

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JANUARY 9, 1978
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, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and the Reverend Wayne Ham of Snyder Memorial Baptist Church gave the invocation. Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance.

Mayor Finch recognized the following Youth Council Representatives present in the audience to observe Council proceedings: Anne Yeago, Dedire Davison and Eric McCallum.

Mayor Finch then administered the Oath of Office to Mr. Robert C. Cogswell, the full-time City Attorney.

The first order of business was the approval of minutes.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, minutes of the regular meeting of December 19, 1977, were approved as submitted by the Acting City Clerk.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, minutes of the special meeting of December 20, 1977, were approved as submitted by the Clerk.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, minutes of the special meeting of December 28, 1977 were approved as submitted by the Acting Clerk.

The next item on the agenda was the reconsideration of the closing of Charlie White Drive, pursuant to petition. (Continued from the December 19, 1977 meeting.)

Mr. Bennett presented this matter and stated that an attorney, on behalf of the Formulak property, is asking the City to relinquish any claim for Charlie White Drive right-of-way. When considering the Charlie White Drive matter, Mr. Bennett suggested the City may also want to consider the traffic problem in this vicinity. Oliver Street is dedicated, but unopened from Sandhurst Drive to the Cooper lot. During construction of the All American Expressway, a traffic signal is being installed at Player Avenue and a street stub out is being provided on the north side of the Formulak property. We believe that Oliver Street should be extended across the Cooper and Formulak properties to provide access to Owen Drive at the traffic signal. This would provide a signalized access point for the several medical facility developments in the Melrose Road vicinity and for future private hospital site. Perhaps a trade could be made for the right-of-way needed across the Formulak property.

Mayor Finch then recognized Mr. Elmo Zumwalt, Attorney for the property owners. He stated that the question was what rights, if any, does the City have to this property. It was his legal opinion that the City does not have anything other than a water easement running through that property. Mr. Zumwalt stated that the property is in the process of being sold and the title insurance company wants to insure that this is the City's position. Mr. Zumwalt asked Council to sign this resolution closing this street.

Mayor Finch then recognized Mr. Dick Lewis. Mr. Lewis stated that in his opinion that all the City has at this time is the water easement, and recommended that the City sign the resolution closing this street.

Mr. Dawkins asked Mr. Lewis' opinion on the trade that Mr. Bennett suggested.

Mr. Lewis replied that in his opinion, the City had nothing to trade.

Mr. Williams made the motion, seconded by Mrs. Evans and carried unanimously to adopt the resolution as presented, subject to acquisition of a permanent 20 foot wide water easement. (Resolution title appears below:)

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL ORDERING THE CLOSING OF A PORTION OF CHARLIE WHITE DRIVE. RESOLUTION NO. R1978-2

Upon motion by Mr. Dawkins, seconded by Mr. Hurley and carried unanimously the following public hearings were set for January 23, 1978.

A. Reconsideration of the proposed annexation of the Samuel Connors property located on U.S. 401 North.

B. Consideration of the paving of Groton Avenue.

PRELIMINARY RESOLUTION REQUIRING THE PAVING, WITHOUT A PETITION, OF GROTON AVENUE. RESOLUTION NO. R1978-1

C. Consideration of an amendment to an annexation ordinance adopted December 19, 1977 of the Edgar Sykes property located on West Jenkins Street.

Planning Board Matters:

Council gave consideration to Hillendale West Subdivision extension preliminary and final review located on Rosehill Road. Planning Board recommended conditional approval.

Mr. Dawkins made the motion, seconded by Mr. Williams and carried unanimously to follow the recommendation of the Planning Board and approve the preliminary and final review of Hillendale West Subdivision extension preliminary and final review subject to the conditions set forth by the Planning Board.

Council next gave consideration to the Bordeaux West Office and Storage Shed preliminary and final review located on Owen Drive at Village Drive. Planning Board recommended conditional approval.

Mr. Hurley made the motion, seconded by Mr. Dawkins and carried unanimously to follow the recommendation of the Planning Board and approve the preliminary and final ClP review of Bordeaux Center West Office and Storage Shed subject to the conditions.

Council next gave consideration to the McAllister Estate Apartments and Office Complex preliminary and final review located on Hay Street at Davis Street. Planning Board recommended conditional approval.

Mrs. Evans made the motion, seconded by Mr. Hurley and carried unanimously to follow the recommendation of the Planning Board and approve the preliminary and final review of McAllister Estate located on Hay Street at Davis Street subject to the conditions.

Public Works Commission Matters:

Mr. Muench requested approval of one 1-inch water connection to an existing main to serve the residence of Daniel Dukes at 762 Country Club Drive.

Mr. Williams made the motion to follow the recommendation of PWC and grant the request for the one inch water connection to serve the residence of Daniel Dukes of 762 Country Club Drive subject to the annexation agreement, seconded by Mr. Hurley and carried unanimously.

This concluded PWC matters.

Council next considered an ordinance requiring the Building Inspector to correct conditions of property located at 1101 Turnpike Road owned by Rufus Washington. (Given 90 day extension at the September 26, 1977 meeting.)

Mr. Thomas presented this matter and stated that Mr. Washington had been given a 90 day extension on June 27, 1977 and a second 90 day extension on September 6, 1977 and so far no corrections have been made.

Mayor Finch recognized Mr. Washington who asked for more time to tear down the building.

Mr. Williams made the motion, seconded by Mr. Dawkins to instruct Mr. Macy that if the situation is not corrected in two weeks from today that necessary measures be taken to correct the conditions.

Mrs. Evans made an amendment to the motion to extend the time limit to thirty days and for Mr. Macy to report back to Council the first meeting in February.

Mayor Finch called for a vote on the motion and the amendment and it carried unanimously.

The next item was the consideration of the drainage problem on Murray Hill Road and Hybard's Branch. (Continued from the December 19, 1977 meeting.)

Mr. Bennett presented this matter and stated that over a period of years, Hybard's Branch has become clogged with sediment up and down stream from Murray Hill Road and the culverts under Murray Hill Road are half filled with sediment. This sediment obstructs the free flow of water through the culverts. During heavy rains, water backs up from the road 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 \$12,000. He recommended to proceed with the drainage and request an easement of 40 feet wide on each side of the channel as a condition.

Mayor Finch recognized Mr. Stewart who requested the drainage.

Mr. Hurley made the motion, seconded by Mr. Dawkins and carried unanimously to follow the recommendation of the City Engineer and approve the dredging of Hybard's Branch downstream to the lake and upstream as far as necessary and to obtain the proper easement for the work to be done.

Council next considered a resolution requesting that N.C. Department of Transportation take all steps necessary to implement a program to include the expansion of N.C. Highway #24 from Fayetteville to the Coast.

Mr. Williams made the motion, seconded by Mr. Dawkins and carried unanimously to approve the resolution as presented. Resolution title appears below:

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL REQUESTING THE EXPANSION OF N.C. HIGHWAY #24 FROM FAYETTEVILLE TO THE COAST. RESOLUTION NO. R1978-3.

A copy of this resolution is on file in the Clerk's office in Resolutions Book R1978.

The next item considered was the municipal agreement between the City of Fayetteville and the N.C. Department of Transportation for improvements to McPherson Church Road.

Mr. Bennett presented this matter and stated that the City had been asked to participate to the extent of 25% of the right-of-way cost to be reimbursed to the State over a period of five years. On McPherson Church Road the estimated City cost is \$50,000. payable in five annual installments of \$10,000. each beginning August 1, 1978.

Mrs. Evans made the motion, seconded by Mr. Dawkins to participate in the project as requested in the amount of \$50,000 payable over a period of five years at \$10,000. per year. Motion carried unanimously.

The next item was the consideration of a municipal agreement between the City of Fayetteville and the N.C. Department of Transportation for improvements to 401 By-Pass.

Mr. Bennett presented this matter and stated that the City has been asked to agree to participate in the upcoming project, the U.S. 401 By-Pass which runs from Raeford Road, northwesterly across across Bragg Boulevard. The estimated right-of-way cost for that portion of the project lying within the corporate limits is \$125,000. They ask that the City pay in five annual installments of \$25,000. each. This is 25% of the right-of-way cost within the City.

Mrs. Evans made the motion to participate in the project, seconded by Mr. Hurley and carried unanimously.

The next item was the consideration of the pedestrian shelter in the Cross Creek Park project.

Mr. Bennett presented this matter and stated that the low bidder, Hatcher Construction Company, Inc. did not include the required bid bond and therefore, his bid is disqualified. Mr. Hatcher stated he made an error in the amount of his bid and agreed that it should be disqualified.

Mr. Bennett stated that he and Harry Shaw of the History and Scenic Sites Committee recommended the contract be awarded to James Jackson Construction Company in the amount of \$7,473.00.

Mr. Dawkins made the motion, seconded by Mr. Hurley and carried unanimously to award the contract to James Jackson Construction Company in the amount of \$7,473.

Council then considered the disposition of residual funds under the LWP Grant project.

Mr. Thomas presented this matter and stated that the City had received a grant from the EDA in the amount of \$405,000. The previous Council decided to use this for the paving of unpaved streets in the area known as "Pockets of Poverty." The contracts have been put out on bid and the figures were much lower than anticipated. There is a balance of \$225,000. He was approached by the City Engineer with a proposal and recommendation that a new Engineering building be constructed on City owned land on Nimmocks Street adjacent to Alexander Street installation where signs and signal is now and that this building could be constructed along with a parking lot for \$125,000. He stated that since the Mayor is appointing a building committee at this meeting, he recommended that this proposal be referred to the Building Committee for consideration and recommendation.

There was some discussion.

Mrs. Evans made the motion, seconded by Mr. Williams to continue this matter until the Building Committee can bring back a recommendation.

Mr. George made a substitute motion that this matter be continued and that Council give further consideration as to whether the funds should be used for further street paving in the low income areas or used for the purpose of building an Engineering Building.

The motion failed for lack of a second.

Mr. Williams made a second substitute motion that the disposition of the residual funds be considered by the Building Committee and the Roads Committee and recommendation be returned to Council as soon as possible, seconded by Mr. George and carried unanimously.

Council then considered the award of contract for a Coin Sorter-Counter with printer for the Transit Department.

Mr. Thomas presented this matter and stated that on December 12, 1977, a bid opening was held and the only response from the three know suppliers was one "no bid". This item was readvertised for a bid opening on December 30, 1977 and the only bid received was from Brandt Sales and Service in the amount of \$6,304.48. Mr. Thomas recommended that this bid be accepted.

Mr. Williams made the motion, seconded by Mr. Hurley and carried unanimously to follow the recommendation of the City Manager and accept the bid of Brandt Sales and Service in the amount of \$6,304.48.

Council recognized Mr. Milton Mazarick who gave a presentation concerning the Recreation and Parks Ranger Program.

Mr. Mazarick stated that this matter had been discussed by the Recreation and Parks Advisory Commission and they felt that most important was to establish some sort of long range program aimed toward the next fiscal year of securing our parks in a more favorable manner in their use by the Citizens. This plan has been drawn up and presented to you under two headings, "Justification of the Park Rangers" and the "Work Schedule and Duties." This has been brought to you tonight for initial consideration.

Mayor Finch thanked Mr. Mazarick for his presentation.

Mr. Dawkins made the motion, seconded by Mr. Hurley and carried unanimously to accept the presentation as information and give consideration to the Park Ranger Program.

The next item for consideration was the approval of taxi driver permits.

Mr. Thomas presented this matter and stated that the following people have filed for application with the Taxi Inspector for a taxi driver permit:

Donald Frank Lewis, John C. Taylor, David Keith Tousley, George Michael Godsey, Richard Alfred Luciano, William Decateur Jones, Jr., Dwayne Nathaniel, William Alexander Melvin, Jr., Lutender Hobbs, Mary Sue Owen, Raleigh Thomas, William H. Harmon, Jr. and Jimmy Ross Hensley.

Mr. Williams made the motion, seconded by Mr. Dawkins and carried unanimously to accept the recommendation of the City Manager, Chief of Police and the Taxi Inspector and approve the permits as recommended.

There was one appointment to the Fayetteville Redevelopment Commission.

Mrs. Evans nominated Mr. Kenny Smith.

Mr. Geroge nominated Mrs. Henry Moses.

Mr. Williams made the motion to continue this matter for two weeks and request a resume be provided by the nominator, seconded by Mr. Hurley and carried unanimously.

There was one appointment to the Fireman's Relief Fund.

Upon motion by Mrs. Evans, seconded by Mr. Hurley and carried unanimously, Mr. George McCarthy was reappointed by acclamation vote for a two year term, said term expiring in January, 1980.

Mayor Finch then recognized Mr. Bill Bowser, Vice President of the Longhill Branch of the NAACP.

Mr. Bowser called attention to the fact that upon checking information on Revenue Sharing program, he discovered that the City is non-conforming in that they are not depositing funds in the minority bank. Secondly, he would like to see a citizens advisory committee operate in connection with the Community Development. He believes it would remedy some of the problems and involve some of the citizens. Thirdly, it is his understanding that after the EDA Grant was approved the operation should have begun in 90 days and wondered how there was \$125,000. left past the 90 days and could still be legitimate for other uses.

Mr. Thomas stated that in reply to the EDA Grant, that the requirement was that the program begin in 90 days and we met that requirement.

Mr. McCarthy stated that investments were deposited in the minority bank.

Mayor Finch stated that as to the Citizens Advisory Committee she had no objections if Council should choose to establish one, but public hearings had been published for citizen participation.

Mayor Finch then recognized Mr. Clinton Harris who requested that the \$125,000. remaining of the EDA funds be used for sidewalks.

Mayor Finch then recognized Mrs. Emma Taylor Horton of 1051 Adams Court. She asked that Council reconsider the action taken on the Adams Court project.

Mayor Finch also recognized Mr. Tom Williams who spoke in Mrs. Horton's behalf. Mr. Williams is also a property owner in this area and stated that it would not only damage his property but others around him if this project is carried out.

Mayor Finch asked Mr. Herrera to give Council a little background on the acquisition of this property and what would be involved if they chose at this time to make a change in the retention of the property.

Mr. Herrera stated that it had been advertised several times and notices of public hearings had been either hand carried or mailed to property owners and tenants of this property. The public hearing was held on November 14th. An opportunity was given to those people involved at that time to speak either for against the program. Council decided to go ahead with the program at this time. He stated that anything less than 4½ acres would not be feasible for a housing site for the elderly. He also stated that it would be Council's prerogative to select another site, but that it would not be feasible to exclude this property.

Mayor Finch asked Mr. Herrera that if another site was selected, how long would it take.

to start the project again.

Mr. Herrera replied at least 7 or 8 months.

Mayor Finch suggested that Mrs. Horton should go to the new Redevelopment Commission and make her request and then make a recommendation to Council rather than have Council to make the determination at this point.

Mr. Markham made the motion, seconded by Mr. Williams and carried unanimously to refer this matter to the Redevelopment Commission and hear their recommendation as soon as possible.

City Manager's Report:

Mr. Thomas stated that the Civil Service Commission and the Chief of Police has recommended the promotion of the following two patrolmen to Sergeant: R.T. Holman and V.C. Redick. Mr. Thomas recommended that they be promoted to the existing vacancies.

Motion was made by Mr. Williams, seconded by Mrs. Evans and carried unanimously to follow the recommendation of the Civil Service Commission, the Chief of Police and the City Manager and promote these two officers to the rank of Sergeant.

Mr. Thomas further stated that the Civil Service Commission had certified and the Chief of Police has recommended that the following Sergeant be promoted to Captain: Sergeant P.D. Warner. The recommendation does not involve approval of a promotion to an existing vacancy, but rather an approval to upgrade an existing position; The Administrative Aide to the Chief of Police.

Mr. Thomas stated that he was aware that the Mayor was to discuss with the Council tonight the appointment of several committees, one of which will be a personnel committee. Therefore he recommended that it be sent to the personnel committee before being considered by the City Council.

Mr. Dawkins made the motion, seconded by Mr. George and carried unanimously to delay this decision until the personnel committee is appointed and a recommendation can be made at their earliest convenience.

Mr. Thomas then reported one resignation from the Fire Department: Mr. Theodore M. Browder, resignation effective December 31, 1977.

Council noted the resignation.

Mr. Thomas then requested a work session on the annexation of Fort Bragg to brief the new Council.

Council decided on Tuesday, January 17, 1978 at 7:00 P.M. at the Kyle House. They will also discuss the transfer station at that time.

Council then heard Assistant City Manager John Smith who gave a progress report on the task force of Community Development.

Mr. Smith stated that the basic purpose of the task force is to coordinate and expedite the implementation of approved projects and will only be involved in those areas that have already been approved by the Redevelopment Commission and by the City Council. He included in his information to Council a summary of the Community Development Project status and a summary of expenditures thru December 31, 1977. Total expenditures as of December 31, 1977 is \$1,309,507. In the future drawdowns are to be made on a monthly basis, so HUD is aware of the progress. He informed them on the action taken as far as establishing the program objective over the next six months, spending objectives for the next six months will be approximately \$810,000. thru June 30, 1978 and obligate an additional \$844,800. primarily on paving contracts. By the end of June, if the goals and objectives are met they will have spent or obligated \$1,655,000. which will demonstrate to HUD our progress in this area.

Mayor Finch thanked Mr. Smith and the task force for the work they have done.

Matters of interest to Council:

Mr. Hurley stated that he wished to explore the possibility of earlier meetings during the winter months. He suggested that in the months of October thru April, meeting should start at 7:00 or 7:30 and during the summer months at 8:00.

Mr. Cogswell was instructed to prepare an ordinance to this effect and bring it to the next Council meeting.

Mr. George stated that because of a student being killed in front of Fayetteville State last week, there had been renewed complaints of speeding, lack of Police Patrol and special crosswalks in that area. He would like City Administration to look into this and make a recommendation at the next meeting.

Mr. Williams presented to Council a resolution he had prepared concerning bail and increase in the length of sentences in criminal cases addressed to presiding judges.

Mr. Williams made the motion that this resolution be adopted by the Council and the presiding judges of Cumberland County, Superior Court Judges and District Court judges be given copies of accepted.

The motion failed for lack of a second.

Mr. Dawkins made the substitute motion to postpone action on this matter until January 23, 1978, seconded by Mrs. Evans and carried: Mr. George abstaining. Mr. Williams opposed.

Mayor Finch reminded Council of the luncheon meeting with the Legislative delegation on January 11, 1978 at 12:30 at Jordans.

Mayor Finch also reminded Council of the Institute of Government seminar in February.

Mayor Finch then stated that due to the increasing demand in all facets of City Government that the time has come that we put some of this work into the hands of committees which will from time to time review the areas to which they are assigned and make a recommendation for further consideration and action by the full Council. The City Manager, Assistant City Manager, Department Heads related to specific committee work and the Mayor and if necessary the City Attorney will and can act as ex-officio members of each committee. Each committee is to begin at once, some consideration of the matter pertaining to their specific work and have a brief report ready for the second meeting in February. If and when the committee feels it necessary to ask for a meeting of the full Council, the Chairman will notify either the City Manager or the Mayor and a meeting will be arranged as soon as possible. It is hoped these appointments will help City Government to quickly and more efficiently expedite the work that faces us and will reflect the progressive attitude that will assure an improved quality of life for all the citizens. The description of work for each committee can be expanded or changed as new matters come before them.

Mayor Finch announced that Mr. Wayne Williams will replace Mr. Vardell Godwin to the Transportation Advisory Committee as the Council representative and Mr. Bill Hurley as Council representative to the City/County Joint Law Enforcement Agency to replace Mr. Satisfsky.

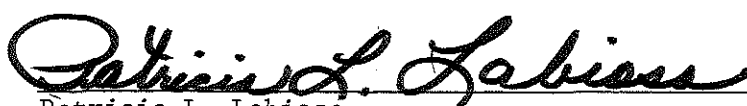
The Committees are as follows:

Personnel:	Chairman Evans Hurley George	City/County Liaison:	Chairman Hurley Evans Dawkins
Finance and Budget:	Chairman Dawkins Markham Hurley	Street and Roads:	Chairman George Williams Markham
Building Property:	Chairman Williams Evans Markham	Policies:	Chairman Markham Dawkins Williams

Charter (two identical committees)

Chairman George Williams Hurley	Chairman Dawkins Evans Markham
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Thereafter, all matters of business having been discussed this meeting was adjourned at 11:15 upon motion made and duly seconded.


Patricia L. Labiosa
Acting City Clerk

SPECIAL MEETING
TUESDAY
JANUARY 17, 1978
7:50 P.M.
KYLE HOUSE

Present: Mayor Beth Finch

Council Members: George Markham, Bill Hurley, J.L. Dawkins, Wayne Williams and Mildred Evans

Council Member Absent: Marion George

Others Present: City Manager, W.G. Thomas, III
City Attorney, Robert Cogswell

Following a very brief discussion which began at 7:00 P.M. concerning the annexation of Fort Bragg, Council, upon the advice of City Attorney Cogswell, and upon motion by Mr. Hurley, seconded by Mr. Williams, and carried unanimously, voted to enter into an executive session to receive information from the City Attorney concerning this matter at 7:05 p.m.

Following adjournment of the executive session at 7:45 p.m., Council upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, voted to enter into this special session at 7:50 p.m.

Mayor Finch then stated that Council had been advised by the Commanding General at Fort Bragg that he would have no objection to a compromise annexation agreement between Fayetteville and Spring Lake based on his approval of a memorandum of agreement submitted to him from the two governing bodies; that memorandum to address itself to such things as law enforcement, fire protection, taxes, building permits, license fees and a laundry list of things we have not yet discussed, but those kinds of things.

