGilvary Streets was adopted.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL REQUESTING THAT THE COUNTY COMMISSIONERS DEDICATE NEEDED RIGHTS-OF-WAY FOR FUTURE STREET IMPROVEMENTS ON FOUNTAINHEAD LANE, PERSHING STREET AND MCGILVARY STTEET. RESOLUTION NO. R1977-73.

A copy of this Resolution is on file in the Clerk's office in Resolutions Book R1977.

The next item was the consideration of a proposed agreement between the City and NC Department of Transportation to improve railroad signals at the Seaboard Coastline mainline at Blount Street and Cumberland Street.

Mr. Bennett presented this matter and stated that the NC Department of Transportation is administering a "Rail-Highway Crossing Program" under which the City street crossings of railroad tracks may be signalized or existing signals be upgraded at Blount Street and Cumberland Street crossing of the SCL mainlineto meet the conditions for Federal money to be used. The proposed agreement for obtaining the upgraded signalization at these two locations obligates the City to pay 10 percent plus contingencies (\$6,200.) of the estimated installation cost of \$44,000. The Federal Highway Administration through NCDOT will pay the remaining \$37,800. The City is also asked to pay 50 percent (estimated at \$800.) of the annual maintenance cost of these installations. Mr. Bennett recommended approval of the agreement.

Motion was made by Mrs. Beard to enter into the agreement between the City and the North Carolina Department of Transportation for improvement of railroad signals at Seaboard Coastline Railroad at Blount Street and Cumberland Street. The motion was seconded by Mr. Dawkins and carried unanimously.

The next item for consideration was the reappointment of the Fire Chief for a four year term of office retroactive to June 25, 1977.

Mr. Thomas presented this matter and stated that due to an administrative oversight no notification was given to the City Council that the Fire Chief's four year term of office had expired on June 25, 1977. To correct this condition I recommend that Chief Thurman Bishop be reappointed for another four year term of office as Fire Chief retroactive to June 25, 2977.

Mr. Dawkins made the motion, seconded by Mrs. Beard and carried unanimously that Chief Thurman Bishop be reappointed for another four year term as Fire Chief retroactive to June 25, 1977, said appointment to run to June 25, 1981.

Council then considered the award of bids for the purchase of front-loading truck for the Street and Sanitation Department.

Mr. Thomas presented this matter and stated that due to the time factor involved, he recommended the bid of Carolina Waste Equipment Company over the low bid. He stated that due to the annexations and the condominiums and apartment complexes being built there was a danger of the service being lessened. All the other bidders had a delivery date of five to six months. Even though the cost is greater (it would cost the City \$913.50) all things considered he recommended the bid of \$58,575.00 of Carolina Waste Equipment Company.

Mrs. Beard made the motion, seconded by Mr. Shields and carried unanimously that Council accept the recommended bid of \$58,575. of Carolina Waste Equipment Company the reason for choosing this bid over the lower bid is due to the time element involved for delivery and service to the citizens.

The next item was the approval of taxi driver permits.

Mr. Thomas presented this matter and stated that the following people have filed applications with the Taxi Inspector for a taxi driver permit and have been recommended by the Taxi Inspector, the Chief of Police and himself, and he recommended council approve the permits:

David L. West, Douglas Gene Gilpatrick, Herman Wilson Gordon, Eula Munn McGill, Michael Wade Long, Jeffrey Dean Humphrey, Janie Dudley Sherman, John Joseph Midwood and Paul Ralph Waldrop.

Mr. Satsky made the motion, seconded by Mrs. Beard and carried unanimously to approve the foregoing permits as recommended by the Taxi Inspector Police Chief and the City Manager.

Council next considered a resolution of support of a connecting route from Grannis Field to I-95.

Mr. Thomas presented this matter and stated that in a memo from Mr. Bernard Stein, that a public hearing was held on an airport access road to I-95. Due to the opposition on the first route, a second route was shown for discussion. The City Council had previously passed a resolution supporting the airport access route to I-95. The State DOT has requested another resolution be passed by the City Council supporting either route to insure that one access road is provided between the airport and I-95.

Motion was made by Mrs. Beard, seconded by Mr. Satsky and carried unanimously to adopt the resolution. The resolution title appears below:

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL SUPPORTING THE AIRPORT INTERCHANGE ON I-95. RESOLUTION NO. R1977-74.

A copy of this Resolution is on file in the Clerk's office in Resolutions Book R1977.

Appointments:

There was one appointment to be made to the Educational Development Council.

Mr. Satsky nominated Mrs. Ted O. (Susan) Rhodes, Jr. of 1807 Morganton Road.

Upon motion by Mr. Dawkins, seconded by Mrs. Beard and carried unanimously Mrs. Susan Rhodes was appointed to the Educational Development Council for a three year term of office, said term to expire in 1980.

City Managers Report:

Mr. Thomas stated that on December 2, 1977, at 7:00 P.M. a tree lighting ceremony would be held in Cross Creek Park. There will be carolers and Santa Claus will be there in a fire truck. He further stated that due to the crowd expected, he requested that Green Street from Bow Street to Mason Street be closed from 6:45 to 7:45 on December 2nd.

Mr. Dawkins made the motion, seconded by Mrs. Beard and carried unanimously to approve the request of the City Manager and close Green Street from Bow Street to Mason Street from 6:45 to 7:45 P.M. on December 2, 1977.

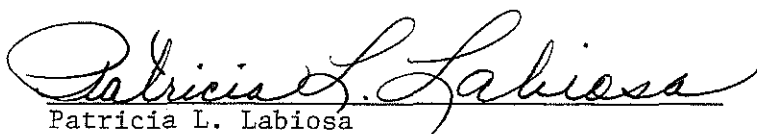
Mr. Thomas reported to Council that much more information would be needed internally and from the banks before he can go any further with the report on Demand Deposit bidding.

Mr. Thomas then reminded Council of the National League of Cities Conference in San Francisco. They would be leaving December 4, 1977.

Mayor Finch then adjourned Council into executive session at 9:50 P.M. to discuss personnel.

Mayor Finch reconvened Council into regular session at 9:58. No action was taken in executive session.

Thereafter, all matters of business having been discussed, this meeting was adjourned at 10:00 P.M. upon motion made and duly seconded.


Patricia L. Labiosa
Acting City Clerk

SPECIAL MEETING
CITY COUNCIL
KYLE HOUSE
DECEMBER 9, 1977
5:00 P.M.

Present: Mayor Beth Finch

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

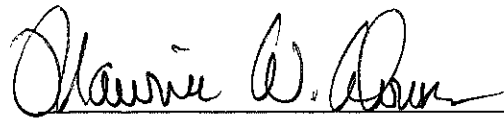
Absent: Marion George

Others Present: Mr. William G. Thomas, III, City Manager
Mr. Robert Cogswell, Interim City Attorney

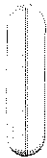
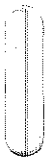
Mayor Finch called the meeting to order to consider the annexation of the Kroger Sav On Store property, located on McPherson Church Road. Annexation Technical Review Committee recommended approval.

Mr. Plummer made the motion to follow the recommendation of the Annexation Technical Review Committee and set a public hearing for Tuesday, December 20, 1977, at 5:00 P.M., at City Hall, seconded by Mrs. Beard and carried unanimously.

Thereafter, no further matters of business to be discussed, this meeting was adjourned at 5:03 P.M., upon motion made and duly seconded.



Maurice W. Downs
City Clerk



SPECIAL MEETING
OF THE EXISTING CITY COUNCIL
CITY HALL COUNCIL CHAMBER
DECEMBER 12, 1977
8:00 P.M.

Present: Mayor Beth Finch

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

Mayor Finch called this special meeting to order.

Mayor Finch personally expressed to each one of the councilmembers who served the past two years, her appreciation for their cooperation and the fine work that they have done for the City. She wished them good luck in their future undertakings and hoped that they will continue to support this Council and future Councils in everything they undertake to do for the betterment of the City.

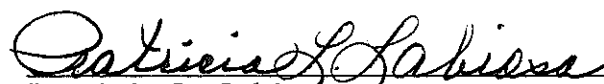
The first item of business was the approval of minutes of the regular meeting of November 28, 1977, and the minutes of a special meeting of December 9, 1977.

Mr. Satsky made the motion, seconded by Mr. Plummer and carried unanimously to approve the minutes of the regular meeting of November 28, 1977, and the minutes of the special meeting of December 9, 1977 as submitted by the Clerk and the Acting Clerk.

The next item was the certification of primary and November 8, 1977 elections by the Board of Elections.

Mr. Satsky made the motion, seconded by Mrs. Beard and carried unanimously to accept the certification of primary and November 8, 1977 elections by the Board of Elections. (These certificates are spread on pages 552A and 560A.)

There being no further business of the existing Council, this special meeting was adjourned at 8:03 P.M. upon motion made by Mr. Satsky, seconded by Mrs. Beard and carried unanimously.