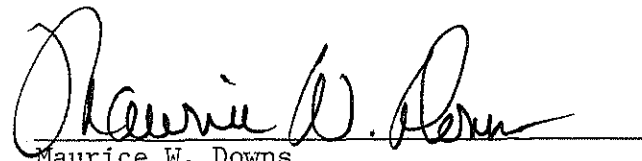
The reason for a compromise with Spring Lake in preparing that memorandum of understanding and allotting sufficient time for those things will, of course, require extension of time more than we now have available between now and February 8, 1978. So, if it is Council's desire to work toward a compromise with Spring Lake and participate in the preparation of this memorandum of understanding, then I would recommend that the present restraining order be extended for a period of time provided that the Spring Lake Board of Aldermen also agree to an extension.

Mr. Hurley then offered a motion that the Mayor be authorized to sign an extension of the Consent Order for a period of 6 months upon the following conditions:

- 1) Spring Lake agree to a 6 month extension.
- 2) That the difference of 6 days between public hearings remain in effect.

Mr. Hurley's motion was seconded by Mr. Williams and upon being put to vote carried unanimously.

Thereafter, upon motion by Mr. Dawkins, seconded by Mrs. Evans, this special session was adjourned at 7:55 p.m.


Maurice W. Downs
City Clerk

A copy is on file in the Clerk's office in Annexation Ordinance Book No. 1977.

A public hearing had been published for this date and hour on the satellite annexation of the Emery Burkett property located on the west side of Murchison Road.

Mayor Finch excused herself from this matter due to possible conflict of interest, and requested Mayor Pro tem Dawkins to preside which he did.

Mr. Jerome Person was recognized and requested postponement of this matter due to the illness of the representing Attorney Hank Finch.

Mr. George made the motion to continue this matter to the next regular meeting of February 13, 1978, seconded by Mr. Hurley and carried unanimously.

A public hearing had been published for this date and hour on the annexation of property located on Camden Road and Southern Avenue. Annexation Technical Review Committee recommended approval.

Mayor Finch recognized Mr. Reggie Barton, of Washburn Moving and Storage Warehouse who stated that last fall this area was annexed to the City and annexed only part of the property, therefore, part of his building is in the City and part is in the county. He requested that the remainder of the property be annexed to the City.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL EXTENDING THE CORPORATE LIMITS TO INCLUDE THE CAMDEN-ROAD-SOUTHERN AVENUE AREA. ANNEXATION ORDINANCE NO. 207.

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

A copy of this ordinance is on file in the Clerk's office in Annexation Ordinance Book 1978.

A public hearing had been published for this date and hour on the annexation of the T.E. Hodges Short Stop and adjacent areas located on the southwest corner of West Mountain Drive and Camden Road. Annexation Technical Review Committee recommended approval.

Mayor Finch recognized Mr. Maurice Bedsole, a restaurant owner in the area who was in favor of the annexation.

Mayor Finch also recognized Mr. Vance Neal, representing the Short Stops who was in favor of the annexation.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL EXTENDING THE CORPORATE LIMITS TO INCLUDE THE WEST MOUNTAIN DRIVE PROPERTY. ANNEXATION ORDINANCE NO. 208

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

A copy of this ordinance is on file in the Clerk's office in Annexation Ordinance Book 1978.

A public hearing had been published for this date and hour on the proposed annexation of the Cecil and Cary Butler property located on Country Club Drive. Annexation Technical Review Committee recommended approval.

Mayor Finch recognized Mr. Cecil Butler, property owner who requested this annexation.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL EXTENDING THE CORPORATE LIMITS TO INCLUDE THE CECIL AND CARY BUTLER PROPERTY LOCATED ON COUNTRY CLUB DRIVE. ANNEXATION ORDINANCE NO. 209.

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

A copy of this ordinance is on file in the Clerk's office in Annexation Ordinance Book No. 1978.

A public hearing had been published for this date and hour on the proposed annexation of Arby's Restaurant property located on the northwest corner of U.S. 401 By-pass. Annexation Technical Review Committee recommended approval.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL EXTENDING THE CORPORATE LIMITS TO INCLUDE ARBY'S RESTAURANT PROPERTY LOCATED ON THE NORTH SIDE OF U.S. 401 BY-PASS. ANNEXATION ORDINANCE NO. 210.

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

A copy of this ordinance is on file in the Clerk's office in Annexation Ordinance Book 1978.

A public hearing had been published for this date and hour on the consideration of a final resolution requiring the paving without petition of Groton Avenue.

The Clerk certified that all property owners had been notified of this public hearing by first class mail.

Mayor Finch recognized Mrs. Jean Harris, a property owner in the area who was in favor of the paving. She stated that the deteriorated condition of the dirt road decreased the value of the surrounding property.

Mayor Finch also recognized Mr. Thomas McDonald, Jr. of Pugh Street who was also in favor of the paving.

There was no opposition present.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE PAVING WITHOUT A PETITION OF GROTON AVENUE. RESOLUTION NO. R1978-4.

Mr. Hurley 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 R1978.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously the following public hearings were set:

For February 13, 1978:

- A. The consideration of the proposed annexation of the Red Lobster Inc. property located on McPherson Church Road.
- B. The consideration of the proposed annexation of the R.C. Trevision property located at 3418 Boone Trail.

For February 27, 1978:

- A. Consideration of the rezoning from P2 Professional District and M2 Industrial District to C1 Local Business District or to a more restrictive zoning classification of an area located at 204 and 206 Parnell Street.
- B. Consideration of the rezoning from R5 Residential District to P2 Professional District or to a more restrictive zoning classification of an area located at 801 Hay Street.
- C. Consideration of the initial zoning to C1P Shopping Center District or to a more restrictive zoning classification an area located at 497 North McPherson Church Road.
- D. Consideration of the initial zoning from R6 Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located on the west side of Murchison Road between Temple Avenue and University Avenue.
- E. Consideration of the rezoning from R5 Residential District to P2 Professional District or to a more restrictive zoning classification an area located at 315-331 Dick Street and 318, 326-332 Cross Creek Street.
- F. Consideration of the rezoning from P2 Professional District to C1 Local Business District or to a more restrictive zoning classification an area located at 523 Owen Drive.
- G. Consideration of the initial zoning to C1P Shopping Center District or to a more restrictive zoning classification an area located on the south side of West Jenkins Street between Ferndale and Dallas Streets.
- H. Consideration of the initial zoning to C1P Shopping Center District or to a more restrictive zoning classification an area located at 501 North McPherson Church Road.
- I. Consideration of the initial zoning to C1 Local Business District or to a more restrictive zoning classification an area located on the northwest corner of the intersection of Rosehill Road and the U.S. 401 By-pass.
- J. 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 west side of U.S. 401 North (Ramsey Street) 409 feet north of the U.S. 401 By-pass.
- K. Consideration of paving Oliver Drive pursuant to petition.

PRELIMINARY RESOLUTION REQUIRING THE PAVING, PURSUANT TO PETITION OF OLIVER DRIVE. RESOLUTION NO. R1978-5.

A copy of the foregoing Resolution is on file in the Clerk's office.

Public Works Commission Matters:

Council considered the award of bids for the purchase of an electric relay and control switchboard for PWC.

Mr. Muench presented this matter and recommended the low bid of International Controls of Rocky Mount, North Carolina, in the amount of \$13,640.

Mrs. Evans made the motion to follow the recommendation of PWC and accept the low bid of International Controls of Rocky Mount, North Carolina in the amount of \$13,640., seconded by Mr. George and carried unanimously.

Mr. Smith, Assistant City Manager then gave a presentation on the Management Improvement Company of America. (MICA)

Mr. Smith stated that the City Administration had recently become interested in the services of the Management Improvement Corporation of America. (MICA) MICA is a management consulting firm that specialized in local government. Specifically, MICA'S objectives are to increase revenues, decrease expenditures or improve services by recommending methods to increase efficiency in the management of resources. The fee is 90% on a one time basis, of the amount of certified annual savings or increase of revenues up to a specified amount. MICA has been endorsed by the North Carolina League of Municipalities Board of Directors and has entered into an agreement with MICA making the services of MICA a league service.

Mr. Hurley made the motion to postpone the decision on MICA until after the Council had a work session Tuesday, January 31, 1978 at 7:00 at the Kyle House, seconded by Mr. Williams and carried unanimously.

Council then considered an ordinance amending Chapter 2, Article II, Section 2-20, "Regular Meetings" of the Code of Ordinances.

Mr. Cogswell presented this matter and stated at the last meeting, Council had instructed him to draw up this ordinance and present it to them at this meeting. The Ordinance would change the time of Council meetings to 7:00 P.M. over the winter months.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING CHAPTER 2, ARTICLE II, SECTION 2-20, "REGULAR MEETINGS" OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1978-1.

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

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1978.

Council then gave consideration to a presentation by Mr. Herb Thorp of the Arts Council requesting consideration of amending the "Sunday Closing Ordinance" to permit Sunday Commercial activities by charitable organizations such as the "Sunday-on-the-Square" function. There was some discussion concerning this matter and Mrs. Evans asked if it could weaken the Blue Law. Mr. Cogswell replied, yes.

Mr. Williams made the motion to set a public hearing for February 27, 1978 for the consideration of amending the Sunday Observance Law, seconded by Mr. Hurley and carried; Mrs. Evans abstaining.

Council then considered a lease agreement with Eutaw Shopping Center concerning the selling of City auto license tags.

Mr. Thomas presented this matter and stated that he had been in contact with Mr. Dan Stout of the Agency and Mr. Stout has requested that the city enter into a contract whereas the city would pay the agency a fee of thirty cents (30¢) per city license plate sold by them instead of the twenty cents (20¢) charged in the past. Mr. Thomas recommended approval of the contract.

Mrs. Evans made the motion to approve the contract lease agreement with Eutaw Shopping Center concerning the sale of city tags, and authorize the City Manager to sign, seconded by Mr. Dawkins and carried unanimously.

Mr. Thomas then requested that Council authorize him to enter into a similar contract with Hope Mills for the sale of City tags.

Mrs. Evans made the motion to authorize the City Manager to draw up a contract similar to the Eutaw Shopping Center contract for the sale of city tags in Hope Mills, seconded by Mr. Dawkins and carried unanimously.

At this time, 9:45 p.m. Council convened into executive session to discuss agenda item 9, the resolution authorizing condemnation of right-of-way for Phillips Street improvements.

Council then reconvened into regular session at 10:00 p.m.

Mr. Dawkins made the motion to continue this item until February 13, 1978 and give the City Attorney the authority to negotiate on this matter with the property owner and bring back a recommendation to Council at the next meeting, seconded by Mr. Hurley and carried unanimously.

Council then considered City participation in street construction in the Hillendale Subdivision, Section II.

Mr. Bennett presented this matter and stated that Mr. Dohn Broadwell is asking the usual participation in street construction work. The street has been paved, and the cost of this participation is to be \$6,852.02. Mr. Bennett recommended participation.

Mrs. Evans made the motion to approve participation in street construction in the Hillendale subdivision, Section II, seconded by Mr. Dawkins and carried unanimously.

The next item was the consideration of drainage improvements to B Street and Minor Street.

Mr. Bennett presented this matter and stated that a drainage problem had existed for a number of years in this area. There are low points and a large rain causes water to cover the entire streets. There are no underground systems on these streets. The estimated cost including the purchase of the easements is \$60,000. Mr. Bennett recommended approval of this project reserving the \$60,000. from street and drainage construction funds.

Mayor Finch then recognized Mr. M.M. Beard, a property owner in the area. He stated that recent paving in the area had added to the problem. He further stated that many people in the area had floor furnaces and with this drainage problem there was a danger of flooding these furnaces.

Mr. Dawkins made the motion to follow the recommendation of the City Engineer and correct the drainage problem on B Street and Minor Street, seconded by Mr. Williams and carried unanimously.

The next item was a report by Mr. Bob Bennett, City Engineer, on traffic hazards in the vicinity of Fayetteville State University.

Mr. Bennett stated that Murchison Road is maintained by the State and any changes to the roadway and pavement markings must be approved by North Carolina Department of Transportation. He had been in touch with the DOT traffic engineer and they too, are reviewing the conditions. He further stated that one of the immediate proposals is to paint pedestrian crosswalks near the main entrance to the campus with appropriate signs. The DOT is now studying the possibility of relocating the Washington Drive traffic signal to the Filter Plant Drive intersection. Mr. Bennett suggested that a sidewalk also be constructed on the west side of Murchison Road from Washington Drive to Lakeland Drive. The estimated cost for this project including right-of-way is \$70,000. He suggested that a public hearing be set for March 13, 1978 for public input.

There were two representatives present from Fayetteville State who insisted that Council do something as soon as possible to correct the traffic situation.

Mrs. Evans made the motion to authorize Mr. Bennett to proceed with the installation of a crosswalk coordinating with the University and DOT as to the best location, seconded by Mr. Williams and carried unanimously.

Mr. Dawkins made the motion to set a public hearing for March 13, 1978 for consideration of acquisition of property for a sidewalk on Murchison Road, seconded by Mr. Williams and carried unanimously.

PRELIMINARY RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE LAYING OF A SIDEWALK WITHOUT PETITION ALONG MURCHISON ROAD. RESOLUTION NO. R1978-6.

A copy of this resolution is on file in the clerk's office in Resolutions Book R1978.

The next item was the consideration of the award of contract for ramps for the handicapped.

Mr. Bennett presented this matter and stated that the present budget has \$25,000. for construction of handicap curb ramps. The proposed locations for these ramps are near public buildings where the pedestrian traffic is heaviest. Mr. Bennett recommended awarding the construction on a unit price basis to the low bidder, Crowell Construction Company in the amount of \$22,676.50.

Mr. Williams made the motion to follow the recommendation of the City Engineer and approve the low bid of Crowell Construction on a unit price basis in the amount of \$22,676.50, seconded by Mr. Hurley and carried unanimously.

The next item was the consideration of the award of bids for a Universal Bus/Truck Tire changer for the Transit Department.

Mr. Thomas stated that a bid opening was held for several items funded under our grant from the Urban Mass Transportation Administration. Included in this bid invitation was a power bus and truck tire changer. The only bid received contained no bid deposit. By law, the governing body of a municipality cannot consider any bid which is not accompanied by a bid deposit. This item was readvertised and a bid opening was held on January 12, 1978. Mr. Thomas recommended Council accept the low bid of Turner Equipment Company, Inc. in the amount of \$3,182.70.

Mr. Williams made the motion to follow the recommendation of the City Manager and award the low bid to Turner Equipment Company in the amount of \$3,182.70, seconded by Mr. Dawkins and carried unanimously.

Council then considered an application to the N.C. Governor's Highway Safety Program for a project entitled "Selective Enforcement Program".

Mr. Thomas presented this matter and stated that this program has been in effect for several years. The program is 100% federally funded through the state and for the selective enforcement of our traffic laws and regulations and to make the public more aware of the safety driving habits. This year we can apply for \$180,000. This would be used for the hire and salaries of three patrolmen, their travel expenses, training supplies and equipment. Mr. Thomas recommended that Council authorize the Mayor to sign this application.

Mr. Dawkins made the motion to authorize the Mayor to sign the application for the Selective Enforcement Program, seconded by Mr. Williams and carried unanimously.

The next item was the consideration of the following ordinances requiring the Building Inspector to correct conditions at the following locations:

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 346 DICK STREET AND OWNED BY HAROLD DOWNING AND EDWARD DAVIS. ORDINANCE NO. NS1978-1.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 125-127 DUNN ROAD AND OWNED BY G.L. WILLIAMS AND WIFE. ORDINANCE NO. NS1978-2.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 920 EAST COLLIER DRIVE AND OWNED BY JOHN ROBINSON AND WIFE. ORDINANCE NO. NS1978-3.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 195 WEST COLLIER DRIVE AND OWNED BY DORA MCLAUGHLIN. ORDINANCE NO. NS1978-4.

Mr. Dawkins introduced the foregoing ordinances and moved for adoption, seconded by Mr. Williams and carried unanimously.

Copies of the foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1978.

Mayor Finch recognized Mr. James Johnson of 414 Neville Street who requested Council give him more time to correct conditions at his location.

Mr. Dawkins made the motion to give Mr. Johnson a 90 day extension, seconded by Mr. Hurley and carried unanimously.

There was one appointment to the Fayetteville Redevelopment Commission.

At the last meeting, Council requested resumé's on Mrs. Henry Moses and Mr. Kenny Smith who were nominated to fill the vacancy on the Fayetteville Redevelopment Commission.

The resumé's had been received by Council and they again considered this appointment.

Mayor Finch then called for a vote by show of hands on the two nominees. There was one vote for Mrs. Moses and five votes for Mr. Smith.

Mayor Finch declared Mr. Kenny Smith appointed to the Fayetteville Redevelopment Commission for a term of five years, said term to run to December, 1982.

There were no delegations.

Mr. Thomas then reported to Council of three resignations from the Police Department: Sergeant C.L. Mims, Patrolmen Donald J. Lizotte and James H. Marabell.

Council noted the resignations.

Mr. Williams stated that at the last meeting he presented to Council a resolution to consider for adoption; it was not on the agenda tonight. He further stated that he wanted to go on record as being 100% as strongly in favor of it as ever.

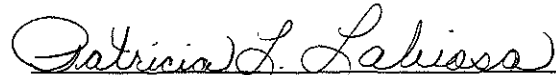
Mayor Finch reminded Council of the dinner at the auditorium commemorating ten

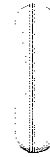
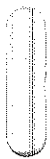
years of activity for that facility.

Mayor Finch then read a note from Mr. Alexander Cooper, former local news director from Channel 6 news:

" I am leaving T.V. 6 and more than likely Fayetteville. I wish to thank you, the present and past City Council Members as well as all the City Employees for the help and friendship you have given me over the past 3½ years. There is one and only one Fayetteville, events happen here as no where else I've seen and will miss it and you. I will be in town from time to time and hope to see you then. Fayetteville is more than a measure of the evil in North Carolina. Fayetteville is a fine City with good people, that image is what I hope viewers gathered from my reporting. Thank you all again!..... Alexander Cooper.

Thereafter all matters of business having been discussed, this meeting was adjourned at 11:08 upon motion made and duly seconded.


Patricia L. Labiosa
Acting City Clerk



SPECIAL MEETING
TUESDAY, JANUARY 31, 1978
KYLE HOUSE
7:00 P.M.

Present: Mayor Finch

Council Members: George Markham, Bill Hurley, J.L. Dawkins, Wayne Williams and Mildred Evans.

Council Member Absent: Marion George

Others present: William G. Thomas, III, City Manager
Robert Cogswell, City Attorney
Richard Herrera, Interim Executive Director, Community Development

Upon motion by Mr. Dawkins, seconded by Mr. Williams, and carried unanimously, Council convened itself into special session for the purpose of considering two Community Development items.

Mayor Finch recognized Richard Herrera who presented the following condemnation action on four parcels of land located in the Humphrey Lane Street Paving Program Area No. 7.

Parcel No N-1 - Quincy J. Scarborough and Hubert E. Batton, just compensation \$1,461.

Parcel No. S-1 - Nina B. McCall (Seib Estate) just compensation \$1,005.

Parcel No. S-2 Effie McCall Thompson, just compensation \$1,377.

Parcel No. S-3 Miles Austin, just compensation \$1,900.

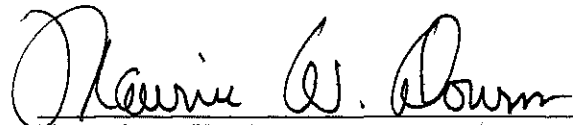
Mr. Herrera requested Council to authorize condemnation proceedings against the foregoing tracts for the reason the owners would not accept the offers extended by Community Development and these properties are needed to facilitate the City's efforts to accelerate the Community Development Programs.

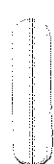
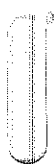
Following a brief discussion, Mrs. Evans offered motion to proceed to acquire the foregoing properties by condemnation proceedings as recommended by Mr. Herrera, seconded by Mr. Hurley and carried; Mr. Markham voting no.

Mr. Herrera requested a special meeting (public hearing) of the City Council on Monday, February 20, 1978 at 7:00 P.M. in the City Hall to hear the final recommendations of the Fayetteville Redevelopment Commission on setting priorities for the fiscal year 1978/79.

Mr. Hurley offered motion to set the meeting and to advertise the public hearing as requested, seconded by Mr. Dawkins and carried unanimously.

Thereafter, this special session was adjourned at 7:08 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
FEBRUARY 13, 1978
7:00 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 Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and the Reverend Michael Hale, Minister of Person 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 the following Youth Council Representatives present in the audience to observe Council proceedings: Lynn Bosworth, Danny McKeithan and La'Panya Mathis.

First order of business was the approval of minutes. Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, minutes of the regular meeting of January 23, 1978 were approved as submitted by the Acting City Clerk.

Upon motion by Mr. Dawkins, seconded by Mr. Hurley and carried unanimously, minutes of a special meeting of January 31, 1978, were approved as submitted by the Clerk.

Public Hearings:

Council reconsidered the proposed satellite annexation of the Emery Brukett property located on the west side of Murchison Road. (This matter was continued from the January 23, 1978 meeting at the request of the petitioners Attorney.)

Mayor Finch excused herself from the chair, due to a possible conflict of interest and Mayor Pro tem Dawkins presided on this matter.

The Annexation Technical Review Committee recommended denial of this annexation.

Attorney Charles Young was recognized for the petitioner and requested removal of this item from the agenda.

Following a brief discussion, Council allowed the removal as requested and this matter was not considered.

A public hearing had been published for this date and hour on the proposed annexation of the Red Lobster Inc. property located on McPherson Church Road. The Annexation Technical Review Committee recommended approval.

Mr. Richard Wooruff was recognized representing Red Lobster and requested the annexation. There was no opposition present.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE THE RED LOBSTER INN PROPERTY. ANNEXATION NO. 211.

Mrs. Evans introduced the foregoing ordinance and moved its adoption, seconded by Mr. Hurley and carried; Mr. Williams voting no.

A copy of this ordinance is on file in the Clerk's office in Annexation Book 1978.

A public hearing had been published for this date and hour on the proposed annexation of the R.C. Trevison property located at 3418 Boone Trail. The Annexation Technical Review Committee recommended approval. There was no opposition present.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE THE R.C. TREVISON PROPERTY. ANNEXATION ORDINANCE NO. 212.

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

A copy of this ordinance is on file in the Clerk's office in Annexation Ordinance Book 1978.

PWC Matters:

PWC Manager presented these items.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, a one inch water connection to serve a newly constructed house on Legion Road owned by Gerald W. Lee was approved as recommended by the PWC.

Mr. Muench next presented a resolution adopted by the County Commissioners requesting the PWC to install all electrical wiring surrounding the new Cumberland County Court House underground in lieu of using free-standing or attached electrical support structures.

Mr. Muench informed Council that this matter needed to be discussed further with the County Commissioners by PWC in order to determine exactly what was requested and what would best serve the needs of the Court House and the community. Mr. Muench stated that he would discuss this further with the County Commissioners and report back to the Council at a later meeting.

This completed the PWC matters and PWC was excused.

Council next gave consideration to a resolution authorizing condemnation of right-of-way for Phillips Street improvements. (This matter continued from the January 23, 1978 meeting.)

City Attorney Cogswell requested an executive session at the end of this meeting to discuss this matter, and this was agreed upon by Council.

Council next gave consideration to an ordinance requiring the Building Inspector to correct conditions of property located at 1101 Turnpike Road and owned by Rufus Washington. (Mr. Washington was given a thirty day extension at the January 9, 1978 meeting.)

The Chief Housing Inspector informed Council that as of February 8th Mr. Washington had not corrected or taken the necessary action as ordered by the Council.

Mr. Washington was not present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 1101 TURNPIKE ROAD AND OWNED BY RUFUS WASHINGTON. ORDINANCE NO. NS1978-5.

Mrs. Evans 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 NS1978.

Council next gave reconsideration to a contract between the City of Fayetteville and Management Improvement Corporation of America (MICA) as continued from the January 23rd meeting and from the conference meeting on January 31. City Manager Thomas presented this matter and recommended approval of the 12 month contract and informed Council that City Administration would develop a list of areas to be studied and inform Council of such areas if the contract was approved.

Following a brief discussion, Mr. Hurley offered motion that the City of Fayetteville enter into a one year contract with MICA, motion seconded by Mr. Markham.

Mr. Williams then offered an amendment to the motion for such an agreement to begin sixty days from this date, April 13, 1978.

Mr. Lew Brown of MICA was recognized and stated that his firm would be happy to begin said contract on April 13 and that they look forward to assisting the City of Fayetteville under such contractual arrangement.

The amendment offered by Mr. Williams was agreeable and Mayor Finch called for a vote on the motion and it carried unanimously.

Council next gave consideration to the rescinding of City of Fayetteville Resolution No. R1977-73, which was enacted at the November 28, 1977 meeting and requested the County Commissioners to dedicate needed rights-of-way in the vicinity of the old A.G. Junior High School site on McGilvary Street.

City Manager Thomas presented this matter and read a letter from Mr. Heman Clark, the County Attorney who stated the County has received a favorable response to its application for a 4 million dollar Federal Grant for a public health facility to be constructed at this location and for this reason that the City take no further action on the resolution asking for the right-of-way through the Alexander Graham Property. Mr. Clark requested either a rescinding resolution or a resolution of support for this matter from the City Council.

Following some discussion, Mrs. Evans offered motion for the adoption of the resolution of support for this public health facility as requested by the County Commissioners, motion seconded by Mr. George and carried unanimously.

RESOLUTION OF THE CITY OF FAYETTEVILLE SUPPORTING THE COUNTY PUBLIC HEALTH FACILITY. RESOLUTION NO. R1978-6A.

A copy of this resolution is on file in the Clerk's office in Resolutions Book R1978.

Council next gave consideration to the setting of a public hearing for the revocation of a massage parlor license.

City Attorney Cogswell presented this matter and recommended a public hearing date of February 28.

Following a brief discussion, Mr. Hurley offered motion that the evidence

presented indicates a probable cause exists for the possible revocation of the massage parlor license and the public hearing be set for February 27, 1978, the next regular meeting of the Council, motion seconded by Mrs. Evans and carried unanimously.

Council next gave consideration to an ordinance amending Chapter 7, Article II, "DOGS", Section 7-17 of the City Code.

The City Manager presented this matter and stated that this ordinance states that any veterinarian who shall assist in the collection of license tags required in Section 7-17 shall be entitled to a fee of 10% of the tax per license issued as the fee for his services rendered in the sale and issuance of said license.

Dr. Odell Dalton, President of the Cumberland County Veterinary Medicine Association was recognized and stated this was their request and that the recommendation was made for several reasons among them being, their time involved, losses from an uncollectable charge and that the increase would possibly increase the number of tax receipts issued since it would be more economically practical.

A brief discussion followed.

AN ORDINANCE AMENDING CHAPTER 7 ARTICLE II, "DOGS", SECTION 7-17 OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1978-2.

Mrs. Evans 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 S1978.

Council next gave consideration to a resolution regulating the assignment of responsibilities for planning and implementation of Community Development Programs for the Fayetteville Redevelopment Commission.

The City Attorney presented this item and recommended adoption of the resolution adding the words "and fiscal" to paragraph three of the resolution, so that paragraph three would read, personnel and fiscal matters.

RESOLUTION REGULATING THE ASSIGNMENT OF RESPONSIBILITIES FOR PLANNING AND IMPLEMENTATION OF COMMUNITY DEVELOPMENT PROGRAMS TO THE FAYETTEVILLE REDEVELOPMENT COMMISSION. RESOLUTION NO. R1978-7.

Mr. Williams introduced the foregoing resolution and moved its adoption as corrected, 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 R1978.

Council next gave consideration to an ordinance amending Article 2, "City Registration of vehicles", Section 20-18, 19 and 20 of the City Code.

The City Attorney presented this matter and stated this ordinance would update the vehicle license plate regulation increasing the charge from \$1.00 to \$5.00 each for plates and update the issuance of duplicate tags as well as the transfer of number plates between vehicles. The City Attorney recommended adoption.

AN ORDINANCE AMENDING ARTICLE II, "CITY REGISTRATION OF VEHICLES", SECTIONS 20-18, 20-19 AND 20-20 OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1978-3.

Mr. Williams introduced the foregoing ordinance and moved its adoption 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 S1978.

Council next gave consideration to a letter of endorsement of land use planning and housing assistance to the North Carolina Department of Human Resources and Community Development.

Mayor Finch presented this matter and recommended Council's concurrence in the letter of endorsement.

Following a brief discussion, Mr. Dawkins offered motion that City Council concur in the letter of endorsement, seconded by Mr. Hurley and carried unanimously.

Council next gave consideration to a request from the Downtown Revitalization Commission that the City Attorney provide an interpretation of the Appearance Committee Statute. The City Manager presented this matter and read from a letter written by Mr. Thomas E. Stewart of the Fayetteville Revitalization Commission. Mr. Stewart stated in his letter that his special committee was appointed to investigate various mechanisms to assist the commission in carrying out its responsibilities and the Appearance Commission as provided by NSGS 160A-451.

Some of the provisions of the Appearance Commission statute are ambiguous to our committee and we respectfully request that the City Attorney prepare a general interpretation of the statute for our benefit.

In addition, we would appreciate the City Attorney's clarification of the following specific questions. 1. Can the Fayetteville Revitalization Commission also be appointed as an Appearance Commission. 2. Does the jurisdiction of an Appearance Commission have to be City wide. 3. What are the specific powers of the Appearance Commission, as distinguished from its duties. 4. Can the governing body of a city or county establish a requirement that all private development plans be reviewed by an Appearance Commission prior to official approval and the issuance of building permits. 5. Does the governing body of a city or county have the authority to deny the issuance of building permits for a private or public project solely upon the recommendation of an Appearance Commission.

Mr. Bernard Stein of the Downtown Revitalization Commission was recognized and requested that Council authorize the City Attorney to prepare a general interpretation of the statute for the commission's benefit.

Following some discussion, Mr. George offered motion that Council refer this matter to the City Manager and with the City Attorney's assistance, provide the information as requested, seconded by Mr. Dawkins and carried unanimously.

Mr. Stein also requested permission of the Council for the commission to secure proposals on the proposed mall for Gillespie Street, Hay Street, Person Street and Green Street and the proposed Cross Creek linear Park. Mr. Bill Laslett, a local architect, will prepare and submit the application at no cost to the City. Following some discussion of this request, Council gave tacit approval for the commission to secure such proposals.

Relative to a \$30,000. appropriation for the commission, Council requested Mr. Stein to take this matter before the commission before presenting it to the Council.

Council next gave consideration to forgiving late listing penalties imposed on Coleman Sporting Goods Inc. The City Manager presented this matter and read excerpts from a letter from Coleman Sporting Goods Inc. supporting their request.

Mr. C.H. Canady, Vice President of Coleman Sporting Goods stated that the unexpected death of the President, Mr. C.W. Coleman and the subsequent transition of the business was primarily responsible for the failure to list their property for tax purposes for the years 1973 thru 1977 thus resulting in the late listing penalty of \$873.97 and is this late listing penalty that forgiveness is being requested. The City Manager stated that on December 28, 1977, Mr. Canady paid \$2,820.11 which paid the taxes due for 1973-1977. Mr. Thomas stated the Cumberland County tax office reviewed Mr. Canady's request and forgave the penalty due the county that the general statutes gives the Council the authority to compromise, settle or adjust in these matters and that the City Attorney has confirmed this with the Attorney General's office and recommended that the Council forgive payment by Coleman Sporting Goods Inc. of the late listing penalties of \$873.97.

Following a brief discussion, Mr. Dawkins offered motion to forgive the foregoing penalties as requested, seconded by Mr. Williams and carried; Mr. George and Mr. Markham voting no.

Council next gave consideration to recommendations of the Personnel Committee, the first being authorizing the City Manager to hire a personnel director and the second on approval of a personnel ordinance.

The City Manager presented this matter and gave excerpts from a letter to the Mayor and members of the Council from Mrs. Mildred Evans, Chairperson of the Personnel Committee. It was the committee's recommendation that in order to do the things we need to do in personnel administration, the staff and the personnel committee feel that the City needs a full time professional director. We therefore recommend that the City Council authorize the City Manager to recruit and employ a personnel director at an approximate salary not to exceed \$16,387. We feel that this is a high priority and urgent need because we are far behind where we ought to be. The City Manager recommended approval of the hiring. Councilman George, a member of the personnel committee, expressed his opposition to the proposal.

Following considerable discussion, Mrs. Evans offered motion that Council give the City Manager authorization to hire a full time qualified personnel director at \$16,387. and advertise for applications, motion seconded by Mr. Hurley and carried Mr. George voting no.

Council next gave consideration to recommendation No. 2 the personnel ordinance. The recommendation from the Personnel Committee was that the Personnel Committee had studied the ordinance and met twice to discuss it. The City Attorney had reviewed the ordinance and made several recommendations which have been incorporated into this draft. The proposed ordinance is the culmination of several months of work by the staff and has included input from the League of Municipalities and the Institute of Government. The ordinance incorporates much of what is in the current ordinance which is a chapter of the City Code. However, it goes beyond the existing ordinance covering areas not included in the present ordinance or in any written policies such as grievance procedure, disciplinary procedure and written rules of conduct. The new ordinance will also establish basic personnel policies such as

equal employment opportunities and merit principals and recruitment selection and promotion.

The ordinance is designed to provide a basic legal framework for the City's Personnel system that will protect our employees and will prevent many potential legal disputes which can result when personnel policies are unclear and rights and responsibilities are unwritten. The Personnel Committee recommends adoption of the proposed ordinance by the City Council so that the City will be afforded the protection of a sound legal framework for its personnel programs. The City Manager recommended approval also.

Following some discussion, Mr. Hurley offered motion to delay action on this matter until the next meeting and that Mrs. Evans call the committee, the City Manager and the City Attorney back together for a resolution of the differences, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a recommendation of the Building Committee for the use of surplus EDA-LPW funds. The Committee chairman, Mr. Williams reported on the Prince Charles Hotel and stated the history and contractual arrangements involved in the purchase of the Prince Charles Hotel were reviewed. It was agreed that an architect should be hired to conduct a blanket feasibility study to determine the highest and best use of the property. The City Manager was directed to request proposals from the local architects for such a study. If proposals could be obtained in sufficient time for the interested architects, it was the committee's recommendation that the selection of the architect be made at this time.

Mr. Williams suggested that the Council give the committee authorization to negotiate with an architect.

Following some discussion, Mrs. Evans offered motion that the Council authorize the feasibility study on the Prince Charles Hotel and authorize the City Manager to hire the architect, motion seconded by Mr. Hurley.

Mr. Williams offered an amendment to the motion to authorize the City Manager to receive feasibility proposals from all area architects and submit them back to the City Council at the next meeting.

The amendment was acceptable, Mayor Finch called for a vote on the motion and it carried unanimously.

Mr. Williams informed Council that the committee will study other City property and uses also, and report back to Council from time to time.

On recommendation no. 2 of the Building Committee dealing with EDA-LPW funds, Mr. Williams stated the committee considered applying the surplus EDA-LPW funds in the amount of \$125,000. for the construction of an Engineering Building on City owned property on Nimmocks Street. After reviewing the building proposal and the justification for the project, the committee looked with favor upon the project and directed the City Manager to include this item on the agenda tonight. The committee recommends to the Council, the City Engineer be authorized to complete the design of the building, cost estimate and a revision to the EDA-LPW application for City Council consideration at the earliest subsequent meeting. The committee's recommendation was based on the following considerations regarding the construction of the building: 1. Provides for the consolidation of the Engineering Department in one location which will improve efficiency and control. 2. Provides the efficiency of the building designed specifically for City Engineering activities. 3. More cost effective to build and than to continue the present rental arrangement. 4. Adequate parking. 5. Cost of construction. 6. No land acquisition required. 7. Construction is labor intensive compared to road construction which is equipment extensive. 8. The building would be eligible for an energy conservation grant as solar heating is planned. 9. The building site has enough area to meet future expansion requirements.

Mr. George expressed opposition to the proposal on the grounds that these funds were to be used for street improvement purposes. The City Manager stated that this would be a legitimate use of these funds inasmuch as they were designated for use in "Pockets of Poverty".

Formal action was deferred on this matter and Mayor Finch suggested to Mr. George a meeting of the Roads Committee to discuss this matter further. This was satisfactory.

Council next gave consideration to a revision to Section 20-106 Traffic Schedule No. 6, "Stop Intersection" of the City Code. The City Engineer presented this matter and stated that due to annexations, construction of new streets through subdivision developments and changed traffic conditions, it was necessary to upgrade the stop intersections schedule and the proposed ordinance would do this.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 6 "STOP INTERSECTIONS". ORDINANCE NO. NS1978-6.

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 NS1978.

Council next gave consideration to the award of a contract for the installation of two civil preparedness sirens. The City Engineer presented this matter and stated that the present City budget approved a \$16,000. item for the purchase and installation of two civil preparedness sirens. The sirens were purchased some time ago at a cost of \$12,434.88. Bids have now been received for installation and the low bid of King Electric Company in the amount of \$2,664. The two sirens will be installed at the Glendale Acres Elementary School and the Camden Road Elementary School sites.

Mrs. Evans offered motion to accept the low bid of King Electric Company in the amount of \$2,664., motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a request for city participation in street construction in the Ascot Subdivision, Section 2, Part 1. The City Engineer presented this matter and recommended approval. He stated the developers of this subdivision through their engineers, Moorman, Little and Kiser Inc. have asked for the usual city participation in the streets that were recently paved in this subdivision. He stated that he had reviewed the request and find the amount of city participation to be \$10,887.43 and recommended approval.

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

Council next gave consideration to declaring landfill equipment surplus.

The City Manager presented this matter and stated that since the City is no longer operating a landfill, a Rex 350 compactor, a Bucyrus-Erie 25 B 1½ yard type TS Hendrix Dragline Bucket and a Rex 300 compactor are surplus to the city's needs, and since all three items are presently working at the county landfill perhaps the county would be interested in purchasing the equipment. The City Manager stated he had appraisals done on the equipment as follows: The Rex 350 - \$37,500., the Dragline-\$35,000. and the Rex 300 - \$5,000. If the Council approves the foregoing recommendation, it is further recommended that the county be offered the opportunity to purchase one or more of the three items of equipment at the price as indicated. Whatever the county declines to purchase would be sold under the field bid procedure. The county wants thirty days to secure their own appraisals. The City Manager recommended the City Council declare the foregoing items as surplus to the city's needs.

Following a brief discussion, Mr. Hurley offered motion that the Council declare the foregoing items surplus to the city's needs and give the county thirty days to make an offer of purchase, motion seconded by Mrs. Evans and carried unanimously.

Council next recognized Mr. Milton Mazarick, Chairman of the Recreation and Parks Commission, and Mr. Leroy Dunbar concerning the Savoy Heights Community Park Project.

Mr. Mazarick displayed a drawing of a proposed park in Program Area No. 5, the Savoy Heights area to be constructed with Community Development Funds. He presented the master plan for the park between Rochester Drive and Turnpike Road. He stated the cost would be \$132,000. but requires no city funds inasmuch as Community Development and Bureau of Outdoor Recreation funds would be used. He stated this matter was presented for information to the Council tonight and that the estimated completion for the park would be 18 months.

Mr. George asked Mr. Mazarick if lights were planned for this park. Mr. Mazarick stated that they were not at this time but lights and additional improvements were planned for the near future. The Mayor and Council extended thanks to Mr. Mazarick and Mr. Dunbar and to the Recreation and Parks Commission and commended them for their work on the project.

Council next gave consideration to an application applying for second year funding of an LEAA Grant Specialized Unit- B, E, & L.

The City Manager presented this matter and informed Council that the application would be for a sub-grant in the amount of \$75,938.26 through LEAA and if the sub-grant is made, the City would provide a local cash matching contribution in the amount of \$4,218.80.

Mr. Williams offered motion for approval of the foregoing and that the City Manager be authorized to apply for said funds, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a lien against the real property for demolition cost concurred located at 505 Greer Avenue. The City Manager presented this matter and stated that the dwelling was ordered demolished by Council in September 1977, the dwelling was demolished by Rufus Washington in January 1978 at a cost of \$175. When approved by the Council, this ordinance would effect a lien against the real property for the demolition cost incurred.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$175. AGAINST PROPERTY LOCATED AT 505 GREER AVENUE AND OWNED BY GERALD L. WAITMAN AND WIFE, ROSALYN W. WAITMAN FOR THE DEMOLITION OF A SUB-STANDARD STRUCTURE. ORDINANCE NO. NS1978-7.

Mr. Williams introduced the foregoing ordinance and moved its adoption at 9:55 P.M., 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 NS1978.

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

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, the bid for furnishing twenty six advanced designed coaches and spare parts including six coaches equipped with wheel chair lifts was awarded to GMC Truck and Coach Division General Motors Corporation for \$2,431,592.10.

Upon motion by Mr. Hurley, seconded by Mr. Williams and carried unanimously, the bid for one intermediate class four door sedan for the Police Department was awarded to Autry Chrysler-Plymouth Inc. for \$4,766.53.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, the bid for furnishing a complete telephone analyzing system for the Police Department for the use by the intelligence section to detect bugs and wire taps in telephone systems was awarded to F.G. Mason Engineering Inc. for \$3,949.

Council next gave consideration to the awarding of certificates of public necessity and convenience for taxicabs.

The City Manager presented this matter and informed Council that Mr. E.S. Autry, owner, operator of Safety Taxi Company, 100 Green Street has returned 40 certificates of public necessity and convenience to the City and these may be reassigned by the Council. The City Taxicab Inspector held public hearings on these certificates and received applications for same. All procedures outlined by City Ordinance were followed providing for notification of available applications and public hearings by public service, Mr. Thomas stated. Six applications were received by the Taxi Inspector and background investigations were completed on all six. They were: Carlton Stewart, Olin Gerald, Jr., Robert Gerald, Al Wheatley, Sr., Juanita Cashwell and Willie D. Parker. The public hearing was held at the Law Enforcement Center on February 6, 1978, at 10:00 A.M. Two applicants Olin Gerald, Jr. and Robert Gerald failed to appear for the public hearing which according to the City Code, declares their applications void.

The Taxicab Inspector recommends the awarding of the forty certificates as follows: Al Wheatley, Sr.- 33 certificates, Juanita Cashwell-5 certificates, Willie D. Parker-1 certificate, Carlton Stewart-1 certificate.

Attorney Jerome Clark was recognized for Mr. Al Wheatley, Sr. and requested that the entire forty certificates be awarded to him, since he intended to take over Mr. Autry's business and needed the entire forty certificates to make the operation economically feasible.

There was a lengthy discussion concerning this matter.

Mr. Markham then offered motion to award Mr. Al Wheatley, Sr. forty certificates, motion seconded by Mr. Hurley and carried unanimously.

Several amendments to the motion were offered but not approved and several substitute motions were offered but failed for lack of seconds.

Discussion was held with the City Taxicab Inspector about the possibility of increasing the number of taxicab certificates from the present 100 to a higher number and the Taxicab Inspector informed Council that he had intended to make a recommendation concerning this at a later date.

Following some further discussion, Mrs. Evans offered motion that the City Council take steps to amend the Code to increase the limitation of taxicab certificates as provided for in Section 28-11 of the Code by ten certificates, motion seconded by Mr. George and carried unanimously.