Patricia L. Labiosa
Acting City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
DECEMBER 12, 1977
8:05 P.M.

Present: Mayor Elect Beth Finch

Council Members Elect: George O. Markham, John W. Hurley, J.L. Dawkins, Wayne T. Williams, Mildred Evans and Marion George.

Others Present: William G. Thomas, III, City Manager

Mayor Finch called this meeting to order and the invocation was offered by the Reverend James C. Cammack of Snyder Memorial Baptist Church. Reverend Cammack is the Pastor of Mayor Finch, Councilman Dawkins and Councilman Williams.

The invocation was as follows:

Shall we gather together in prayer.

We acknowledge our need of your guidance, our Heavenly Father, as our Mayor and these City Officials assume their roles of public service.

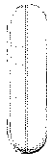
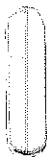
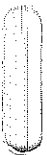
Where they are limited in their understanding, make them wise, where they are timid, give them boldness, where they are eager, temper their anxiety with common sense. We know Our Father that in their work they will face misunderstanding, even harassment from an impulsive and impatient public. Give them therefore a gentle spirit toward those who criticize and give them unity as they work together for the building of a great city. Thank you for their willingness to spend their energies in public service. Bless them daily with health and wisdom to do thy tasks and their work.

In Jesus' name we pray. Amen

The Pledge of Allegiance was led by Specialist 5 Lee J. Edwards, Hq. Co., XVIII Airborne Corps., Fort Bragg.

The Oaths of Office were then administered to the City Council by Superior Court Judge E. Maurice Braswell.

The Oath of Office was then administered to the Mayor by Judge Braswell.



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
DECEMBER 19, 1977
8:00 P.M.

Present: Mayor Beth Finch

Council Members: George Markham, Bill Hurley, J.L. Dawkins, Wayne Williams, Mildred Evans and Marion George.

Others Present: Mr. William G. Thomas, III, City Manager
Mr. Robert C. Cogswell, Interim City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and the invocation was given by Reverend Allen Griffin of Trinity Baptist Church. Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance.

At this time Mayor Finch presented service pins to City Employees. She thanked every one of them for their services to the City.

For thirty years service:

Bill Smith and Oliver Matthews from the Fire Department.

Twenty years service:

Burroughs Edwards, Fire Department
Romeo Hodges, Street and Sanitation Department
Theodore Teary, Street Department
James Watkins, Fire Department

Ten years:

Milton Bluhm, Engineering Department
Louise Bullard, Street and Sanitation Department

Five years:

Bobby Hulon, Fire Department
Thomas House, Garage
James Thomas, Fire Department

Mayor Finch then recognized the following Youth Council Representatives present in the audience to observe Council proceedings: Alan Boyette, Cindy Muncey and Laura Iwerk.

The first item of business was the approval of minutes.

Upon motion by Mr. Williams, seconded by Mr. George and carried unanimously, minutes of the special meeting and regular meeting of December 12, 1977 were approved as submitted by the Acting City Clerk.

At this time Mayor Finch stated that the City Manager had requested Council to set an executive session for discussion of land acquisition and personnel matters at the end of this meeting.

Mr. Williams made the motion, seconded by Mrs. Evans and carried unanimously not to go into executive session to discuss personnel matters, but to set a date for an executive session concerning land acquisition.

Public Hearings:

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 885 Stoneykirk Drive. Planning Board recommended approval.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS:
TO ZONE INITIALLY TO R10 RESIDENTIAL DISTRICT AN AREA LOCATED AT 885 STONEYKIRK DRIVE.
ORDINANCE NO. NS1977-129.

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

A copy of this ordinance is on file in the Clerk's office in Ordinance Book NS1977.

A public hearing had been published for this date and hour on the rezoning from R10 Residential District to P2 Professional District or to a more restrictive zoning classification

an area located on the north side of Raeford Road across from the intersection of Raeford Road and Fairway Drive. Planning Board recommended denial.

Mayor Finch recognized Mr. Vernon Jessup, the petitioner, who wished to build an accounting office in this area.

Mayor Finch recognized Mr. Joe Thompson, a resident of the area for 17½ years who presented a petition by residents of Amigo Drive, Club Drive, Winterlochen Drive and Raeford Road in opposition to the rezoning. Mr. Thompson stated that he and the other residents would like the area to remain residential. There were 12 residents present who were in opposition.

Mr. Dawkins made the motion to follow the recommendation of the Planning Board and deny the request, seconded by Mr. Markham and carried unanimously.