Delegations:

Mr. Bill Bowser, Vice President of the Longhill-Linden Branch of the NAACP was recognized with comments on the Affirmative Action Program and award of the taxicab certificates this evening.

City Manager Reports:

Mr. Thomas gave the Council a report on the Murchison Road traffic hazards. He stated that PWC had installed sodium vapor street lamps to replace the mercury vapor lamps in order to provide increased lighting for the area in the vicinity of Fayetteville State University, and that the City Engineer had met with the Fayetteville State officials on the crosswalks and then with the Department of Transportation and a crosswalk had been installed on January 27. The City Manager stated that further studies are continuing and reports will be made in the near future.

The City Manager informed the Council that Dr. William Barry desired to meet with the Council to make a presentation (Dr. Barry is the former operator of the Cape Fear Valley Hospital Emergency Room.) Council requested City Manager Thomas to notify Dr. Barry that they would meet with him on Monday, February 20 at their special session

concerning Community Development matters.

The City Manager informed Council that he had a request from the Chief of Police for the Fayetteville Police Club to be given permission to sponsor the Gospel Sing and to sell tickets for the club's benefit fund on March 5.

Mr. Williams offered motion to authorize the Fayetteville Police Club to sponsor the Gospel Sing on March 5 and sell tickets as requested, seconded by Mr. Hurley and carried unanimously.

The City Manager informed Council that Patrolman R.P. Crumpler a 21 year veteran of the Police Department, being hired on September 6, 1956, suffered a terminal illness and died on January 14, 1978. Patrolman Crumpler became ill, disabled and no longer able to work on August 3, 1977. Prior to October 15, 1977, all City employees had a \$2,000. life insurance benefit. Effective October 15, 1977, the Council approved a change in the insurance coverage for city employees to pay as a death benefit to the beneficiary of an employee a sum equal to their 12 month salary up to \$15,000.

Since Patrolman Crumpler was ill and disabled and not working on that date, and since a provision of the insurance policy provides that an employee must be on an active status effective October 15, Patrolman Crumpler's widow was only eligible for the \$2,000. death benefit in January 1978. The City Manager informed Council further that although it had no legal obligation to pay the increased benefit, he was of the opinion that the city does have a moral obligation to pay the difference and recommended that the City pay the sum of \$10,260. as a death benefit to Patrolman Crumpler's widow.

Following some discussion of this matter, Mrs. Evans offered motion to supplement the \$2,000. sum with \$10,268. paid to Patrolman Crumpler's widow as a death benefit, motion seconded by Mr. Williams and carried: Mr. George and Mr. Hurley voting no.

Matters of interest to Council:

Mrs. Evans suggested to the Council that it consider an ordinance to do away with the Municipal Primary. The suggestion was taken under consideration.

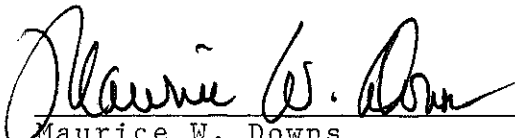
Mayor Finch reminded Council and those in the audience that Tuesday, February 21, 1978 is Citizens Day and the Mayor's Office will observe the day as such and encourages and invites the general public to drop by for a visit.

On an additional matter, City Manager Thomas informed Council that he had received and reviewed twenty-two applications for the position of Executive Director of the Community Development Department. Following the review of the applications, City Manager Thomas stated that his recommendation for this position was Mr. Richard Herrera, the present interim director of the Community Development Department.

Mr. Hurley offered motion that Council appoint Mr. Herrera as the Executive Director of the Community Development Department, motion seconded by Mr. Williams and carried unanimously.

Council, upon motion by Mr. Dawkins, seconded by Mr. Hurley and carried unanimously then convened itself into an executive session to consider item 4 on the agenda, the consideration of a resolution authorizing the condemnation of rights-of-way for Phillips Street improvements as agreed upon earlier this evening. The time was 11:10 P.M.

Council then reconvened itself into regular session at 11:15 P.M. and upon motion made and duly seconded, adjourned at 11:15 P.M.


Maurice W. Downs
City Clerk

SPECIAL MEETING
WEDNESDAY
FEBRUARY 22, 1978
7:00 P.M.
KYLE HOUSE

Present: Mayor Pro tem J.L. Dawkins

Council Members: George Markham, Bill Hurley, Wayne Williams and
Marion George.

Absent: Mayor Beth Finch and Council Member Mildred Evans

Others Present: W.G. Thomas, III, City Manager
Robert Cogswell, City Attorney
Richard Herrera, Executive Director, Community Development

Mayor Pro tem Dawkins, presiding in the absence of Mayor Finch, called this special session to order to reconsider the recommendations of the Fayetteville Redevelopment Commission for Community Development funding for the fiscal year 1978-79.

Mr. Dawkins called on Mr. Herrera to present the recommendations. They were as follows:

- | | |
|--|--------------|
| 1. Administration | \$145,000. |
| 2. Continuation of Collier Drive urban renewal | 350,000. |
| 3. Initiation of Simmons Street urban renewal | 500,000. |
| 4. Pave Camden Road from Orlando to Whitfield | 258,000. |
| | |
| a. Sidewalks on one side of Camden Road from
Orlando to Whitfield | 42,000. |
| b. Rehabilitation grants on Camden Road | 142,000. |
| Total | \$1,437,000. |

Mr. Dawkins stated to the Council and to the persons present in the room who had presented requests at the public hearing on Monday, February 20th, that many money requests like Waterless Drive, the handicapped, and the Community building, would be considered from funds from other sources such as revenue sharing and Powell Bill funds.

A general discussion followed.

Following the discussion, Mr. Williams offered motion to approve the foregoing recommended fundings from the Fayetteville Redevelopment Commission and for adoption of the resolution pertaining thereto. Motion seconded by Mr. George.

Mr. Williams additionally indicated support for the handicapped, Waterless Drive, and Community Building requests.


Mr. Dawkins then called for vote on the motion and it carried unanimously.

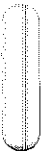
The resolution title appears below:

RESOLUTION OF THE CITY OF FAYETTEVILLE PERTAINING TO FUNDING UNDER
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM. NO. R1978-8.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1978.

This special session was then adjourned at 8:00 P.M. upon motion made and duly seconded.


 Maurice W. Downs
 City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
FEBRUARY 27, 1978
7:00 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, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and the Reverend Mike Akin, Fayetteville Urban Ministry, offered the invocation. Following the invocation, there was a posting of the colors conducted by members of Boy Scout Troop #179, Mount Sinai Baptist Church. The Scoutmaster, Willie Smith and the entire troop were present for this activity this evening. Following the posting of the colors by the Troop, the audience was led in the Pledge of Allegiance to the Flag and in the singing of the Star Spangled Banner.

Following this, Mayor Finch thanked Scoutmaster Willie Smith and Reverend Akin for their participation this evening.

First order of business was the approval of minutes and upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, minutes of the regular meeting of February 13 were approved as submitted by the Clerk. Upon motion by Mr. Williams, seconded by Mr. Hurley and carried unanimously, minutes of a special meeting of February 22 were approved as submitted by the Clerk.

A public hearing had been published for this date and hour on the rezoning from P2 Professional District and M1 Industrial District to C1 Local Business District or to a more restrictive zoning classification of an area located at 204 and 206 Parnell Street. Planning Board recommended denial of C1 and approval of P2 for the entire tract.

Mr. James Marlow, the petitioner was recognized and requested C1 zoning.

Mr. Ray Espy was recognized for himself and others in opposition to the C1 zoning.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE TO P2 PROFESSIONAL DISTRICT THE ENTIRE TRACT LOCATED AT 204 AND 206 PARNELL STREET. ORDINANCE NO. NS1978-8.

Following some discussion of the foregoing matter, Mrs. Evans introduced the foregoing Ordinance and moved 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 NS1978.

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 801 Hay Street. Planning Board recommended approval and there was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R5 RESIDENTIAL DISTRICT TO P2 PROFESSIONAL DISTRICT AN AREA LOCATED AT 801 HAY STREET. ORDINANCE NO. 1978-9.

Mr. Dawkins introduced the foregoing ordinance and moved its adoption, seconded by Mr. Williams 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 497 North McPherson Church Road. (Perkins Motors Property.) Planning Board recommended approval and there was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO ZONE INITIALLY C1P SHOPPING CENTER DISTRICT AN AREA LOCATED AT 497 MCPHERSON CHURCH ROAD (PERKINS MOTORS). ORDINANCE NO. NS1978-10.

Mr. Dawkins moved for adoption of the ordinance, seconded by Mr. Williams and carried unanimously. A public hearing had been published for this date and hour on the rezoning from R6 Residential District to C1 Local Business District or to a more restrictive zoning classification an area located on the West side of Murchison Road between Temple Avenue and University Avenue. Planning Board recommended approval of C1 zoning.

Mr. Henry Colvin, the petitioner, was recognized and requested C1 zoning.

Mr. John Wright, a Temple Avenue resident was recognized for himself and others

in opposition in opposition to the C1 zoning.

Mr. Colvin was recognized again and reiterated his request for C1 zoning.

Following some discussion of the C1 and P2 zones and the possibility that Mr. Colvin might utilize P2 zoning for his purposes, Mr. Williams made the motion to follow the recommendation of the Planning Board and approve C1 zoning, the motion was lost for lack of a second.

Following some further discussion, Mr. Dawkins offered motion to deny the proposed rezoning, motion seconded by Mr. Hurley.

Following some further discussion, Mrs. Evans offered substitute motion to rezone the area to P2, motion seconded by Mr. George and carried unanimously.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R6 RESIDENTIAL DISTRICT TO P2 PROFESSIONAL DISTRICT AN AREA LOCATED ON THE EAST SIDE OF MURCHISON ROAD BETWEEN TEMPLE AVENUE AND UNIVERSITY AVENUE. ORDINANCE NO. NS1978-11.

A public hearing had been published for this date and hour on the rezoning from R5 Residential District to P2 Professional District or a more restrictive zoning classification of an area located at 315-331 Dick Street and 318,326-332 Cross Creek Street. Planning Board recommended approval.

Attorney Willis Brown was recognized for the petitioner, and requested P2 zoning. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R5 RESIDENTIAL DISTRICT TO P2 PROFESSIONAL DISTRICT OF AN AREA LOCATED AT 315-331 DICK STREET AND 318,326-332 CROSS CREEK STREET. ORDINANCE NO. NS1978-12.

Mr. Williams Introduced the foregoing Ordinance and moved its adoption, seconded by Mr. Hurley and carried unanimously.

A public hearing had been published for this date and hour on the rezoning from P2 Professional District to C1 Local Business District or to a more restrictive zoning classification of an area located at 523 Owen Drive. Planning Board recommended denial.

Two persons representing the petitioner were recognized and requested C1 zoning for the purpose of operating a drug store on this site. Mr. James Ku, a resident of the area was recognized in opposition. Mr. Ray Espy representing himself and eight other persons was recognized in opposition.

Following some discussion, Mr. Hurley offered motion to follow the recommendation of the Planning Board and deny this rezoning, seconded by Mr. Williams 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 on the south side of West Jenkins Street between Ferndale and Dallas Street. (The Edgar Sykes Property) Planning Board recommended approval and 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 ON THE SOUTH SIDE OF WEST JENKINS STREET BETWEEN FERNDAL STREET AND DALLAS STREET. (EDGAR SYKES PROPERTY.) ORDINANCE NO. NS1978-13.

Mrs. Evans 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 C1P Shopping Center District or to a more restrictive zoning classification of an area located at 501 North McPherson Church Road. (The Kroger Sav On Store Property) Planning Board recommended approval and 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 501 NORTH MCPHERSON CHURCH ROAD. (KROGER SAV ON STORE PROPERTY.) ORDINANCE NO. NS1978-14.

Mr. Williams 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 C1 Local Business District or to a more restrictive zoning classification of an area located on the northwest corner of the intersection of Rosehill Road and U.S. 401 By-Pass. (Bobby Taylor Oil Co. property) Planning Board recommended C1P Shopping Center District. 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 ON THE

NORTHWEST CORNER OF THE INTERSECTION OF ROSEHILL ROAD AND U.S. 401 BY-PASS.
(BOBBY TAYLOR OIL COMPANY) ORDINANCE NO. NS1978-15.

Mrs. Evans introduced the foregoing ordinance and moved its adoption, seconded by Mr. Markham and carried unanimously.

A public hearing had been published for this date and hour on the rezoning from R10 Residential District to C1P Shopping Center District or to a more restrictive zoning classification of an area located on the west side of U.S. 401 North (Ramsey Street) 409 feet north of the U.S. 401 By-Pass. Planning Board recommended approval.

Attorney Richard Wiggins was recognized for the petitioners and requested C1P zoning.

Clinton Harris was recognized in opposition to this proposed rezoning.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R10 RESIDENTIAL DISTRICT OT C1P SHOPPING CENTER DISTRICT AN AREA LOCATED ON THE WEST SIDE OF U.S. 401 (RAMSEY STREET) 409 FEET NORTH OF 401 BY-PASS. ORDINANCE NO. NS1978-16.

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

Copies of all of the foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1978.

A public hearing had been published for this date and hour on the paving, pursuant to petition of Oliver Drive from Sandhurst Drive to the northwest corner of Lot 10 Block A, Plat Book 18, Page 38, Cumberland County Registry. The Clerk certified that all property owners had been mailed written notification of this public hearing.

Attorney Herb Thorp, property owner in the area and a petitioner was recognized for the paving. There was no opposition present.

FINAL RESOLUTION REQUIRING THE PAVING, PURSUANT TO PETITION OF OLIVER STREET. RESOLUTION NO. R1978-9.

Mr. Hurley introduced the foregoing resolution and moved its adoption, seconded by Mrs. Evans and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1978.

At this point in the meeting, Mayor Finch recognized City Attorney Bob Cogswell on Item M on the agenda pertaining to the revocation of a massage parlor license. Mr. Cogswell informed Council that due to extenuating circumstances he was requesting that this matter be continued indefinitely.

Following a brief discussion, Mr. Dawkins offered motion, seconded by Mr. Hurley to continue the foregoing matter indefinitely as requested by the City Attorney, motion carried unanimously.

A public hearing had been published for this date and hour on consideration of amending the Sunday Closing Ordinance. The City Attorney presented this matter and stated that the proposed amendment to the Sunday Observance required ordinance would permit any charitable organization qualifying to conduct fund raising activities on Sunday and to make sales and dispense services otherwise prohibited by the ordinance, provided they shall have first applied for and received approval of the City Council. Mr. Cogswell additionally stated that a severability clause was included in the amendment which stated that if any section, subsection, or clause of this section is adjudged to be unconstitutional or invalid such adjudication shall not effect the validity of the remaining portion of this section.

Attorney Herb Thorp of the Arts Council and coordinator for the Sunday-on-the-Square activities was recognized in favor of passage of the amendment. Attorney Stacey Weaver of the Arts Council was also recognized in favor of the passage of the amendment and cited examples of other North Carolina cities involved in these activities. Attorney Weaver stated also that the Art League endorses this amendment.

Council also recognized Mr. Jim Morris, Executive Director of the Downtown Fayetteville Association who stated the association wholeheartedly endorsed this passage of the ordinance. Approximately 15 other persons in the audience were recognized in favor.

A Mr. Jim Adams was recognized in opposition to the Blue Law itself.

Mr. Bobby McCoy, a downtown businessman and a member of the City Schoolboard was also recognized in favor of the amendment.

There was no opposition present.

Following a lengthy discussion of this proposed ordinance, Mr. Williams offered motion for adoption of the amendment to the ordinance, seconded by Mr. Dawkins and carried: Mr. George and Mrs. Evans voting against.

AN ORDINANCE AMENDING SECTION 21-44 "SUNDAY OBSERVANCE REQUIRED" OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1978-4.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1978.

Council next considered the setting of several public hearings and in connection with this, City Manager Thomas reminded the Council that the second meeting in March, March 27 was Easter Monday and a city holiday and stated they could schedule the meeting for that day, set it for another date or cancel it altogether.

Following some discussion by the Council, it was decided that due to the Easter Monday Holiday, the March 27 regular meeting would be moved to Thursday, March 30, at 7:00 P.M. in the City Hall Council Chamber and upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, public hearings were set for March 30 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 3317 Bragg Blvd.
- B. Consideration of the initial zoning to R10 Residential District or to a more restrictive zoning classification an area located no the north side of Country Club Drive between Country Club Lake and Green Valley Country Club.
- C. Consideration of the initial zoning to C1P Shopping Center District or to a more restrictive zoning classification an area located on the northwest corner of Morganton Road and U.S. 401 By-Pass.
- D. Consideration of the rezoning from R10 Residential District to P2 Professional District or to a more restrictive zoning classification an area located at 1920 Morganton Road.
- E. Consideration of the rezoning from R6 Residential District to P2 Professional District or to a more restrictive zoning classification an area located at 1337 Bragg Blvd.
- F. Consideration of the initial zoning to C3 Heavy Commercial District or to a more restrictive zoning classification an area located on the northwest corner of Southern Avenue and West Hudson Street.
- G. Consideration of amendments to Chapter 32 "Zoning" of the Fayetteville City Code.

Planning Board Matters:

Upon motion by Mrs. Evans, seconded by Mr. Dawkins and carried unanimously, conditional approval was given Northumberland Section 1, Phase II, apartments preliminary and final group development review located on Blanton Road as recommended by the Planning Board.

Council next gave consideration to Pizza Inn Restaurant preliminary and final C1P review located on McPherson Church Road at Morganton Road. Planning Board recommended conditional approval and planner Mitchell stated that in addition the planning staff recommended at the request of the City Engineer, that a sidewalk be constructed along the front of this property with normal city participation.

Mr. Williams then offered motion for approval of the foregoing including the sidewalk condition as recommended by the Planning Board, motion seconded by Mr. Dawkins and carried unanimously.

Upon motion by Mr. Williams, seconded by Mr. Hurley and carried unanimously Eutaw Shopping Center revision preliminary and final C1P review located on Bragg Blvd. at Stamper Road was given conditional approval as recommended by the Planning Board.

Public Works Commission Matters:

PWC Manager, Ray Muench, presented these matters.

Upon motion by Mrs. Evans, seconded by Mr. Hurley and carried unanimously the bid of Vermeer Carolina Sales and Service was approved in the amount of \$20,907.92 for the purchase by PWC of a heavy-duty trenching machine.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously the bid of Westinghouse Electric Supply Company in the amount of \$24,948. was approved for weatherproof housing and magnetic tape recorders and the bid of R.W. Chapman Company in the amount of \$33,359.30 for solid state metering equipment for 28 PWC electric substations was approved.

Upon motion by Mrs. Evans, seconded by Mr. Dawkins and carried unanimously the bid of Shirco Inc. of Dallas Texas, in the amount of \$1,026,500. for the purchase of sludge incineration equipment was approved. Prior to this approval, Mr. Muench provided information to the Council regarding PWC's plan to begin sludge incineration

at the waste treatment plant. He stated this is a much improved process compared to purafax machines and sludge drying beds. Raw sludge will go directly to the incineration equipment by conveyor belt from the floc presses and will burn in a sustaining process to an inert material or ash which will be 25% of its original volume. This technology will eliminate odors that occur in any waste treatment from processing sludge with the drying bed technology, he stated, and reminded Council that numerous complaints had been received due to this odor in prior years. This process will be in operation by the latter part of August or the first part of September, 1978, he concluded.

Council next heard a report from PWC Manager Muench of PWC's recommendations concerning Cumberland County Commissioners resolution requesting Public Works Commission to install all electrical wiring surrounding the new Cumberland County Court House underground in lieu of using free standing or attached electrical support structures. This request was presented at the last meeting of the Council.

Mr. Muench displayed a projection showing the present electrical distribution system around the new courthouse on Dick Street. He stated the present distribution system served street lights and traffic signals in the area and stated that underground plans were deferred for Cool Spring Lane and Cool Spring Street for the present. He stated that PWC can replace the wooden poles on the north and south sides of Person with underground cables and improve the general appearance of the area. He stated that PWC also has long range plans for Ann, Bow and Cool Springs Streets to place these systems underground.

Following the conclusion of Mr. Muench's report, he was requested to put said report in writing for Council's information and use for discussion at a later date with the County Commissioners.

Council then reconsidered approval of the proposed personnel ordinance presented them at the last regular meeting and deferred until this time. The City Attorney presented this matter and stated that the affirmative action plan which was discussed at the last meeting should not be a part of the ordinance and therefore was not included.

Councilman George was of the opinion that such affirmative action plan should be included in the ordinance.

City Manager Thomas stated to Council that it was his recommendation that Council adopt the personnel ordinance first and the affirmative action plan would be presented at a later date.

Following considerable discussion of this matter, Mrs. Evans offered motion to adopt the personnel ordinance as amended, and that the affirmative action program be completed by June 30 and returned to Council for approval, seconded by Mr. Hurley and carried; Mr. George voting no.

(See Ordinance No. S 1978-4A in Ord. Book No. S 1978)

Council next gave reconsideration to a recommendation of the Building Committee for the use of surplus EDA-LPW Funds. This matter continued from the February 13 meeting. The Committee recommended applying the surplus funds in the amount of \$125,000. for the construction of a new Engineering Building on city owned property on Nimmo's Street. A number of advantages were pointed out for this building and for this location, Among them being, consolidation in one location, the building designs specifically for engineering activities, economic savings, adequate parking, no necessity for land acquisition, and other items.

Following the discussion of this matter, Mr. George offered motion that the \$125,000. be used for paving streets in the pockets of poverty and that Administration compile a list of said streets to be presented to the Council at the next regular meeting, motion seconded by Mr. Hurley for discussion purposes.

Following a lengthy discussion, Mayor Finch called for a vote on the motion, and the vote was as follows: For: Mr. George. Against the motion; Councilmembers Evans, Williams, Dawkins, Hurley and Markham.

Mr. Williams then offered motion that the City Council follow the recommendation of the Building Committee and use these funds for the construction of an Engineering Building, seconded by Mr. Markham and carried: Mr. George voting no.

Council next gave consideration to granting the North Carolina Department of Transportation two rights-of-way easements across city owned - used by PWC - property for proposed improvements of U.S. 401 By-Pass.

The City Engineer presented this matter in a memorandum and stated that right-of-way was needed from the Mintz Pond property for extending the Little Cross Creek culvert and bank slopes on each side of the culvert. No value has been placed on this acquisition by DOT appraisers because of the low lying area. The second site is on the north side of Country Club Drive adjacent to the Seaboard Coastline Railroad Crossing and is a proposed PWC substation. Right-of-way is needed at this location as a triangular tract about four feet at the widest point at about 138 linear feet. DOT appraisers estimate \$175.00 on this tract. The City Engineer stated that he and the PWC Manager recommend approval of the conveyance of the tracts of right-of-way to DOT for \$175.00 contingent upon a satisfactory utility relocation agreement by DOT with PWC.

Following a brief discussion, Mrs. Evans offered motion for approval of the foregoing as recommended, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to a resolution approving the award of bids for the manufacture of 26 advance design buses for the Transit Department. The City Manager presented this matter and reminded Council that they had approved this bid at the last regular meeting and that this resolution spelled out exactly the sum of the bid and is a requirement of the U.S. Department of Transportation.

RESOLUTION APPROVING THE AWARD OF BID FOR THE MANUFACTURER OF TWENTY-SIX ADVANCE DESIGN BUSES, SIX WITH WHEEL CHAIR LIFTS, TO THE LOW BIDDER, GENERAL MOTORS CORPORATION. RESOLUTION NO. R 1978-10.

Mr. Hurley introduced the foregoing resolution and moved its adoption as recommended by the City Manager, seconded by Mr. Dawkins and carried; Council Members Evans and George voting no.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1978.

Council next gave consideration to the award of bids for transfer station equipment for the Street and Sanitation Department. Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously the bid of Simpson Equipment Corporation in the amount of \$197,966. for two push pits, two compactors and four transfer trailers was approved.

Upon motion by Mr. Dawkins, seconded by Mr. Hurley and carried unanimously, the bid of East Carolina White Trucks, Inc. in the amount of \$62,238.12 for two-sixty thousand GVW Road Tractors was approved.

Council next gave consideration to a resolution approving an application for preliminary loan low rent housing. Mr. Harry L. Jones, Executive Director of the Fayetteville Metropolitan Housing Authority was recognized and requested adoption of this resolution because, he stated, there exists in the city a need for such low rent housing which is not being met by private enterprise and approving the application of the local authority to the government for a preliminary loan in an amount not to exceed \$234,000. for surveys and planning in connection with low rent housing.

RESOLUTION APPROVING APPLICATION FOR PRELIMINARY LOAN FOR LOW RENT PUBLIC HOUSING. RESOLUTION NO. R 1978-11.

Mr. George 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 R1978.

Council next gave consideration to an amendment to the 1977-78 Airport Budget.

Council recognized Mr. Charles C. Clark of the Airport Commission who presented the request and recommended the adoption.

1977-1978 BUDGET ORDINANCE AMENDMENT - CHANGE 2- AIRPORT. ORDINANCE NO. NS1978-17.

Mrs. Evans 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 NS1978.

Council next gave consideration to a Civil Preparedness Ordinance, however, the City Manager requested postponement of this item to the next meeting on March 13 to allow for additional study of the request.

Mr. Williams offered motion, seconded by Mr. Dawkins for approval of the postponement of the foregoing matter to the next regular meeting. Motion carried unanimously.

Council next gave consideration to the passage of a joint resolution regarding Building Inspections in newly annexed areas.

The City Attorney presented this matter and stated that the resolution relates to the functions and roles of the City and County Inspections Departments. The reason for this requested action is to prevent duplication of services as well as prevent conflicts that constantly arise when a building is under construction during the process of annexation. North Carolina general statute 160A-360 (F) provides that when a city annexes an area currently being regulated by the county, the county regulations and powers of enforcement shall remain in effect until the city has adopted such regulations or a period sixty days has elapsed following the annexation, whichever is sooner. This always causes problems between the Inspections Department after the annexation. There are certain parts of the inspection procedure that the inspectors cannot certify unless they have seen a prior stage. Manytimes these prior stages are covered up in the process of construction and therefore the City Inspectors have a difficult time completing their inspections.

This proposed resolution clearly provides that the County Inspectors shall finish out a construction site and the city will not have to be responsible since the City and County Inspectors both have to follow the same building code this presents no problem. This resolution was the product of a meeting between the City Inspectors, the County Inspectors, the city and county attorneys. The county has previous to this date, adopted a resolution to the effect that if this resolution is passed by Council, they will accept the request. Passage is recommended, he concluded.

A JOINT RESOLUTION REQUESTING THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS TO COMPLETE BUILDING INSPECTIONS IN NEWLY ANNEXED AREAS FOR THE CITY OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. R1978-12.

Mr. Dawkins introduced the foregoing resolution and moved its adoption, seconded by Mr. Williams and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1978.

Council next gave consideration to a resolution authorizing the development of a Fayetteville City Park in the Savoy Heights Community.

The City Manager presented this matter and stated briefly the resolution provides for an application to be made to the Bureau of Outdoor Recreation through the State for a Development Grant for \$66,340. which represents 50% of all cost, \$132,680. for the development of this park.

RESOLUTION AUTHORIZING THE DEVELOPMENT OF A FAYETTEVILLE CITY PARK BY THE FAYETTEVILLE CITY COUNCIL. RESOLUTION NO. R1978-13.

Mr. Williams introduced the foregoing resolution and moved its adoption, seconded by Mr. Dawkins and carried unanimously.

A copy of the resolution is on file in the Clerk's office in Resolutions Book R1978.

Council next gave consideration to a proposed ordinance revising Section 20-106 Traffic Schedule No. 11 "Parking Prohibited at all times" on Belvedere Street from Greenland Drive to Pearl Street.

The City Engineer presented this matter and stated that a request had been received by his office asking that no parking be installed on Belvedere Avenue from Greenland Drive to Pearl Street because of noise all hours of the night and litter thrown on the lawns and along the street. The City Engineer recommended passage of the ordinance for the foregoing reason and to help decrease vandalism in Glenville Park after the park is closed.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE NUMBER 11, "PARKING PROHIBITED" ALONG THAT SECTION OF BELVEDERE AVENUE BOTH SIDES FROM GREENLAND DRIVE TO PEARL STREET. ORDINANCE NO. NS1978-18.

Mrs. Evans 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 NS1978.

Council next gave consideration to a proposed agreement to the city and the Seaboard Coastline Railroad Company for installing a storm sewer along McLamb Drive under Seaboard Coastline Railroad tracks.

The City Engineer presented this matter and stated that a storm sewer pipe needs to be installed along McLamb Drive under the railroad tracks to serve McLamb Drive, Slater Avenue and Gillis Street. The railroad is willing to enter into an agreement with the city for this installation at no charge and the work is to be accomplished by Cumberland Paving Company as a part of the EDA contract which is under way, Mr. Bennett concluded.

Following a brief discussion of this proposal, Mrs. Evans offered motion for approval of the agreement between SCL Railroad and the city and that the Mayor and Clerk be and they hereby are, authorized and directed to sign said agreement for the city, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to an area drainage problem in the vicinity of Moore Street and the SCL Railroad tracks.

The City Engineer presented this matter and stated that this is the Moore Street drainage ditch adjacent to the First Baptist Church. The present budget, he stated has an item for piping this ditch which drains water from Ramsey Street. In Engineering this proposed installation, it was found the no fall between an outlet pipe near the northern margin of the First Baptist Church property and an inlet pipe at Moore Street, and there is no practical way to lower the inlet pipe to get adequate flow. He therefore recommended expanding this project to include a full solution to this problem and a partial solution to another area drainage problem that exists abutting

SCL Railroad from Rowan Street to Cumberland Street. Where at that location there exists a shallow ditch which parallels the railroad which needs to be piped at a deeper depth in order to obtain an adequate flow.

The solution to the Moore Street problem could be solved by extending the pipe along Moore Street to connect to the proposed pipeline at SCL railroad tracks.

The total estimated cost of this project including acquisition of easements is \$95,000. The present budget has \$14,000. Federal Revenue Sharing Funds for the Moore Street ditch and the remaining \$81,000. could be allocated from the Street and drainage construction funds and is available in the present budget.

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

Council next gave consideration to a request to increase the annual charge of the central burglar alarm monitoring system in Police Headquarters.

The City Manager presented this matter and stated he had received a request from Mr. Luke Wheeler of Holmes, Inc. who has this contract to increase the present \$30. annual charge to \$40. annually for the service provided. The City Manager recommended approval.

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

Council next gave consideration to a request from the Chief of Police that the City Attorney represent the Chief of Police and Patrolman Ray Owen in a civil law suit. The City Attorney presented this matter and requested Council's approval.

Mr. Williams offered motion to authorized the City Attorney to represent the Chief of Police and Patrolman Owen as requested and as recommended, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a request from the Airport Commission to declare two Airport vehicles surplus. The City Manager presented this matter and stated that the Airport Commission has authorized the Airport Manager to dispose of two Airport Department vehicles which are no longer essential to the operation of that department. This item is brought before the City Council for approval because these vehicles are legally the property of the city. The vehicles are a 1969 station wagon and a 1965 chevrolet sedan bearing City of Fayetteville number 601 and 605 respectively. The specific request, the City Manager stated was that City Administration be authorized to issue an invitation for sealed bids for the purchase of these two vehicles. This matter will be brought back to Council for this disposition after bids are received.

After a brief discussion, Mr. Dawkins offered motion for approval of the foregoing request as recommended, motion seconded by Mr. Hurley and carried unanimously.

Council next gave consideration to taxi driver permits.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, taxi driver permits were approved for the following named as recommended by the Taxi Inspector and the Chief of Police: Johnny A. Borg, Wyman Nelson Matthews, Robert Bruce Wilkins, David H. Hill, Ronald Francis Ryan, Charlie James Byrum, Phillip Larry Terrell, III, Robert Lee King, Randy Eugene Miller, Herschel Logan, Richard Allen Fritts.

Council next gave consideration to the approval of an ordinance amending Article II, Section 28-11 of the Code of Ordinances increasing the number of taxi cab certificates.

The City Attorney presented this matter and the proposed ordinance and stated the drawing of this ordinance and the submission of same for Council's consideration was in accordance with Council's instruction from the last meeting. Since it was felt that the present limitation of 100 certificates should be increased to meet present day needs.

Council recognized Sgt. P.D. Warner, the Taxi Inspector, who presented an alternate ordinance to that drawn by the City Attorney which would increase the number of certificates from 100 to not more than 150 such certificates and provides that the Taxi Inspector may come before the Council and after showing good cause, request that they approve a specific number of certificates consistent with the public benefit of necessity and convenience. The number of authorized certificates approved by the Council shall be decreased by the Number of certificates which expire or are revoked or surrendered. All such certificates shall be resubmitted to the Council with a showing that the same is required for the benefit of public necessity and convenience. Upon such showing, the Council would be justified in increasing the number of certificates available.

Following a brief discussion, Mr. Williams offered motion for adoption of the proposed ordinance as presented by Sgt. Warner on first reading, motion seconded by Mr. Dawkins and carried unanimously.

Delegations:

Council recognized Mr. Bill Bowser, Vice President of the Longhill-Linden Branch of the NAACP, who stated that since 1972, the office of Revenue Sharing has required that cities having 15 or more employees are subject to not only the EEOC but are also subject to Title 122 of ORS and over 50% of violations are reported by the NAACP and they are encouraged to do so.

He stated he would file on March 1, a claim to Revenue Sharing on cities time schedule "for the affirmative action plan" and stated it is too long and drawn out.

Mrs. Evans asked Mr. Bowser if he would do this and risk cutting off the city's funding for these projects.

Mr. Bowser stated further that the city could find other funds to build the Engineer's building and it is illegal, he stated, contrary to the City Manager's information and he didn't know where Mr. Thomas got his information.

Council also recognized Ms. Calisa Powell, of the North Carolina Council for the Status of Women who asked if the city has an affirmative action policy. Mayor Finch replied in the affirmative and stated the city has had such a policy for some time now.

Clinton Harris was also recognized and stated that North Carolina does not recognize racism, segregation and Jim Crowism as a crime.

City Manager Reports:

The City Manager stated that Police Officer H.E. Arter had been certified by the Civil Service Commission for promotion to the rank of Sgt. and the promotion has the recommendation of the Chief of Police and the City Manager.

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

The City Manager informed Council that the following named persons had been certified by the Civil Service Commission for appointment to the Police Department as police officers and are further recommended by the Chief of Police and the City Manager: Lee Currie, Eugene Hallock, David Sharff, Jessie Roundtree, Robert Young, Robert Parham, Edgar Dalton, Michael Glase, Gary Searce, Dennis Motowylak, Jetchel Parker, Donald Matthews, Victor Latham, Donald Gale.

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

The City Manager stated that it is recommended that the position of Administrative Aide to the Chief of Police be reclassified from Sergeant to Captain. This recommendation is made in view of the variety of the responsibilities carried by this position.

Mrs. Evans offered motion to reclassify the foregoing position as recommended, seconded by Mr. Hurley and carried unanimously.

Matters of interest to City Council:

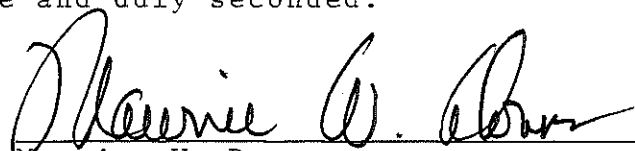
Mr. George asked the City Attorney if there was a possibility that there would be a challenge to the Blue Law. The City Attorney admitted to the possibility but stated he had no idea as to what the outcome would be if it went to court.

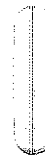
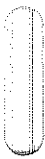
Mr. Hurley offered motion that Council set Waterless Drive in next years budget for high priority paving, motion seconded by Mrs. Evans and carried unanimously.

Mr. Hurley, reading from a memo to the City Council, proposed the establishment of an employee benefit advisory commission and the City Manager was requested to check this out and return to City Council at a later date. This was agreeable to the Council.

Mayor Finch asked the Council if they wished to set a trial meeting for information items, and the third Monday night was set for this purpose. The first meeting being on March 20.

Thereafter all matters of business having been completed, this meeting was adjourned at 11:40 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MARCH 13, 1978
7:00 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 Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and the invocation was offered by Cpt. (Chaplain) Nicholas J. Cracium, 44th Medical Brigade United States Army, Ft. Bragg. Following the invocation, Mayor Finch led the audience in the Pledge of Allegiance to the Flag.

Mayor Finch recognized the following Fayetteville Youth Council representatives: Sean Alvarez, Sharon Lindsay, Joe Cincotti and Alex Arab.

First order of business was the approval of minutes and upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously minutes of the regular meeting of February 27 were approved as submitted by the Clerk.

Public Hearing:

A public hearing had been published for this date and hour on the laying of a sidewalk, without a petition, along the western side of Murchison Road between Washington Drive and Lakeland Drive. All property owners had been notified of this public hearing by written communication by the City Clerk's Office.

The City Engineer presented this matter and stated that it was a part of his recommendation made in January for Murchison Road pedestrian and traffic hazard abutting Fayetteville State University. He stated there was a sidewalk along Murchison Road on the eastern side, but there was no sidewalk on the western side opposite the campus. He stated the cost of this project would be an estimated \$70,000. and 50% would be assessed against the property owners at approximately \$5.00 per linear foot. He stated additionally that a crosswalk had been installed and the Department of Transportation proposes to relocate the traffic signal from Washington Drive to Filter Plant Drive. PWC Manager, Muench stated that improved lighting had also been installed along this section between Cumberland Street and State Street.

No one appeared in favor of this proposed sidewalk.

Attorney Oliver Melvin was recognized and filed a twenty-six signature petition of opposition to the sidewalk and stated in behalf of the property owners that they were opposed to the construction of this sidewalk because some years ago they had already given right-of-way for widening of Murchison Road and some residences as a result of this, front directly behind the curb. Others have decorative fences and yards which would be disturbed by the installation of such sidewalks. A good number of the residents are elderly and senior citizens and live on fixed incomes and cannot afford the sidewalk and the path used for walking was used primarily by school children who are no longer there due to the closing of the Washington Drive School. Attorney Melvin stated that traffic is the main problem now. Twenty persons were present in the audience opposed to this sidewalk, and the Clerk reported the receipt of eight additional letters of opposition.

Reverend Aaron Johnson of Mt. Sinai Baptist Church was recognized for property owners opposed to this sidewalk.

Mrs. Willie C. Jenkins was recognized and stated that she wants her wall replaced at no cost to her if this move is approved by Council.

Following some discussion, Mrs. Evans offered motion to table this item indefinitely, seconded by Mr. George and carried; Mr. Williams voting no.

PWC Matters:

Mr. Muench presented for Council's consideration a recommendation for an outside city water connection for Charles H. Frazier to serve an existing residence at 724 Country Club Drive. Mr. Muench stated that Mr. Frazier had executed an annexation agreement.

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

Mr. Muench gave Council a report on the energy situation. He stated that Carolina Power and Light Company has approximately a 34 day coal supply. He stated this was 34 burning days, not 34 calendar days. He stated that with the advent of warm weather the situation would better itself. He stated the PWC System was now on a five percent voltage reduction in order to conserve. He stated that should the situation worsen, rotating blackouts may become necessary. He stated he was working with local industrial firms on conservation measures. He stated the PWC is also using its stand-by generators. He urged that conservation measures be taken by all the citizens. Mayor Finch thanked Mr. Muench for his remarks.

Council next gave reconsideration to a proposed Civil Preparedness Ordinance. (This matter continued from the February 27 meeting.) The City Manager presented this item and stated that natural

and wartime disaster plans had already been approved and adopted previously. However, one additional proposal under these plans needed to be made and that was under the proposed ordinance the Civil Preparedness Coordinator would be delegated authority to act in the event of a disaster natural or man made. However, the City Council and the Board of County Commissioners would still have authority in the event of a disaster.

Mrs. Evans expressed reservations about this complete power being in one person's hands.

Considerable discussion followed during which time the City Manager reiterated that Council nor the Board of County Commissioners would lose such authority. Mr. William Finch, the local Civil Preparedness Coordinator was present in the audience and recognized with further explanation and offered to remove the provision from the ordinance if Council desired before adopting it.

Following some further discussion, Mr. Williams offered motion to continue this matter to the March 30 meeting and the City Attorney make a report at that time, seconded by Mrs. Evans and carried unanimously.

Council next gave reconsideration to the second reading of an ordinance amending Article II, Certificate of Public Convenience and Necessity, 28-11 of the Code of Ordinances increasing the number of taxicab owner certificates from 100 to 150. This ordinance passed on first reading at the February 27 meeting.

AN ORDINANCE AMENDING CHAPTER 28, ARTICLE II, SECTION 28-11 OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE INCREASING TAXICAB OWNER CERTIFICATES FROM 100 TO 150. ORDINANCE NO. S1978-5.

Mr. Williams reintroduced the foregoing ordinance and moved its adoption on second reading, seconded by Mr. Hurley and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1978.

Redevelopment

Council next gave consideration to a recommendation by the Fayetteville/Commission on the Adams Court Community Development Program. Mr. Richard Herrera, Executive Director of Community Development was recognized and stated this matter was referred to the Commission in January 1977, when two property owners appeared before Council in opposition. Mr. Herrera stated that at the Commission's direction, he had contacted Mr. & Mrs. Williams who owned commercial property fronting on Bragg Blvd. and stated that they would retain the area closest to Bragg Blvd. but had agreed to sell the second tract. Mr. Herrera stated he had also contacted Chrysler Realty Corporation and they had agreed to sell their tract to the city. Therefore, it was the Commission's recommendation of the approval of the foregoing and proceed on the tract as outlined.

Following a brief discussion, Mr. Dawkins offered motion to follow the foregoing recommendation of the Fayetteville Redevelopment Commission on Adams Court Community Redevelopment Program, seconded by Mrs. Evans.

Emma

Mrs. Horton, one of the property owners who had objected at the earlier meeting was recognized at this time and stated that her husband was ill and must be hospitalized in Durham for an undetermined length of time and she must have time to relocate from their present home to a new location. City Council and Mr. Herrera assured Mrs. Horton that she would be given ample time to relocate.

Mayor Finch then called for a vote on the motion and it carried unanimously.

Council next gave consideration to taxicab matters.

Cpt. P.D. Warner, the Taxicab inspector was recognized and presented the following named persons recommended for taxi driver permits: Delton Deese, Joseph Freeman Morris, Willie Brent Edwards, Alexander M. Scott and Waddell Thompson.

Mr. Williams offered motion for approval of the taxicab driver permits for the foregoing as recommended, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to the approval of certificates of public necessity and convenience. Cpt. Warner made the following recommendation: Carlton Stewart-1 certificate, Olan Gerald, Jr.-1 certificate, Ralph Gerald- 1 certificate, Juanita Cashwell-5 certificates, Willie D. Parker-1 certificate. Cpt. Warner stated that if Council approves the foregoing certificate increases, the total amount of taxicab's franchised by the city will increase from 100 to 109.