A public hearing had been published for this date and hour on the rezoning from C1 Local Business District to C2 Central Business District or to a more restrictive zoning classification of an area located between Green Street and Ann Street on the north side of Bow Street. Planning Board recommended approval.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM C1 LOCAL BUSINESS DISTRICT TO C2 CENTRAL BUSINESS DISTRICT AN AREA LOCATED BETWEEN GREEN STREET AND ANN STREET ON THE NORTH SIDE OF BOW STREET. ORDINANCE NO. NS1977-130.

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

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1977.

A public hearing had been published for this date and hour on the rezoning from R10 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification of an area located on the northwest side of Pamalee Drive east of Gary Street. Planning Board recommended approval.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R10 RESIDENTIAL DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED ON THE NORTHWEST SIDE OF PAMALEE DRIVE WEST OF GARY STREET. ORDINANCE NO. NS1977-131.

Mr. Dawkins 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 Clerk's office in Ordinance Book NS1977.

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 northwest side of Pamalee Drive east of Gardner Street. Ordinance No. NS1977-132.

Mr. Rudy Singleton was recognized on behalf of the petitioners.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R6 RESIDENTIAL DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED ON THE NORTHWEST SIDE OF PAMALEE DRIVE EAST OF GARDNER STREET. ORDINANCE NO. NS1977-132.

Mr. Williams 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 NS1977.

A public hearing had been published for this date and hour on the initial zoning to R6 Residential District and C1 Local Business District or to a more restrictive zoning classification of an area located on the west side of Gregory Street at its intersection with Shaw Road. Planning Board recommended approval.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: TO ZONE INITIALLY TO R6 RESIDENTIAL DISTRICT AND C1 LOCAL BUSINESS DISTRICT AN AREA LOCATED ON THE WEST SIDE OF GREGORY STREET AND ITS INTERSECTION WITH SHAW ROAD. ORDINANCE NO. NS1977-133.

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

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1977.

A public hearing had been published for this date and hour on the proposed annexation of the Edgar Sykes property located on West Jenkins Street. Annexation Technical Review Committee recommended approval.

Mayor Finch recognized Mr. Sykes who requested this annexation.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL EXTENDING THE CORPORATE LIMITS OF THE CITY TO INCLUDE THE EDGAR SYKES PROPERTY LOCATED ON WEST JENKINS STREET. ANNEXATION ORDINANCE NO. 204.

Mrs. Evans introduced the foregoing ordinance and moved its adoption subject to a utility easement being granted by Mr. Sykes as requested by PWC, seconded by Mr. Hurley and carried unanimously.

A copy of this ordinance is on file in the Clerk's office in Annexation Ordinance Book 1977.

A public hearing had been published for this date and hour on the annexation of the Bobby Taylor Oil Company property located on the northwest corner of US401 By-Pass and Rosehill Road. Annexation Technical Review Committee recommended approval.

Mr. Clinton Harris was recognized in favor of the annexation.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL EXTENDING THE CORPORATE LIMITS OF THE CITY TO INCLUDE THE BOBBY TAYLOR OIL COMPANY PROPERTY LOCATED ON THE NORTHWEST CORNER OF US 401 BY-PASS AND ROSEHILL ROAD. ANNEXATION ORDINANCE NO.205.

Mrs. Evans 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 Clerk's office in Annexation Ordinance Book 1977.

A public hearing had been published for this date and hour on the paving, pursuant to petition, of Blueridge Road from Westdale Drive to the southern margin of Westfield Subdivision.

Mayor Finch recognized Mrs. Nan Buckley and Mrs. Opal Coulter resident and property owner of Blueridge Road, who were in favor of the paving.

There was no opposition present.

FINAL RESOLUTION REQUIRING THE PAVING, PURSUANT TO PETITION OF BLUERIDGE ROAD FROM WESTDALE DRIVE TO THE SOUTHERN MARGIN OF WESTFIELD SUBDIVISION. RESOLUTION NO. R1977-75.

Mr. Williams made the motion to adopt the final resolution ordering the paving of Blueridge Road, seconded by Mr. Dawkins and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1977.

A public hearing had been published for this date and hour on the closing of Charlie White Drive pursuant to petition.

Mr. Thomas presented this matter and stated that one property owner of the area had contacted him and asked for a postponment of this matter.

Mayor Finch recognized Mr. Elmo Zumwalt, representing the petitioners and requested Council to sign the resolution to close the street.

Mayor Finch recognized Mr. Dick Lewis, Attorney representing the City in this matter. Mr. Lewis stated that his reason for speaking was to clarify the purpose of opening was for water service into some homes south of the area. A petition was tendered by the property owners at that time for it to be accepted as a street, offer of dedication for street and utility purposes. Because of drainage problems in the area, City Manager Smith had recommended against acceptance for any purpose other than water service. The City could not under law, accept it for street purposes without accepting it for all other purposes so Council rephrased and moved that it be accepted only as a water easement. After the water line was installed, the property owners did revoke it and could not revoke it as far as its use as a water easement but did revoke as far as street purposes which was never accepted to begin with. The purpose is to clear up any technicality that might exist concerning that area for street purposes. The insurance company has insisted that the City give some acknowledgement that it did not accept it for street purposes and never has. My recommendation is that in granting this upon the condition that a 25 foot wide water easement be granted to the City.

A lengthy discussion followed.

Mr. Dawkins made the motion to continue this matter to the meeting of January 9, 1978 for the best interest of the property owners, seconded by Mr. Hurley and carried unanimously.

A public hearing had been published for this date and hour for the reconsideration of the Feeder Street plan amendments. Planning Board recommended approval.

Mayor Finch recognized Mr. Dave McMillan of Tokay Drive, who presented three separate petitions from the residents of the Tokay Drive area to Council. They were not opposed to the Feeder Street itself but they were concerned with the location and entrance into Tokay and the increase of traffic into Tokay.

Mr. Sam Melvin was recognized and asked for relief from the industrial site on Hoffer Drive.

A lengthy discussion followed.

Mrs. Evans made the motion to approve the Feeder Street plan from Ramsey Street to Eastwood Avenue and add the tie to Hoffer Drive, seconded by Mr. Hurley and carried unanimously.

Upon motion by Mr. Dawkins, seconded by Mr. Hurley and carried unanimously the following public hearing was set for January 23, 1978:

The consideration of the proposed annexation of the Emory Burkett property located on the west side of Murchison Road.

PWC Matters:

Mr. Ray Muench, PWC Manager was recognized and requested approval of bids for the purchase of various specified transformers. Mr. Muench recommended the following low bids:

No. 197-77.E - RTE Corporation	\$70,755.00
No. 198-77.E - Westinghouse Electric Supply	\$17,800.00
No. 199-77.E - Westinghouse Electric Supply	\$46,045.00
No. 200-77.E - Eastern Electric Supply Company	9,732.00
No. 201-77.E - Westinghouse Electric Supply Company	\$24,100.00

Mr. Hurley made the motion to accept the low bids as presented by PWC, seconded by Mr. Williams and carried unanimously.

Mr. Muench then requested approval of the low bid of Crowell Construction Company in the amount of \$97,505.40 for the construction of water and sanitary sewer utilities in the Hillendale Subdivision.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously the low bid of Crowell Construction Company in the amount of \$97,505.40 was approved for the construction of water and sanitary sewer utilities in the Hillendale Subdivision.

Mr. Muench then requested approval of the following low bids for 1978 chemicals for water and wastewater plants:

Caustic Soda	Suffolk Chemical Company	\$29,018.00
Liquid Chlorine	Suffolk Chemical Company	\$88,000.00
Aluminum Sulphate	Cities Service Company	\$34,706.25
Hydrate Lime	Virginia Lime Company	\$ 8,160.00
Hydrofluosilicic Acid	Encee Chemical Company	\$ 2,000.00
Activated Carbon	Husky Industries	\$ 5,265.60

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously the low bids were approved as recommended by PWC.

Mr. Muench then requested approval for a 2 inch water connection and a 6 inch sanitary sewer connection to serve the proposed Red Lobster Restaurant located on McPherson Church Road.

Upon motion by Mr. Hurley, seconded by Mr. Dawkins and carried unanimously the 2 inch water connection and a 6 inch sanitary sewer connection to serve the proposed Red Lobster Restaurant located on McPherson Church Road was approved.

Mr. Muench then requested approval of an easement from the City to Texfi Industries (Fayette Finishing Plant) for operation of a water pump station on City property at the Hoffer Water Plant.

Mr. Williams made the motion, seconded by Mrs. Evans and carried unanimously to follow the recommendation of PWC and approve an easement from the City to Texfi Industries for operation of a water pump station on City property at the Hoffer water plant.

This concluded PWC matters.

The next item was the reconsideration of the drainage problem on Murray Hill Road and Hybard's Branch. (Continued from the November 14, 1977 meeting.)