Following a brief discussion, Mrs. Evans offered motion for approval of the foregoing taxicab certificates as recommended by the Taxicab Inspector to increase the total number of certificates to 109, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to appointments. Mayor Finch stated that on the Human Relations Advisory Commission there were four appointments to be made however, Mrs. Voncile Davis, Mrs. Odessa Dennis, Mrs. Clara Chavis had agreed to serve again leaving one new appointment to be made and on the Building Code Review Committee, Mr. Harold Mc Rainey and Mr. J.B. Moss had agreed to serve again leaving one new appointment to be made on this committee. Following a brief discussion, these appointments were deferred until the next meeting of the Council.

Delegations:

Council recognized Mrs. Carolyn Carlson, Executive Director of the Fayetteville Arts Council, who submitted an application for a permit for Sunday-on-the-Square.

Following a brief discussion, Mr. Williams offered motion, seconded by Mr. Hurley to grant the foregoing permit for Sunday-on-the-Square as requested by the Arts Council. Motion carried unanimously.

Mrs. Carlson was directed to contact the Office of the Chief of Police regarding use of the streets for Sunday-on-the-Square and in turn the Chief of Police would bring this matter before City Council.

Council recognized Bill Bowser, Vice President of the Longhill-Linden Branch of the NAACP, who stated that on his complaint to the Office of Revenue Sharing on the city's affirmative action plan, he would have a choice of three methods. 1. The long way to EEOC, 2. Title 6, 3. Section 122A.

Council also recognized Clinton Harris who commented on Council's action tonight on the Murchison Road sidewalk.

City Manager Reports:

The City Manager informed the Council that the following named were submitted for approval for hire by the City Council. These applicants had been certified by the Civil Service Commission for hire as police officers: Kathy B. Ruddy, Reggie Williams, James B. Tilley, Jr., Anthony F. McLean, and Bryce L. Sweet.

Mr. Williams offered motion for approval of the foregoing and for appointment to the Police Department as recommended and as certified, motion seconded by Mr. Dawkins and carried unanimously.

The City Manager informed Council that there were twelve classifications remaining in the position classification plan in grades 1, 2 and 3 of the career pay plan and of the Police and Fire Department pay plan. He stated further that it had been necessary to go to the Civil Service Commission for approval of the grades 1, 2 and 3 in the Police and Fire Department and that this had been done and City Administration will implement the career pay plan for grades 1 and 2 citywide and for grades 1, 2, and 3 in the Police and Fire Departments. He reminded Council that there were 13 originally but Council had approved one last meeting, that of the Administrative Aide to the Chief of Police in reclassification of that position from Sgt. to Captain and that 12 classifications now remain.

Mr. Hurley offered motion to approve the foregoing recommendation of the City Manager on position classifications on the citywide career pay plan as presented, seconded by Mr. Williams and carried unanimously.

The City Manager informed Council that the Cumberland County Coordinating Council on Older Adults had applied for a grant for a demonstration project which will run for twenty weeks. Handicapped and Senior Citizens from all over the County will participate in this project. The handicapped will be on a portal to portal basis and the plan is that the coordinating council will pick up Senior Citizens and bring them to use City buses. He requested that the City Transit Department be authorized to issue I.D. cards to Senior Citizens 60 years of age or over to ride the buses for half price for this twenty week period. The estimated cost to the City will be \$1,200.

Following a brief discussion, Mrs. Evans offered motion to approve and to make Senior Citizens age 60 years and above eligible for one half fare cards for the twenty week period as recommended and requested, seconded by Mr. Dawkins and carried unanimously.

In connection with the City buses, City Attorney Cogswell informed Council that no amendment to the General Statute is going to be necessary due to the bus weight because the new buses will meet present requirements.


Matters of interest to the City Council:

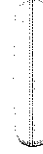
Mrs. Evans asked the City Engineer when Kirkland Drive would be paved. The City Engineer informed her that it would be this summer.

Mayor Finch asked Mr. George if the Road Committee would have a recommendation on the thoroughfare plan by the next meeting. Mr. George replied, no, and Mrs. Finch asked that this be done before too much longer due to the grant application deadline.

Mrs. Finch reminded Council that the first information meeting will be next Monday, March 20 at 7:00 P.M. in the City Hall Council Chamber and that several groups were already scheduled to be present.

Thereafter, all matters of business having been completed, this meeting was adjourned at 8:30 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MARCH 30, 1978
7:00 P.M.

Present: Mayor Beth Finch

Council Members: George Markham, Bill Hurley, J.L. Dawkins, Wayne Williams and Mildred Evans.

Absent: Council Member Marion George

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 the Reverend Glen Holt of the First Baptist Church led the invocation. Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch then welcomed the following Youth Council representatives present in the audience to observe Council proceedings: Susan Linder, Brenda Mitchell and Joe Cincotti.

The first item of business was the approval of the minutes of the March 13, 1978 meeting, and upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously the minutes of the March 13, 1978 meeting were approved as submitted by the City Clerk.

A public hearing had been published for this date and hour on the rezoning from R10 Residential District to C1P Shopping Center District or to a more restrictive zoning classification an area located at 3317 Bragg Blvd. Planning Board recommended approval.

Mr. Herb Thorp was recognized in behalf of Hajoca, Inc., petitioner for the rezoning.

There was no opposition.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R10 RESIDENTIAL DISTRICT TO C1P SHOPPING CENTER DISTRICT AN AREA LOCATED AT 3317 BRAGG BLVD. ORDINANCE NO. NS1978-18A.

Mr. Hurley 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 an area located on the north side of Country Club Drive between Country Club Lake and Green Valley Country Club. Planning Board recommended approval.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL TO ZONE INITIALLY TO R10 RESIDENTIAL DISTRICT AN AREA LOCATED ON THE NORTH SIDE OF COUNTRY CLUB DRIVE BETWEEN COUNTRY CLUB LAKE AND GREEN VALLEY COUNTRY CLUB. ORDINANCE NO. NS1978-19.

Mr. Williams 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 C1P Shopping Center District or to a more restrictive zoning classification an area located on the northwest corner of Morganton Road and U.S. 401 By-Pass. Planning Board recommended approval.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL TO INITIALLY ZONE TO C1P SHOPPING CENTER DISTRICT AN AREA LOCATED ON THE NORTHWEST CORNER OF MORGANTON ROAD AND U.S. 401 BY-PASS. ORDINANCE NO. NS1978-20.

Mr. Dawkins introduced the foregoing ordinance and moved its adoption, seconded by Mr. Williams 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 an area located at 1920 Morganton Road. Planning Board recommended denial.

Mayor Finch recognized Mr. Jim Miller, representing the petitioner in behalf of the request and stated that they desired to use the property for a professional office.

Mayor Finch recognized Mrs. Sue Bandy, President of Haymount Preservation, in

opposition to the request and stated that this property was completely surrounded by residential development and that efforts were being made to upgrade the Haymount area. Mrs. Bandy then asked those present and in opposition to stand and approximately 100 persons stood in opposition.

Council also recognized Mr. J.W. Pate and Mr. Henry Sacko, residents of the area who were also in opposition to the rezoning.

Mrs. Evans made the motion to follow the recommendation of the Planning Board and deny the request, seconded by Mr. Dawkins 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 1337 Bragg Blvd. Planning Board recommended denial.

Mayor Finch recognized Mr. Bob Carr, Co-executor of the property, in behalf of the request. He stated that this site is not suited for residential use and would like to compromise between R6 and C1. He further stated that the P2 Professional zoning would fit into that residential neighborhood.

Mayor Finch recognized Mrs. Sue Bandy, President of Haymount Preservation, appearing in opposition to the request and stated that this would encourage further commercial zoning for the area. She stated that other attempts to rezone in the past had been unsuccessful. She then read letters from Mr. Mason Hicks and Bill Laslett expressing their opposition to this proposal and she asked those residents present and in opposition to the request to stand and approximately 100 persons stood in opposition.

Mayor Finch recognized Mr. Jack Lee, State Chairman of the Republican Party and former Mayor of Fayetteville, and a resident of the area who also expressed his opposition.

Mr. Williams made the motion to follow the recommendation of the Planning Board and deny the request for the rezoning, seconded by Mr. Dawkins and carried unanimously.

A public hearing had been published for this date and hour on the initial zoning to C3 Heavy Commercial District or to a more restrictive zoning classification an area located on the northwest corner of Southern Avenue and West Hudson Street. Planning Board recommended approval of C3 and C1P.

Mayor Finch recognized Mr. R.M. Barton, property owner who spoke in behalf of the request.

Mayor Finch also recognized Mr. Bob Lambert, representing Mr. Bob Hallock, a property owner in favor of the rezoning.

There was no oppositon present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL TO INITIALLY ZONE TO C3 HEAVY COMMERCIAL DISTRICT AND C1P SHOPPING CENTER DISTRICT AN AREA LOCATED ON THE NORTHWEST CORNER OF SOUTHERN AVENUE AND WEST HUDSON STREET. ORDINANCE NO. NS1978-21.

Mrs. Evans introduced the foregoing ordinance and moved its adoption, seconded by Mr. Williams and carried unanimously.

Copies of all of the foregoing ordinances are on file in the Clerks office in Ordinance Book NS1978.

A public hearing had been published for this date and hour concerning the consideration of amendments to Chapter 32 "Zoning" of the Fayetteville City Code. Planning Board recommends approval.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING CHAPTER 32 "ZONING" OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. S1978-6.

Mrs. Evans 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 S1978.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously public hearings were set as follows:

For April 24, 1978:

- A. Consideration of the proposed annexation of property located at 608 Law Road.
- B. Consideration of the proposed annexation of a portion of the Methodist College property located on U.S. 401 North.
- C. Consideration of the proposed annexation of property located at 4625 Murchison Road - Rivenbark property.

- D. Consideration of the initial zoning to R6 Residential District, C1P Shopping Center District, C3 Heavy Commercial District, M1 Light Industrial District and M2 Heavy Industrial District or to a more restrictive zoning classification an area located between Dyer Street, Camden Road and Legion Road and south of West Mountain Drive including the Bedsole property.
- E. Consideration of the initial zoning to R10 Residential District or to a more restrictive zoning classification an area located at 3418 Boone Trail.
- F. Consideration of the initial zoning to C1P Shopping Center District or to a more restrictive zoning classification an area located on the west side of North McPherson Church Road 890 feet south of the 401 By-pass.

For April 10, 1978:

- A. Consideration of a lease agreement with J.J. Barnes, Inc. and the Fayetteville Airport Commission, an agency of the City of Fayetteville to construct a hangar on Airport property.

For May 22, 1978:

- A. Consideration of the rezoning from R10 Residential District to R5 A Residential District or to a more restrictive zoning classification an area located on the south side of U.S. 401 By-Pass, east of Rosehill Road.

Planning Board matters:

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, conditional approval was given to Carvers Falls Shopping Center addition revision preliminary and final review located on Ramsey Street as recommended by the Planning Board.

Upon motion by Mrs. Evans, seconded by Mr. Dawkins and carried, Mr. Williams abstaining, conditional approval was given to Guest Inn preliminary and final review located on Meadowcroft Drive off Ramsey Street.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously conditional approval was given to Currie Subdivision preliminary and final review located on Thuxford Place off McPherson Church Road.

Council then considered the Seven Eleven preliminary review located on 401 North Raleigh Road near Tree Top Drive. Planning Board recommended denial.

Mr. Mitchell presented this matter and stated that Planning Board recommends denial of the request based on the following:

1. That all previous conditions be complied with (September 23, 1974)
2. That only one driveway be allowed off Ramsey Street as previous approval.

Mr. Hurley made the motion to follow the recommendation of the Planning Board and deny the request based on the overall plan, seconded by Mr. Dawkins and carried unanimously.

Public Works Commission matters:

Mr. Muench presented to Council a request by Machine Products of Fayetteville, North Carolina for an extension of water and sanitary sewer mains along Black and Decker Road to serve a proposed industrial machine shop. Applicant will pay total cost.

Mr. Williams made the motion to follow the recommendation of PWC and approve the request for water and sanitary sewer extension to Machine Produces of Fayetteville seconded by Mr. Dawkins and carried unanimously.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, approval was given for sanitary sewer connections to serve six duplex apartments off Shaw Road owned by Mr. & Mrs. Carl Hudson and Mr. & Mrs. V.B. Norris.

Council then considered bids for the relocation of the electrical transmission and distribution lines along McPherson Church Road and Cliffdale Road. PWC recommended the low bid of Sumter Builders in the amount of \$155,732.08.

Mr. Dawkins made the motion to follow the recommendation of PWC and award the bid to Sumter Builders in the amount of \$155,732.08, seconded by Mr. Williams and carried unanimously.

Council then considered the bids for the purchase of 81 current transformers (Type MF, outdoor, molded butyl rubber slip-over bushing; 1200/5 ampere multi ratio).

PWC recommended the low bid of Eastern Electric Supply Company in the amount of \$41,067.00.

Mr. Dawkins made the motion to follow the recommendation of PWC and award the contract to the low bidder, Eastern Electric Supply Company in the amount of \$41,067. seconded by Mr. Hurley and carried unanimously.

Mr. Muench then introduced Mr. Jim Myatt, Assistant Manager of PWC who would attend the meeting in his absence and Mr. James Warner.

The next item was the consideration of a Civil Preparedness Ordinance (Continued from the March 13, 1978 meeting).

This matter was presented by Robert Cogswell, City Attorney, who stated that he had come across another ordinance that he believes would be better. It would create an interlocal agreement between the city and the county. In order to coordinate the new ordinance and achieve the result wanted by the State office, he needed to review it with the county and present it at the next council meeting.

All Council members were in agreement to wait for Mr. Cogswell to present this new ordinance at the next council meeting.

The next item was the consideration of a resolution concerning streets to be added to the city maintenance system and delete from the state maintenance system.

Mr. Bennett presented this matter and stated that North Carolina Department of Transportation has requested the following streets be accepted by the City of Fayetteville for maintenance as of July 1, 1978:

Enterprise Avenue	Austin Street
Cude Street	Craft Street
Carlos Street	Canbury Road
Dillon Drive	Alpine Street
Brenda Drive	Utopia Street
Coker Street	Sojourner Street
Huston Street	Prosser Street
Onslow Street	Madonna Drive
Clearwater Street	Delco Street
Arrowwood Drive	Granby Street
Randinita Drive	Starmount Court
Tanglewood Drive	Oakdale Drive
	Hilliard Drive

The resolution title appears below:

RESOLUTION OF THE CITY OF FAYETTEVILLE DELETING FROM THE STATE MAINTENANCE SYSTEM AND ADDING TO THE CITY MAINTENANCE SYSTEM 26 STREETS OR STREET PORTIONS. RESOLUTION NO. R 1978-14.

Mr. Williams introduced the foregoing resolution and moved for its adoption, seconded by Mr. Dawkins and carried unanimously.

Council then considered improvements of streets at railroad crossings.

Mr. Bennett presented this matter and stated that the City Budget has a line item in the amount of \$50,000. for railroad crossing improvements. We would like to suggest that this money be spent on purchasing railroad crossing materials for the following locations:

1) Two A and R Railroad track crossings at Blount Street, 2) Four A and R crossings on Winslow Street, 3) One Seaboard Coastline Railroad crossing on Winslow Street, 4) One Seaboard Coastline Railroad crossing on Camden Road, 5) One A and R crossing on Camden Road.

This purchase would be on the condition that the railroad companies upgrade the crossings with any new ballasts, crossties, or rails needed and install this crossing material.

There was a discussion of the railroad tracks on Robeson Street. Mr. Hurley asked if \$5,000. of this money could be used to repair this crossing.

Mr. Bennett stated that this railroad track was privately owned by an industry and that the total responsibility lies with them. The only alternative would be for the Highway Department to give the owner some sort of deadline to upgrade the crossing. He further stated that he and the City Manager had talked with the owner and he had made a proposition to pay only a portion for the upgrading, and the other two agencies involved say that the industry is entirely responsible for the crossing.

It was suggested by Mr. Williams to contact all parties involved and work out some kind of a solution or remove the track.

It was suggested by Mr. Bennett to approve these nine crossings and by Council resolution forward a new request to the Highway Department to use their authority to get the Robeson Street crossing repaired and if council wants to assist in any way to put it in the budget in July.

Mr. Hurley made the motion to follow the recommendation of the City Engineer and approve the \$50,000. to be spent at the nine railroad crossings, seconded by Mr. Williams and carried unanimously.

The next item was the consideration of streets proposed for resurfacing.

At this point, Mr. Dawkins wished to abstain due to possible conflict of interest. There were no objections voiced and Mayor Finch excused him.

Mr. Bennett presented this matter and stated that the current budget has a line item in the amount of \$120,000. for resurfacing City Streets. Twelve streets have been selected for consideration based on traffic volume, use by heavier vehicles, and potential cost due to deterioration if resurfacing is not accomplished. He further stated that there are many other streets that need resurfacing but they attempted to select the ones with the most outstanding needs based on the information stated above. The cost of resurfacing is estimated at \$120,000. The Streets are as follows:

Glidden Street	Bragg Street
Cool Spring Street	Stamper Road
Franklin Street	Skye Drive
Peace Street	Ellington Street
Filter Plant Drive	McBain Drive
Greenland Drive	Pearl Street

Mrs. Evans made the motion to follow the recommendation of the City Engineer and resurface the streets recommended, seconded by Mr. Williams and carried, Mr. Dawkins abstaining.

Council next considered a proposed City Ordinance "Mutual Assistance Authority and Responsibility of Chief of Police".

Mr. Thomas presented this matter and stated that the 1977 General Assembly provided thorough General Statutes for increased mutual assistance between law enforcement agencies, the Chief of Police is authorized within his sole discretion to provide assistance to another agency within the State of North Carolina for the purpose of assisting other agencies. This could be in the form of personnel, equipment or supplies. This would allow our Chief of Police to provide this assistance on his own discretion, providing it does not endanger the safety, the welfare or the well being of the City of Fayetteville which is his first responsibility. Anyone that he should loan to another agency or any assistance that he might loan, those individuals would be responsible to the laws of the State of North Carolina, to the rules and regulations of their own police department and the rules and regulation and the ordinances of the county or the other city that they would go to provide their services. Upon request of the City Manager, any council member, or the Mayor, the Chief of Police shall file a report of loan operations authorized under this section, or the same of any assistance that was loaned to us. Mr. Thomas stated that he thought the ordinance was a good one and the administration recommended it.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL CREATING AN ADDITIONAL SUBSECTION TO CHAPTER 24 "POLICE" OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1978-7.

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 S1978.

Council then considered five ordinances requiring the Building Inspector to correct conditions at the following locations:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 2545 ROSEHILL ROAD AND OWNED BY DAVID SAWYER. ORDINANCE NO. NS1978-22.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 2545½ ROSEHILL ROAD AND OWNED BY DAVID SAWYER. ORDINANCE NO. NS1978-23.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 2557 ROSEHILL ROAD AND OWNED BY DAVID SAWYER. ORDINANCE NO. NS1978-24.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 405 INGRAM STREET AND OWNED BY CLAUDE L. CAMPBELL. ORDINANCE NO. NS1978-25.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 703 ELLIS STREET AND OWNED BY ETHEL COARTEN. (COURTNEY). ORDINANCE NO. NS1978-26.

Mr. Williams asked if each property owner had been notified that the meeting being held tonight March 30, instead of Monday, March 27 and Mr. Maccy, Chief Building Inspector replied that he had notified them verbally that the meeting had been changed to the 30th of March.

Mrs. Evans introduced the foregoing ordinances and moved their adoption subject to a written waiver from the property owners, seconded by Mr. Williams and carried unanimously.

Copies of the foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1978.

The next item was the consideration of taxi driver permits.

Mr. Thomas presented this matter and stated that the following people had filed application and were recommended by the Taxi Inspector and the Chief of Police:

Harry Lee Hill, Wade Michael McMillion, Jessie Paul Jackson, William H. Privott, Paul Budd Wood, Jr. and Gregory Lott Taylor.

Mr. Williams made the motion to follow the recommendations of the Chief of Police, the Taxi Inspector and the City Manager and approve the foregoing applications, seconded by Mrs. Evans and carried unanimously.

Council then considered four appointments to the Human Relations Advisory Commission and three appointments to the Building Code Review Committee.

Mayor Finch stated that Mrs. Davis, Mrs. Dennis and Mrs. Chavis of the Human Relations Advisory Commission and Mr. McRainey and Mr. Moss of the Building Code Review Committee had agreed to serve again.

Mr. Dawkins made the motion, seconded by Mr. Williams and carried unanimously, to reappoint Mrs. Voncyle Davis, Mrs. Odessa Dennis and Mrs. Clara Chavis for two year terms of office, said terms to expire in March, 1980 and Mr. Harold McRainey and Mr. J.B. Moss be reappointed to the Building Code Review Committee for three year terms of office, said terms to expire in March 1981.

Mayor Finch stated that this would leave one vacancy on each committee and asked Council to bring back nominations for these at the next council meeting.

There were no delegations.

City Managers report:

Mr. Thomas reported a resignation from the Fire Department, Mr. Don Matthews, who resigned from the Fire Department to enter service with the Police Department.

Mr. Thomas reported four resignations from the Police Department: Mr. Chris Bami, Ms. Kathy Ruddy, Mr. Dennis Motowylak and Mr. Vernon Harrell. Three had resigned from the Police Academy, and Mr. Vernon Harrell had been with the department since March 9, 1976 and had resigned for personal reasons.

Mr. Thomas then reminded Council of the "Mock Disaster" to take place on April 14, 1978 at 71st Elementary School. Mr. Thomas stated that all service departments would be involved.

Mr. Thomas then presented to Council, a plan coordinated by Administration, Director of Recreation & Parks and the Chief of Police developed to restore peace and tranquility to our city parks. The overall objective is to work with the patrons who use the parks, for the purpose of deterring delinquent behavior and encouraging patron assistance in helping to make our city parks and recreation facilities safer and more enjoyable places for relaxation and recreational purposes not only for individuals but for families also.