Mr. Cogswell presented this matter and asked that this matter be continued to the January 9, 1978 meeting. The petitioner, Mr. Don Stewart could not be present at this time.

Mr. Dawkins made the motion, seconded by Mr. Williams and carried unanimously to continue this matter to the January 9, 1978 meeting.

Council then considered an ordinance revising the existing "NO PARKING ANY TIME" on the east side of Dick Street to allow for a loading/unloading zone.

Mr. Thomas presented this matter and stated that the Fayetteville Day Nursery located at 337 Dick Street has requested approval of this loading zone. It would permit parking directly in front of the nursery to deliver and pick up children. At the present time, parking is prohibited on the entire east side of Dick Street. Mr. Thomas recommended approval of the

two ordinances amending the Traffic Schedules 10 and 11 to provide for this loading zone.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 11, "PARKING PROHIBITED." DICK STREET. ORDINANCE NO. NS1977-134.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 10, "LOADING AND UNLOADING ZONES" DICK STREET. ORDINANCE NO. NS 1977-135

Mrs. Evans introduced the foregoing ordinances and moved their adoption, seconded by Mr. Dawkins and carried unanimously.

Copies of the foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1977.

The next item was the consideration of an amendment to an ordinance concerning airport landing fees.

Mr. Rudy Singleton, representing Piedmont Airlines, was recognized and asked that Council accept the proposal in accordance with legalities laid out by the City Attorney.

Council recognized Mr. Bernard Stein, who also asked that Council accept the proposal.

AN ORDINANCE AMENDING CHAPTER 4 "AIRCRAFT AND AIRPORTS" OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1977-7.

Mr. Williams made the motion to approve the new rate increase as presented and adopt the amending ordinance as recommended, seconded by Mr. Dawkins and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1977.

Mr. Williams made the motion to approve the settlement of the pending law suit (rate schedule) as recommended by the Airport Commission (between Piedmont Airlines and the City) and that the attorney for the Airport Commission be authorized to conclude the matter, seconded by Mrs. Evans and carried unanimously.

Council then gave consideration of the award of bids for various items.

Mr. Thomas presented this matter and recommended the following:

For replacement of two pickup trucks for the Animal Control Officers in the Police Department-M&O Chevrolet in the amount of \$8,144.40.

For furnishing four intermediate-class sedans for the Police Department-Autry Chrysler-Plymouth, Inc. in the amount of \$18,290.56.

For furnishing one intermediate-class sedan to be used in the LEAA Court Liaison Project in the Police Department-Autry Chrysler-Plymouth, Inc. in the amount of \$4,697.64.

For furnishing six interceptor model sedans for the Police Department-Autry Chrysler-Plymouth, Inc. in the amount of \$31,924.48.

For replacement of two sedans for the Fire Department- Autry Chrysler-Plymouth, Inc. in the amount of \$9,519.74.

Mr. Dawkins made the motion, seconded by Mr. Hurley and carried unanimously to follow the recommendation of the City Manager and accept the foregoing low bids on these vehicles.

The next item was for furnishing a continuous form burster/sorter for the Finance Department. Mr. Thomas recommended the low bid of NCR Corporation in the amount of \$3,905.60 be accepted.

Mr. Hurley made the motion, seconded by Mr. Williams and carried unanimously to accept the low bid of NCR Corporation in the amount of \$3,905.60.

The next item was uniforms for the Police and Fire Department. Mr. Thomas recommended the low bid of Castle Uniforms in the amount of \$15,060.30 for the Police Department and \$11,103.68 for the Fire Department.

Mr. Dawkins made the motion, seconded by Mr. Williams and carried unanimously to follow the recommendation of the City Manager and accept the low bid of Castle Uniforms for the Police Department in the amount of \$25,060.30 and for the Fire Department in the amount of \$11,103.68.

The next item was for furnishing two vehicles for the Transit Department. Mr. Thomas recommended the low bid of Edmac Truck Sales and Service, Inc. in the amount of \$6,808.40 for the purchase of the service truck with utility body. He then recommended the low bid of Bryan Pontiac-Cadillac for the purchase of the intermediate-class four door sedan for the Transit Department in the amount of \$5,258.26.

Mr. Williams made the motion, seconded by Mr. Dawkins and carried unanimously to accept the low bid of Edmac Truck Sales and Service for the service truck in the amount of \$6,808.40

and the low bid of Bryan Pontiac Cadillac for the intermediate class four door sedan in the amount of \$5,258.26.

The next item was for furnishing a photocopy machine with image reduction capability for the Transit Department. Mr. Thomas recommended the low bid of Electronics Office Systems in the amount of \$3,652.12.

Mr. Williams made the motion, seconded by Mrs. Evans and carried unanimously to follow the recommendation of the City Manager and accept the low bid of Electronics Office Systems in the amount of \$3,652.12.

The one appointment to the Fayetteville Redevelopment Commission was deferred until January 9, 1978.

There were no delegations present.

City Manager's Report:

Mr. Thomas reported one resignation from the Police Department: William R. Cranford and two resignations from the Fire Department: Charles Step and Thomas L. Clark.

Council noted the resignations.

Mr. Thomas stated that some time ago, he had recommended the City hire an Insurance Consultant for professional advice as to what we should do with our insurance coverage due to recent increases and modifications. Council requested that he go ahead and then bring back the report to Council. Mr. Thomas requested amongst those listed as consultants in North Carolina and received and analyzed proposals to provide the following services: analyze the City's Group Life and Health benefits and recommend revisions, to prepare uniform specifications for bidding, analyze bids received and recommend to selection of carrier. There were four firms contacted and H. Gray Hutchinson Associates, Inc. in Raleigh is recommended. They were lower of the bids and are familiar with the City. Their bid was \$3,500. maximum fee.

Mr. Dawkins made the motion, seconded by Mr. Williams and carried unanimously to follow the recommendation of the City Manager and employ H. Gray Hutchinson Associates, Inc. as Insurance Consultants for the City.

Mr. Thomas then spoke of the pressing need for a full time City Attorney. Day to day requirements for the City dictate for a full time City Attorney. Mr. Thomas recommended that either of two actions be taken by City Council: 1. Appoint Mr. Robert Cogswell as full time City Attorney at an annual salary of \$24,000. effective December 20, 1977. 2. To authorize the appointment of a full time City Attorney at an annual salary of \$24,000. and authorize the position and receive applications. After the receipt of applications the City Manager would screen the applications and make an appropriate recommendation to the City Council. This course of action would require 4-6 weeks to complete and would result in a request for executive session. Although either of the courses would be appropriate, as City Manager he preferred the first course of action, the appointment of Mr. Robert Cogswell. Preference is based on the past experience in working with Mr. Cogswell and the need for a full time City Attorney. Mr. Cogswell has gained valuable municipal experience while serving as interim City Attorney for the past eight months.

Mr. Williams made the motion, seconded by Mr. Dawkins and carried unanimously to hire Mr. Robert Cogswell as permanent City Attorney with an annual salary of \$24,000. as recommended by the City Manager, said term of employment to begin on January 1, 1978.

Mr. Thomas then spoke of the structure and relationship of Community Development with the City Council.

He recommended that Council consider changing the relationship going to the Redevelopment Staff Commission and using the staff working with the Redevelopment Commission. The City would retain the administrative authority over the Community Development Staff by City Administration. This would include payroll personnel, retirement and others.

Mrs. Evans made the motion, seconded by Mr. Hurley and carried unanimously that Council hold a conference session to discuss the reorganization of the Community Development Department on Wednesday, December 28, at 5:00 P.M. at the Kyle House.

Mr. Thomas stated that he had discussed with Council the position of Director of Community Development that has been vacant since July 8, 1977. This has placed a heavy burden on the Assistant Director, Mr. Richard Herrera, as he has been performing the duties of responsibilities of his own position and that of Director. After many discussions with Mr. Herrera and interviewed other applicants on the position of Community Development Director, I feel that Mr. Herrera would be the most qualified person for the director position. I am recommending that Mr. Herrera be appointed Director of Community Development with an annual salary of \$23,000.

Mr. George asked if it was necessary to advertise this position again.

Mr. Thomas replied that it had been advertised in July and August and again in September. The individual they had decided on had declined when contacted. Mr. Herrera had not submitted an application at this time.

Mr. George suggested to be technically correct that they advertise this position, accept Mr. Herrera's application and then make a decision.

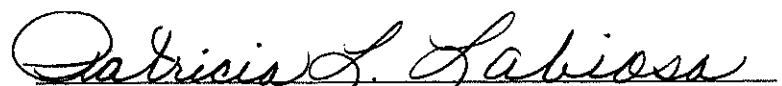
Mrs. Evans made the motion, seconded by Mr. Hurley and carried unanimously to follow the procedure of advertising for Director of Community Development with a closing date of 30 days from the date of advertisement.

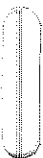
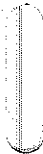
Mr. Thomas then requested an executive session to discuss land acquisition.