The concept of the plan will include (a) volunteer off-duty officers in uniform, (b) walking patrols in Glenville Park, (c) vehicular patrol to cover Clark, Rowan, Lamon, Honeycutt and Tokay. Mr. Thomas stated that the plan could be altered or changed at any time.

Mr. Thomas stated that the funds for this plan would come from our anti-recession fund which we received and have available. The estimated cost of implementing this plan for the balance of FY1977-78 would be as follows:

Personnel:	\$12,500.
Communications:	3,500.
Vehicle	no cost (Recreation and Parks vehicle to be used)
Fuel & Maintenance:	To be furnished by Recreation and Parks Department.

Mr. Thomas stressed the communications as being vital and the Administration recommended that the plan be approved effective April 1, 1978 for the balance of this fiscal year, that the FY77-78 Budget be amended to utilize anti-recession funds for the implementation of the plan, the \$16,000. would come from the anti-recession funds that we have received to be placed in Police Department for the payment of the overtime and the payment of the communications equipment.

Mr. Thomas recommended that the communications equipment be purchased on an emergency basis. The claim can be justified in an emergency situation as the recreation season is upon us right now and they must have it now if the patrol is to be an effective park patrol. By declaring an emergency it is not necessary to go through the time consuming bidding process, the communications equipment would be purchased

through the last low bid supplier to the Police Department on an immediate basis if approval is received by the Council.

Mr. Williams thanked the Administration for expediting this plan and made the motion to follow the recommendation of the City Manager that an emergency be declared for the request of funds for the radio equipment and for approval of the plan he proposes, seconded by Mrs. Evans and carried unanimously.

Mr. Thomas then presented to Council the proposed changes by the League of Municipalities in the Employees Retirement System and stated that the 1977 General Assembly made certain changes in the retirement system for state employees, due to lack of information regarding cost of similar changes for municipal and county employees, it was decided that the changes should not be made in the system for local governmental employees at that time. The League has now reviewed the changes and know the costs and recommend that these changes should be made so that we can keep the local system competitive in view of transferability between local government and the state system to continue to attract qualified employees into local government careers. They are recommending approval.

He then presented these changes.

1. Increase the basic benefit formula from 1.5% of employees average final compensation.
2. Provide an across the board increase to previously retired employees of 7% prior to July 1, 1976 and an additional 2½% to those who retired prior to July 1, 1977.
3. Increase death benefits from \$15,000. to \$20,000. and to extend death benefit coverage period from 90 days to 366 days following disability and retirement and extend lump sum death benefit coverage to the end of the fiscal year in which 65 is attained.

Mr. Thomas stated that Cumberland County and Harnett County have said that they concur with the changes and have sent in their card to the North Carolina League saying they support it, Region M has also approved this and sent in their card. Our card must be sent in prior to April 15, 1978, if Council approves.

The cost to the City if Council approves means an increase of .0024% of the retirement member payroll, the approximate cost would be \$17,000.

Mrs. Evans made the motion to approve the proposed changes in the North Carolina Local Government Employees Retirement System, seconded by Mr. Hurley and carried unanimously.

Mr. Thomas then presented to Council Change III Budget Amendment as consisting of all changes made in the original budget as of July 1, 1977, from August 8, 1977 to March 24, 1978. Mr. Thomas asked for approval of the changes.


Mr. Dawkins made the motion to approve the budget amendment as presented by the City Manager, seconded by Mr. Williams and carried unanimously.

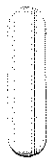
Mr. Thomas then asked Council to set a time for an executive session concerning a land transaction. It was decided to have the meeting at 12:00 on Tuesday at the Kyle House.

Mr. Hurley then expressed the need for more lighting on Devers Street at the recreation center.

Mrs. Evans asked about the possibility of making some other entrance to Clark Park just as soon as possible.

Thereafter, all matters of business having been discussed, this meeting was adjourned at 9:10 upon motion made and duly seconded.


Patricia L. Labiosa
Acting City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
APRIL 10, 1978
7:00 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 Cogswell, City Attorney
Mr. Ray Muench PWC Manager

Mayor Finch called the meeting to order and Pastor Randy Bullard of the Person Street Pentacostal Holiness Church gave the invocation. 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 and thanked all of them for their services they had given the City:

5 years service:

Prentiss Pruitt - Recreation & Parks Department
George Greenway - Fire Department
S.K. Jacobs - Fire Department
Armond Spinosa - Fire Department
Thomas Allen - Fire Department
Ralph McLaurin - Fire Department

10 years service:

Jerry Potter - Engineering Department
Fred Brown - Fire Department
Ellen McNeill - Engineering Department

15 years service:

Thomas Wood - Engineering Department
Booker T. Mulder - City Buildings

Mayor Finch then recognized the following Youth Council Representatives present in the audience to observe Council proceedings: Alex Arab, Danny McKeithan, Lynn Bosworth, Joe Cincotti, William Yadusky, Bryan Riddick, Sean Alvarez and Russell Wofford.

The first item of business was the approval of minutes of the March 30, 1978 meeting and upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, the minutes of the March 30 meeting were approved as submitted by the Acting City Clerk.

A public hearing had been published for this date and hour on the consideration of a lease agreement with J.J. Barnes, Inc. to construct a hangar on Airport property. (This was item 7 on the March 30, 1978 agenda).

Mr. Cogswell, City Attorney presented this matter and stated that minor changes had been made in the agreement of March 30, and the lease was redone, signed by all parties, and has been approved by the Airport Commission. Mr. Cogswell stated that he concurred with the changes and recommended approval.

Mr. Williams made the motion to authorize the Mayor to sign the lease agreement with J.J. Barnes, Inc., seconded by Mr. Dawkins and carried unanimously.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously the following public hearing was set for April 24, 1978:

A. The consideration of the Airport Limousine Franchise rate amendment.

Public Works Commission matters:

Mr. Muench presented to Council a review of bids for the purchase of one 10-12 yard tandem dump truck and two 24,000 lb. GVW trucks. PWC recommended the low bid of Edmac Truck Sales for the 10-12 yard tandem dump truck in the amount of \$20,087.52 and the low bid of LaFayette Ford in the amount of \$16,840. for the two 24,000 GVW trucks.

Mrs. Evans made the motion to award the contract to the two low bidders, Edmac Truck Sales for the 10-12 yard tandem dump truck in the amount of \$20,087.52 and LaFayette Ford for the two GVW trucks in the amount of \$16,840., seconded by Mr. Dawkins and carried unanimously.

Council then considered an application by Cardinal Petroleum Company for extension of approximately 600 ft. of sanitary sewer main along Hope Mills Road to serve a commercial building. Applicant is to pay total cost.

Mr. Williams made the motion to follow the recommendation of PWC and approve the application for sanitary sewer main along Hope Mills Road, seconded by Mrs. Evans and carried unanimously.

Mr. Muench then presented an application by Mrs. Phoebe Jordan for extension of 110 ft. of water main along Yadkin Road for service to a commercial building (Deal Harley-Davidson Motorcycle Dealer). If approved applicant will execute annexation agreement and pay total cost.

Mr. Williams made the motion to follow the recommendation of PWC and approve the application by Mrs. Phoebe Jordan, seconded by Mr. Dawkins and carried unanimously.

The next item on the agenda was the consideration of a Civil Preparedness Ordinance which was presented to Council by Mr. Robert Cogswell, City Attorney.

Mr. Cogswell stated that this ordinance had been prepared by the County at one time and he had modified it to meet the city's situation. He further stated that if the city adopts it, the county will possibly pass it also.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL " FAYETTEVILLE CIVIL PREPAREDNESS ORDINANCE". ORD. NO. S1978-8

Mr. Williams introduced the foregoing ordinance and moved that the ordinance be adopted as corrected on Page 4 in Subsection b., Paragraph A, seconded by Mrs. Evans and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1978.

The next item on the agenda was the consideration of traffic plans on Bow Street and Ann Street.

Mr. Thomas presented this matter and stated he recommended that the City Council no longer delay the decision as to whether Bow Street will be made a two way or one way in the Downtown Circulation Plan. The decision is vital as far as the First Union Bank's plans are concerned and is certainly very important to the Heritage Place Committee and the First Presbyterian Church.

Mr. Cliff Strassenburg and Mr. Robert Bennett presented the plan to the City Council. Their presentation concluded that Bow Street should be made two way with four lanes and an extra turning lane should be provided on Ann Street at the junction of Ann Street and Bow Street. The extra turning lane on Ann Street would be provided from City owned property on the corner of Ann Street and Bow Street. This would reduce the City parking spaces in that property from 42 to 32 spaces. This plan was recommended by Mr. Thomas, Mr. Bennett and Mr. Strassenburg.

Mrs. Evans made the motion to proceed with the plans as submitted, seconded by Mr. Markham.

Mr. George made the substitute motion that this matter be continued until April 24 and advertise and list it as a public hearing for that meeting, seconded by Mr. Dawkins and carried: Mrs. Evans and Mr. Markham voting no.

The next item was the consideration of granting an easement to N.C.D.O.T. for improvements to U.S. 401 By-Pass.

Mr. Bennett presented this matter and stated the N.C.D.O.T. was granted an easement six weeks ago; an error was made and they now need an additional ten feet that runs parallel with the old easement and the purpose of this one is to open up a drainage ditch along this route to the creek. Mr. Muench stated that PWC has no objections, this being PWC's Mintz Pond property.

Mr. Williams made the motion to grant the easement to the N.C.D.O.T. for the purpose of improvement along the U.S. 401 By-Pass, seconded by Mr. Dawkins and carried unanimously.

Council then considered an agreement with N.C.D.O.T. for City paying a portion of right-of-way cost for U.S. 401 By-Pass improvements.

Mr. Bennett presented this matter and stated that this proposed agreement is consistent with past agreements on other N.C.D.O.T. projects. The city is asked to pay 25 per cent (within the city) of the right-of-way cost. The total cost is estimated at \$125,000. and the city is to pay \$25,000. annually beginning August 1, 1978. Mr. Bennett recommended approval of the agreement subject to the approval of the Public Works Commission's approval of the electrical relocation agreement with N.C.D.O.T. Mr. Muench stated PWC approves. A condition of the agreement was that city agree that all vehicular parking, loading and unloading will be prohibited along the roadway.

Mrs. Evans made the motion to approve and agree to pay the city's portion of right-of-way costs for the improvements to U.S. 401 By-Pass, seconded by Mr. Dawkins and carried unanimously.

Council then considered a State Grant Agreement from the State of North Carolina concerning the Fayetteville Municipal Airport.

Mr. Dennis, Airport Manager, presented this matter and stated that the Grant Agreement from the State of North Carolina in the amount of \$21,653. is for 50% of the cost of taxiway and corporate hangar area and enclosure of baggage claim area. Mr. Dennis requested City Council approve the grant and authorize the Mayor and other required City officials to execute the grant agreement.

Mr. Williams made the motion to approve the grant agreement from the State of North Carolina and authorize the Mayor to sign and participate in 50% of the cost of the project as outlined, seconded by Mr. Dawkins and carried unanimously.

The next item was the consideration of award of contract for paving various streets.

Mr. Bennett presented this matter and stated that bids had been received for drainage and paving of 15 streets which have been previously approved for paving by Council. Mr. Bennett recommended awarding the contract on a low unit price basis to the low bidder, Crowell Constructors, Inc. in the amount of \$459,140.15. The streets are as follows:

Wilbon Street	Phillips Street	Kirkland Drive
Enoch Street	Sandhill Drive	Sandhurst Drive
Michael Street	McLamb Drive	Pelt Drive
Fargo Drive	Weiss Avenue	Oliver Street
Fairway Drive	Hull Road	Blueridge Road

Mr. Williams made the motion to follow the recommendation of the City Engineer and award the contract to Crowell Constructors, Inc. on a low unit price basis in the amount of \$459,140.15, seconded by Mr. Dawkins and carried unanimously.

The next item for consideration was the variance as to setback requirements for subdivision identification signs.

Mr. Thomas presented this matter and stated that Moorman, Little and Kizer had made application to the Inspection Department for a permit to erect a subdivision identification sign at the entrance to the Rivercliff Subdivision junction of Eastwood Avenue and Rivercliff Road. The Inspection Department has recommended that the variance be granted.

Council recognized Mr. Joe Godwin of Moorman, Little and Kizer and he explained the reason for the request for variance.

Mr. Dawkins made the motion to grant the variance on the first reading subject to the approval of the second reading on April 24 meeting, seconded by Mr. Williams and carried unanimously.

There was one appointment to be made to the Human Relations Advisory Commission and one to the Building Code Review Committee.

Mayor Finch instructed Council to bring back their nominations prior to the next meeting along with a resume of each nominee.

Delegations:

Mayor Finch recognized Mr. Bill Bowser of the Longhill-Linden Branch of the NAACP. Mr. Bowser had several questions for Council. 1) If 10% of the bids were awarded to minority bidders where EDA/LPW funds were being used. 2) Have minorities been considered on other federal funds. 3) Have federal funds been appropriated without public hearings. 4) Was the low bidder of the EDA project who bid 35% below the estimated bid a regular bidder, the name of the bidder, his performance record and has he bid on previous projects, and if he has since that time been awarded other projects. 5) What is the proposed use of the Prince Charles Hotel and were local funds used to purchase it or federal funds.

Mayor Finch made note of his questions.

Council then recognized Mr. Clinton Harris, who stated that this country had not changed in 15 year for the poor and the minorities. He urged Council to use CETA funds and Summer Youth Program to accomplish two programs. He suggested using the Summer Youth Program to build the sidewalks in the poor areas. The second is for 100 students to be placed under the medical, dental and nursing programs at the Cape Fear Hospital.

Mayor Finch thanked Mr. Harris for his suggestions.

Council recognized Mr. Mike Stickler of 1010 Arsenal Avenue who presented a petition to Council for lowering the speed limit on Arsenal Avenue from 35 to 25 mph. Mr. Stickler stated that the street is too narrow, too rough at the intersections and the telephone poles are located too close to driveways.

Mr. Bennett stated that a project was underway at this time to repair this street and would relieve the problem of dips at the intersections and make the street safer.

Mr. Williams requested that this matter be put on the agenda for the next regular meeting.

Mayor Finch then recognized Ms. Louise Jenkins who asked if the Mayor's Committee meetings were held in public places and open to the public.

Mayor Finch replied that every committee and commission appointed by the City Council is subject to the same open meetings law that pertains to this body, and their meetings are open to the public and should be held in public places. Mayor Finch further stated that these meetings were being held for research and gathering materials to share with the full Council.

Mr. George stated that the residents in the area of Rochester Drive-Pierce Street would like to have Rochester Drive reopened to Pierce Street.

Mr. Thomas was instructed to bring back information to the next meeting.

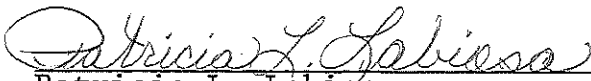
Mr. George also stated that there was an erroneous newspaper article, in that property was being sold for delinquent taxes, he had checked this out and found that it was erroneous and that a large number of people were disturbed by it. He asked that the City Attorney track down the source of that article and have it retracted.

Mr. Cogswell replied that this was an article published by the County Tax Office and the City Tax Department was not responsible for this article.

Mayor Finch then reminded Council Members of the Regional League of Cities meeting in Atlanta, Georgia on May 18th and 19th to make their reservations through the city office as soon as possible.

Mayor Finch also reminded Council of the information meeting on Monday at 7:00 P.M. at City Hall.

Thereafter, all matters of business having been discussed, this meeting was adjourned at 9:00 P.M. upon motion made and duly seconded.


Patricia L. Labiosa
Acting City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
APRIL 24, 1978
7:00 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 Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and Councilman Wayne Williams offered the invocation. Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch recognized the following Youth Council Representatives: Orrin Loftin, Tom Hiller, Genevieve Exum and Alex Arab.

First order of business was the approval of minutes and upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously the minutes of the regular meeting of April 10, 1978 were approved as submitted by the Acting City Clerk.

Public Hearings:

A public hearing had been published for this date and hour on the consideration of the Airport Limousine franchise rate. The City Attorney presented this matter and the proposed amending ordinance and informed the Council that this changed the fares charged by the Limousine Service to an amount not to exceed \$3.50 per person or \$3.00 per passenger for two or more passengers for the City of Fayetteville and \$9.50 per trip or \$4.75 per passenger for two or more passengers for Ft. Bragg.

There was no opposition present.

Following a brief discussion, Mrs. Evans offered motion for adoption of the amending ordinance on the first reading, motion seconded by Mr. Dawkins and carried unanimously.

Second reading will be held on May 8, 1978.

A public hearing had been published for this date and hour on the proposed annexation of property located at 608 Law Road - the Lucille Elliott property. The Annexation Technical Review Committee recommended approval. There was no opposition present.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE THE LUCILLE ELLIOTT PROPERTY LOCATED AT 608 LAW ROAD. ANNEXATION #213.

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 Annexation Book 1978.

A public hearing had been published for this date and hour on the proposed annexation of a portion of the Methodist College property located on U.S. 401 North. The Annexation Technical Review Committee recommended approval. There was no opposition present.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE METHODIST COLLEGE PROPERTY. ANNEXATION # 214.

Mr. Hurley 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 Annexation Book 1978.

A public hearing had been published for this date and hour on the proposed annexation of property located at 4625 Murchison Road, the Peggy Rivenbark property. The Annexation Technical Review Committee recommended denial, based on the fact that this area is part of an island which should be annexed as a whole and not piece meal, and that the cost of extending sanitary sewer to this site would be disproportionately expensive at a cost of \$24,000 for approximately 2000 feet.

There was no opposition present.

Following a brief discussion Mr. Dawkins made the motion to follow the foregoing and deny the annexation, seconded by Mr. Williams and carried unanimously.

A public hearing had been published for this date and hour on the initial zoning to R6 Residential District, CLP Shopping Center District, C3 Heavy Commercial

District, M1 Light Industrial District and M2 Heavy Industrial District or to a more restrictive zoning classification of an area located between Dyer Street, Camden Road and Legion Road and south of West Mountain Drive including the Bedsole property. Planner Mitchell stated that this was a recent annexation and that Planning Board recommends approval of the foregoing zoning. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY R6 RESIDENTIAL DISTRICT, C1P SHOPPING CENTER DISTRICT, C3 HEAVY COMMERCIAL DISTRICT, M1 LIGHT INDUSTRIAL DISTRICT AND M2 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED BETWEEN DYER STREET, CAMDEN ROAD AND LEGION ROAD AND SOUTH OF WEST MOUNTAIN DRIVE INCLUDING THE BEDSOLE PROPERTY. ORDINANCE NO. NS1978-27.

Mrs. Evans introduced the foregoing ordinance and moved its adoption, seconded by Mr. Hurley 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 3418 Boone Trail. Planner Mitchell stated that this was a recent annexation and that Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: TO INITIALLY ZONE TO R10 RESIDENTIAL DISTRICT AN AREA LOCATED AT 3418 BOONE TRAIL. ORDINANCE NO. NS1978-28.

Mr. Williams 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 C1P Shopping Center District or to a more restrictive zoning classification an area located on the west side of North McPherson Church Road 890 feet south of the 401 By-Pass. Planner Mitchell stated that this was a recent annexation and Planning Board recommends approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY TO C1P SHOPPING CENTER DISTRICT AN AREA LOCATED ON THE WEST SIDE OF MCPHERSON CHURCH ROAD 890 FEET SOUTH OF THE 401 BY-PASS. ORDINANCE NO. NS1978-29.

Mr. Williams introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Evans and carried unanimously.

Copies of all of the foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1978.

A public hearing had been published for this date and hour on the consideration of traffic plans on Bow Street and Ann Street. (This matter continued from the April 28 meeting).

Mr. J. Bernard Stein, Chairman of the Downtown Revitalization Commission was recognized with a recommendation that Bow Street be two way traffic, one lane east-bound and two lanes westbound and leave Ann Street two way as a through street.

Dr. Charles Speegle was recognized and distributed a recent Fayetteville Observer Editorial on the downtown railroad problem. He cited the December incident where a Fayetteville policeman was killed and assisting officers could not reach him due to a train passing through the city at the time. Dr. Speegle asked should the railroad overpass be constructed if it would be westbound only and no eastbound overpass. Dr. Speegle also commented on the makeup of the membership of the Downtown of the Revitalization Commission.

Mr. George Herndon, Jr., Attorney for the First Union Bank and Highland Presbyterian Church was recognized as a proponent for two way traffic on Bow Street, between Liberty Point and Green Street. He stated the bank desires two lanes east-bound. He stated the church has no disagreement with the relocation of their wall and trees on church property on Bow Street. He reiterated the desire was for four lane two way traffic on Bow Street, leave Ann Street as it is, install underground utilities and proceed immediately to accomplish these things inasmuch as the bank has already lost considerable time in their new construction.

Council also recognized Mr. Denny Schaeffer, member of the Downtown Revitalization Commission and commented on the discussion of the Downtown Revitalization Commission's recommendation and the question of four lane two way traffic for Bow Street.

Council also recognized Mr. Bryan Bissell, a local citizen who suggested that Council give very careful consideration to the issues.

Council then recognized Mr. Cliff Strassenburg, Planning Director who advocated two lanes eastbound and westbound for Bow Street.

Considerable discussion then followed.

Mr. Williams then offered motion to make Bow Street a two way, three lane street. One lane eastbound and two lanes westbound and the city acquire the right-of-way for four lanes of traffic and that the first block of Ann Street be widened as recommended for two way traffic, motion seconded by Mr. Hurley and carried; Mr. Markham voting no.

Council then, upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously set the following public hearings:

For May 22, 1978:

A. Consideration of the rezoning from R6 Residential District to P2 Professional District or to a more restrictive zoning classification an area located on the south side of Cheselka Street east of Breezewood Avenue.