Mr. Dawkins made the motion, seconded by Mr. Williams and carried unanimously to have an executive session at the end of the conference session on December 28, after the conference session to be held at the Kyle House.

Mayor Finch then announced that on December 23rd there would be an open house at the Kyle House for all the City Employees and hoped that all would attend.

Thereafter, all matters of business having been discussed, this meeting was adjourned at 11:02 P.M. upon motion made and duly seconded.


Patricia L. Labiosa
Acting City Clerk



SPECIAL MEETING
TUESDAY, DECEMBER 20, 1977
5:00 P.M.
COUNCIL CHAMBER
CITY HALL

Present: Mayor Pro Tem: J.L. Dawkins

Council Members: George Markham, Bill Hurley, Wayne Williams, Mildred Evans and Marion George.

Absent: Mayor Beth Finch (Illness)

Others Present: William G. Thomas, III, City Manager
Robert Cogswell, City Attorney

Mayor Pro Tem Dawkins, presiding in the absence of Mayor Finch, called this special session to order for the announced and duly advertised purpose of considering the annexation of the Kroger Sav On Store property located on McPherson Church Road.

The Annexation Technical Review Committee recommended annexation.

No one spoke in favor of the annexation although Mr. Herb Thorp, counsel for the Kroger interest, was present.

A Mr. Clinton Harris was recognized in opposition for, as he stated, the following reasons: 1) the setting and holding of this special session for this purpose, 2) special treatment had been afforded in this case, and 3) no provision was in the feeder street plan for pedestrian rights-of-way at this location.

Mr. Dawkins replied that the location was not part of the feeder street plan.

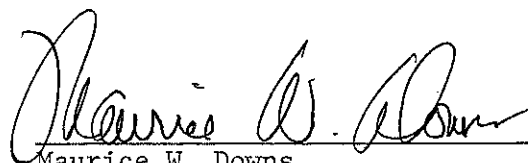
Both Mrs. Evans and Mr. George stated that no special treatment or deals had been made.

Mr. Williams then offered motion, seconded by Mrs. Evans, that the Kroger Sav on Store property on McPherson Church Road be annexed to the City by the adoption of the following ordinance. Motion carried unanimously. (The ordinance title appears below)

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE THE KROGER SAV ON STORE ON MCPHERSON CHURCH ROAD. ANNEXATION NO. 206.

A copy of the foregoing ordinance is on file in the Clerk's office in Annexation Ordinance Book 1977.

This special session was then adjourned at 5:08 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk



SPECIAL MEETING
KYLE HOUSE
WEDNESDAY, DECEMBER 28, 1977
5:40 P.M.

Present: Mayor Beth Finch

Council Members: Wayne Williams, Mildred Evans, Marion George, J.L. Dawkins, George Markham
and Bill Hurley

Others Present: William G. Thomas, III, City Manager
Mr. Robert Cogswell, City Attorney

Following a conference session which began at 5:00 P.M. during which time Council discussed the reorganization of the Community Development Department, Council convened into official session at 5:40 P.M. upon motion made by Mr. Dawkins, seconded by Mr. Markham and carried unanimously.

Mrs. Evans made the motion for City Council to appoint the Fayetteville Redevelopment Commission as the Community Development Agency responsible to the City Council for planning and development of Community Development programs, holding public hearings and for citizen participation, seconded by Mr. Dawkins and carried unanimously.

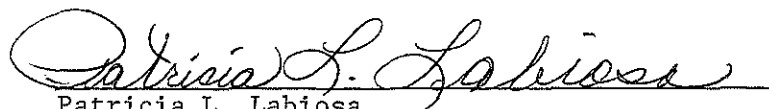
Mr. George made the motion to create a Community Development Department in which the Community Development Director and all employees of the Community Development staff and agency would become employees of the City and be responsible to the City Manager and City Council as all other City employees, seconded by Mrs. Evans and carried unanimously.

Mayor Finch then asked the City Manager to report to Council at the January 9th meeting on the progress of the Community Development task force.

Mr. Williams made the motion to authorize the City Manager to hire a Community Development Director with an annual salary of \$23,000. with approval of the City Council and that an interim Director be appointed until a director is appointed, seconded by Mr. Dawkins and carried unanimously.

Mr. Dawkins made the motion to authorize the City Manager to fill all vacancies currently existing in the Community Development Department, seconded by Mr. Williams and carried unanimously.

Thereafter all matters of business, this meeting was adjourned at 6:20 upon motion made and duly seconded.


Patricia L. Labiosa
Acting City Clerk