B. Consideration of the rezoning from C1 Local Business District to R5 Residential District or to a more restrictive zoning classification an area located at 408 and 412 Dick Street.

C. Consideration of the rezoning from R10 Residential District to P1 Professional District or to a more restrictive zoning classification an area located on the west side of Ramsey Street between Hillview Avenue and Floyd Street.

D. Consideration of the rezoning from R6 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification an area located at 1813 Pamalee Drive.

E. Consideration of the request for a special use permit to relocate a driveway on the northwest side of Stamper Road 530 feet north of Bragg Blvd.

For June 12, 1978:

F. Consideration of creating a municipal service district with a special tax in the downtown area of Fayetteville.

Planning Board Matters:

Upon motion by Mr. Williams, seconded by Mrs. Evans and carried unanimously, conditional approval was given to Ramsey Street Shopping Center (Tart Property) preliminary and final C1 review located on Ramsey Street at U.S. 401 By-Pass as recommended by the Planning Board with the additional condition that all buildings be located not less than 30 feet from all side and rear property lines.

Upon motion by Mr. Hurley, seconded by Mr. Williams and carried unanimously conditional approval as recommended by the Planning Board was given Greenbriar Hills Section I subdivision preliminary and final review located on Wisconsin Drive at Melba Street.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, conditional approval as recommended by the Planning Board was given Poole Apartments preliminary and final group development review located on Lewis Street off Lyon Road.

There were no PWC matters presented.

Council next gave reconsideration to a request for a variance as to set back requirements for a subdivision identification sign. This item passed on first reading at the April 10, 1978 meeting. The City Attorney presented this matter and stated that the Engineering Firm of Moorman, Little and Kiser had made application for a permit to erect a subdivision identification sign at the entrance to the Rivercliff Subdivision junction of Eastwood Ave. and Rivercliff Road for the sign to be placed in the desired location, it would fail to meet the setback requirements of the code.

They have requested that City Council grant a variance as to the setback requirements of Section 3-30(c) (1) of the City Code of Ordinances and stated that the sign would be constructed in accordance with the North Carolina State Building Code. Mr. Cogswell stated that the Inspection Superintendent, Mr. Emory C. Albritton has recommended that the variance be granted and that this request passed on first reading at the April 10, 1978 meeting.

Following a brief discussion, Mr. Williams offered motion for approval of the foregoing and to grant a variance to the setback requirements of the Code as requested, seconded by Mrs. Evans and carried unanimously on second reading.

Council next gave reconsideration to an ordinance requiring the City Building Inspector to correct conditions at 414 Nevill Street. (A 90 day extension was given at the January 23, 1978 meeting).

Mr. Monroe Johnson of 414 Nevill Street was recognized and stated that the repairs had not yet been completed. Mr. James Johnson was also recognized in behalf of this matter and requested an additional 60 days to make the necessary corrections and bring the structure up to code requirements.

Following some discussion, Mr. George offered motion to grant a 90 day extension.

sion to bring the property up to code, seconded by Mrs. Evans.

Mr. Williams offered a substitute motion to grant a 90 day extension and on the 91st day, if the structure is not in compliance with the code, that condemnation actions be started. The substitute motion was lost for lack of a second.

Mayor Finch then called for a vote on Mr. George's motion and it carried unanimously.

Council next gave reconsideration to an ordinance requiring the City Building Inspector to correct conditions at 405 Ingram Street. (This matter continued from the March 30 meeting). The City Attorney presented this matter and stated that this ordinance was adopted at the March 30 meeting upon condition that the property owner waive a written notice requirement. The City Attorney stated the property owner lived out of the state but had requested reconsideration of this matter, however, the property owner was not present in the Council Chamber.

Following discussion, Mr. Williams offered motion that Council ratify its action of adoption of the ordinance on March 30, motion seconded by Mr Dawkins and carried unanimously.

Council next gave consideration to an ordinance requiring the City Building Inspector to correct conditions at 310 Wilmington Road owned by Mr. J.T. Squires. In a memorandum, the City's Housing Inspector stated that the date of the initial inspection of this property was April 4, 1972, and that he had dispatched a letter to the property owner informing him that this matter would be presented to the Council for necessary action on this date.

In a memorandum to the Council the City Manager stated that the Inspection Superintendant, Mr. Albritton had met with Mr. Squires and informed him that since the ten foot lane leading to his property was blocked with fences, shrubbery and trees that Mr. Jones, Executive Director of the Fayetteville Metropolitan Housing Authority had agreed to remove a section of the fence to permit Mr. Squires access to the property so that the house, debris and undergrowth could be removed. Mr. Squires stated this solution was unacceptable to him and that he would be agreeable to selling the property to the Housing Authority. The City Manager stated that although Mr. Jones of the Housing Authority offered to remove this section of fence to permit Mr. Squires an access to the property so that the house, debris and undergrowth could be removed, Mr. Squires stated that the offer would not be acceptable to him, but did state that sale of the property to the Authority would be agreeable to him. Mr. Jones indicated that the Housing Authority has ample property to the rear of the housing project to provide additional recreation area and in addition Mr. Jones stated that the purchase of Mr. Squires' property for recreational use was not feasible due to the proximity of surrounding residences who would most assuredly object to noise generated by such a use. At the core of the problem, this instance is that of the City's responsibility for maintenance of the alley. The city has never accepted the alley as a city street. The Administration's contention is that maintenance of the alley is the responsibility of the abutting property owners. The Housing Authority has no use for the alley and in fact has erected a fence along the property line. It follows therefore, that the maintenance of the alley is a problem to be resolved between Mr. Squires and the adjacent property owner who has encroached upon the alley.

Mr. Squires was recognized and stated that on January 1, 1973, the structure burned leaving only the cinder block walls standing and that he could not get to the property due to the fence and the overgrown city owned alleyway.

The City Attorney reiterated the city has never accepted the alley and the city is not involved and that the property owner, as suggested by the City Manager must deal with the developer.

Following some further discussion, it was pointed out that the Housing Authority could and would permit the removal of the part of their fence alongside the alley to permit access to Mr. Squires' property. Mr. Squires then left the meeting indicating to Council, prior to his doing so, that Council could take whatever action it wished in the matter.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 310 WILMINGTON ROAD AND OWNED BY MR. J.T. SQUIRES. ORDINANCE NO NS1978-30.

Mrs. Evans 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 NS1978.

Council next gave consideration to the selection of the insurance carrier to underwrite the City Employees Group Life AD&D and Health Insurance Plan. The City Manager presented this matter and stated in a memorandum to Council that Mr. William C. Cable, Hutchinsons Inc. of Raleigh, N.C. recommended that the total program of insurance benefits for city employees be placed with Mid-South Insurance Company. The City Manager stated he concurred with the recommendation of the Insurance Consultant and recommended that the City Council authorize contracting with Mid-South for Group Life and AD&D and Health Insurance for city employees

with an effective date of July 1, 1978.

The City Manager stated his reasons for recommending the award to Mid-South were:

- a. Fiscal year 78-79 cost saving in the amount of \$60,000 in comparison with other alternatives. Of course, this cost saving will be offset by the necessity to hire an additional employee to handle claims processing, however, the cost saving remain of paramount significance.
- b. FY78-79 cost savings to those city employees who elect to pay for family coverage.
- c. The improved basic health benefits as well as true major medical coverage.
- d. The location of the Mid-South Home office in Fayetteville is also an asset since it will facilitate close coordination and cooperation between city administration and the insurance carrier.

Mr. Cable was also present and answered Council's questions concerning the coverage.

Following a brief discussion, Mrs. Evans made the motion for approval of the foregoing and authorize contracting with the Mid-South Insurance Company for Group Life AD&D Health Insurance for city employees with an effective date of July 1, 1978, as recommended, seconded by Mr. Williams.

Mr. George offered substitute motion to continue this matter for two weeks and that matters be communicated to employees through the department heads for reaction. The motion failed for lack of a second.

Mayor Finch then called for a vote on Mrs. Evans motion of approval and it carried; Mr. George voting no.

Council next gave consideration to contract renewal to audit accounts of the City of Fayetteville for the Fiscal year ending June 30, 1978. The City Manager presented this matter and stated the proposal from Haigh & Von Rosenberg CPA was for auditing the accounts of the City ending June 30, 1978. The proposal covers the ten separate funds of the city to include the Public Works Commission. The audit cost as in prior years will be divided on a 50-50 basis between the City and PWC. The proposal indicates that the rates per level of accountant has remained unchanged from last year, however, the overall estimated cost has risen from \$14,000 to \$16,000. He recommended that the proposal be approved and that the City Manager be authorized to execute the contract. PWC concurs in the recommendation.

Mrs. Evans offered motion for approval of the foregoing and that the City Manager be authorized to execute the contract as recommended, seconded by Mr. Hurley and carried unanimously.

Council next gave consideration to a petition for lowering the speed limit for Arsenal Ave. to 25 mph. The City Engineer presented this matter and stated that Council had been presented with a petition from the residents and property owners along Arsenal Ave. to lower the speed limit from 35 mph to 25 mph due to the narrowness of the street, the condition of the street and to the general congestion. The City Engineer stated that should Council consider this request, he had drawn an ordinance which would affect the change.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 8- SPEED CONTROL DECLARING A 25 MPH SPEED LIMIT ON ARSENAL AVE. FROM BRADFORD AVE. TO BROADFOOT AVE. ORDINANCE NO. NS1978-31.

Mr. Williams 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 NS1978.

Council next gave consideration to the revision of the Stop and Yield traffic schedules. City Engineer presented this matter and stated that he recommends traffic control at two intersections be changed to better serve safety and traffic operations.

1. Elliott Street now yields at Carver Street, until recently Elliott Street north of Carver Street was soil street and the traffic approach to the intersection was very slow. Elliott street has been paved and now has a slight offset across the intersection and we believe warrants changing to a stop.

2. Pinecrest Drive now stops at McBain Drive for the large majority of traffic through the intersection is along Pinecrest-McBain Drive with very little traffic on the other approach which is Parkview Ave. We suggest deleting the stop for Pinecrest at McBain and have Parkview stop at Pinecrest Drive, appropriate advance warning curb signs with advisory speed plates will be erected along Pinecrest Drive and McBain Drive.

3. Stokes Court and Rivenoak Drive are newly constructed in a newly developed area, therefore this is adoption of the initial ordinance.

Following a brief discussion, Mrs. Evans offered motion to rescind the present yield ordinance on Carver Street and adopt a new ordinance, seconded by Mr. Dawkins and carried unanimously.

Mr. Hurley then offered motion to eliminate the stop sign on Pinecrest at Parkview and place the stop sign on Parkview at Pinecrest, seconded by Mrs. Evans and carried unanimously.

Mr. Williams then offered motion, seconded by Mr. Dawkins for approval of the stop intersection on Stokes Court and Rivenoak Drive as recommended, motion carried unanimously.

The ordinance titles appear below:

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE NO. 14, YIELD RIGHT-OF-WAY, ELLIOTT STREET AT CARVER STREET. ORDINANCE NO. NS1978-32.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO.6, STOP INTERSECTION, RESCIND PINECREST DRIVE AT MCBAIN DRIVE AND ADD ELLIOTT STREET AT CARVER STREET, PARKVIEW AVE. AT PINECREST DRIVE AND STOKES COURT AT RIVENOAK DRIVE. ORDINANCE NO. NS1978-33.

Copies of the foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1978.

Council next gave consideration of awarding a contract for construction of walks in Cross Creek Park. The City Engineer presented this matter and stated that bids were received on the Cross Creek Park construction of pedestrian side-walks to connect the eastern end of the pedestrian footbridge across Cross Creek to the newly constructed gazebo on Ann Street, and the low bidder was James Jackson Construction Company for the base bid of \$18,987. It was recommended that this bid be awarded on a unit price basis.

Mr. Williams offered motion, seconded by Mr. Hurley and carried unanimously that the foregoing bid be awarded to James Jackson Construction Company as recommended on a unit price basis.

Council next gave consideration to the bids for the disposal of an airport vehicle. The City Manager presented this matter and stated that Mr. Ernest G. Griggs was the high bidder in the amount of \$101.50 for City vehicle No. 605, a 1965 Chevrolet. He recommended approval of this high bid.

Mr. Hurley offered motion to accept the foregoing high bid of Mr. Ernest G. Griggs in the amount of \$101.50, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to bids to construct a taxiway in the corporate hangar area for the Fayetteville Municipal Airport. The Airport Manager presented this matter and stated that Johnson Brothers Utility and Paving Company was the low bidder for \$8,000. and recommended acceptance of this bid.

Mr. Williams offered motion to accept the Johnson bid in the amount of \$8,000. as recommended by the Airport Commission, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a proposed city ordinance consenting to transfer an assignment of a franchise for Community Antenna Television Service in the City of Fayetteville. Mr. Stacey Weaver, attorney for Cablevision was recognized and stated that American Television and Communications Corporation and Time Inc. had reached an agreement in principal to merge ATC into a subsidiary of Time. The merger will be consummated in May. Upon consummation of the merger, the Time subsidiary will succeed to all of ATC's business and properties including its cable television franchises. The Time Subsidiary which will be wholly owned by Time will conduct its operations under the name Time Television and Communications Corporation. American Cablevision of Carolina, Inc., doing business as Fayetteville Cablevision, is a franchisee of Fayetteville Cable Television Franchise Ordinance. We request approval of the proposed merger and request passage of a resolution consenting to the transfer and assignment.

Following a brief discussion, Mr. Williams offered motion for adoption of the consent ordinance as presented on first reading and as amended by adding Section 23 in the second paragraph and subject to a second reading on May 8, 1978, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a proposed ordinance creating an additional subsection to section 21-34.1 Parks and Recreation Areas of the Code of Ordinances of the City of Fayetteville. The City Attorney presented this matter and stated that the purpose of this ordinance is to prohibit persons or organizations from using Recreational facilities of the City for monetary or fund raising purposes unless they be of a charitable nature, and prior permission has been granted by the Recreation Department Director.

It would appear, he stated that persons were using the tennis courts and the parks to teach tennis lessons for pay.

Councilman Williams asked the City Attorney if passage of this ordinance would prohibit the ice cream trucks which do provide a useful activity from operating in the city parks.

The City Attorney replied that it would and this had not been considered by himself and the Recreation and Parks Director at the time they drew this ordinance.

Thereupon, Mr. Williams offered motion to continue this particular matter to the May 8 meeting, two weeks hence, motion seconded by Mr. Hurley and carried unanimously.

Council next gave consideration to two appointments.

There being no nominations made for one appointment to the Human Relations Advisory Commission, this matter was continued until the next regular meeting.

On one appointment to the Building Code Review Committee, Mr. Markham nominated Mr. John Oliver to this vacancy to represent the plumbing contractors in the city. Thereupon, Mr. Dawkins offered motion to close nominations and appoint Mr. Oliver to the Building Code Review Committee for a three year term of office, said term to run until March 19, 1981 by acclamation vote, motion seconded by Mr. Hurley and carried unanimously.

Mayor Finch next recognized delegations from the audience.

Mr. Clinton Harris, a resident of Chloe Drive was recognized and stated that his proposal made at the last council meeting for using summer employees for the construction of sidewalks did not appear on the agenda tonight. He also mentioned the city bus system and the arrival of the new buses in January 1979, and North Carolina's failure to implement program proposed by President John Kennedy 16 years ago.

Mr. Bill Bowser, another local citizen was also recognized and informed Mayor Finch that he had not as yet received information or answers to the questions he presented to the Council two weeks ago.

Mayor Finch requested City Manager Thomas to provide the answers to Mr. Bowser's questions.

City Manager Reports:

The City Manager reminded Council of the Monday, May 1, joint Luncheon meeting with the Cumberland County Commissioners to discuss the library site. The City Manager reminded the Council of the Governmental Association meeting in City Hall on Tuesday, April 25.

The City Manager reminded City Council that he would hold the city administrators Revenue Sharing Public Hearing on Monday, May 1, at 7:30 P.M. at City Hall.

The City Manager reminded City Council that there were several property transactions that needed discussing and suggested an executive session.

Council set an executive session for this purpose for Thursday, April 27, at 7:30 P.M. tentatively in the Kyle House.

The City Manager reminded Council that with the first regular meeting in May, Council would begin to meet at 8:00 P.M. again.

The City Manager informed Council that he had received a request from the Chief of Police for additional office space. He stated that \$5000. for such additional office space had been allocated under the Victim Advocate LEAA Grant, and that unfinished space was available in the Law Enforcement Center for 3 offices. He informed Council that he had received separate quotes for the finishing of this office space as follows: General Contractor- \$7,235., Electrical Contractor-\$1,780., Airconditioning contractor-\$1,234., a total of \$10,249. With the \$5,000. Grant from LEAA an additional \$5,249. from the improvement portion of the Police Budget could be used for this office space. He requested authorization for the \$5,249. appropriation.

Mr. Hurley offered motion to approve the foregoing request of the City Manager for the \$5,249. to be used by the Police Department for office space and authorize the Mayor to sign said contract for the city, motion seconded by Mr. Williams and carried unanimously.

Council recognized the City Attorney who reminded them that Law Day, May 1 and a ceremony with the Mayor making such proclamation to be held at 10:00 P.M. in Superior Court Room No. 1, and that all Councilmembers are invited to be present.

Matters of interest to the Council:

Mr. Hurley asked the status of Clark Park and if the conditions had improved with the measures taken. The City Manager replied that the situation was generally good, that the police measures appeared to be effective and the complaints from the property owners and residents had been diminished considerably.

Mr. Williams informed Council that he had toured Glenville Park last Sunday and that it was good to see families present and enjoying the park, however, parking is a problem and he suggested using the athletic field at Margaret Willis School for supplementary parking. The City Manager was requested to contact City Schools Superintendant, Max Abbott about this.

Mr. Williams presented a proposed traffic ordinance for consideration. He proposed that traffic along the portion of Ft. Bragg Road from Highland Ave. to Park Street be reduced from its present 35 mph to 25 mph due to the extreme congestion of vehicular and pedestrian traffic. He also proposed that the Department of Transportation be requested to reduce the speed from 35 mph to 25 mph along Morganton Road from Olive Road to Highland Ave. the same reasons. He explained that Broadfoot Ave. is on the state highway system being U.S. 401 Business.


Mr. Williams then offered motion for adoption of the ordinance reducing the speed along Ft. Bragg Road and requesting Department of Transportation to approve the same for the Morganton Road side, motion seconded by Mr. Hurley.

There was some discussion among the Council about presenting an ordinance for adoption when a policy had been established that such matters would be placed upon the agenda for consideration. Following this discussion, Mr. George offered a substitute motion that this ordinance and all other ordinances this night be continued until the next regular meeting on May 8 for action and be placed on the agenda, motion seconded by Mrs. Evans and upon being put to vote, carried; Mr. Williams voting no.

Mr. George informed Council about the heavy traffic congestion at the Veterans Administration Hospital entrance and that persons visiting the hospital were having difficulty when leaving the entranceway and move out on to Ramsey Street. It was decided to make this matter an agenda item for the next meeting.

Mayor Finch informed the Council that Mr. Harry Jones, Executive Director of the Fayetteville Housing Authority had issued an invitation to the Council to tour the Housing Authority facilities at 2:30 P.M. on Wednesday, May 3 and that those who wished to make the tour should meet at her office at that time.

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


Maurice W. Downs
City Clerk

SPECIAL SESSION
APRIL 27, 1978
9:18 P.M.
COUNCIL CHAMBER
KYLE HOUSE

Present: Mayor Beth Finch

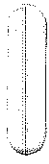
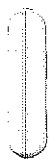
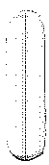
Council Members: George Markham, Bill Hurley, J.L. Dawkins, Wayne Williams,
Mildred Evans and Marion George.

Others Present: Mr. William G. Thomas, III, City Manager
Mr. John Smith, Assistant City Manager
Mr. Robert Cogswell, City Attorney
Mr. Robert Bennett, City Engineer

Mrs. Evans moved that the City Manager be authorized to negotiate for the purchase and exchange of certain parcels of land in downtown Fayetteville needed for the Downtown Circulation Plan and to be used for public purposes, seconded by Mr. Williams and carried unanimously.

Thereafter, all matters of business having been discussed, this meeting was adjourned at 9:20 p.m. upon motion made and duly seconded.

William G. Thomas III
William G. Thomas, III
City Manager



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MAY 8, 1978
8:00 P.M.

Present: Mayor Beth Finch

Council Members: George Markham, Bill Hurley, J.L. Dawkins, Wayne Williams,
Mildred Evans and Marion C. George.

Others Present: Mr. William G. Thomas, III, City Manager
Mr. Robert Cogswell, City Attorney
Mr. Joe Stowe, PWC

Mayor Finch called the meeting to order and the Reverend Samuel Brown, Minister of Gardner's 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 the following Youth Council Members present in the audience: Alex Arab, Sean Alvarez, Lynn Bosworth, William Yadusky, Joe Cincotti, Bryan Riddick, Danny McKeithan and Russell Wofford.

Mayor Finch commented that the Youth Council Members participated this week in Youth Week. Alex Arab, Youth Week Mayor was recognized and read a proclamation of thanks to the Mayor, Council, and other officials for their participation in Youth Week.

Mrs. Finch then recognized Councilman Williams who requested permission of the Council to discuss a proposed library site and joint meeting between City Council and the County Commissioners this week later on in this meeting. There was no objection and Mayor Finch designated this matter to be item number 16 on the agenda. Mayor Finch informed Council that the City Manager had requested an executive session at the end of this meeting to discuss land acquisition.

The first order of business was the approval of minutes and upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, minutes of the regular meeting of April 24, 1978, were approved as submitted by the Clerk. Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, minutes of a special meeting of April 27 were approved as submitted.

Public hearing:

A public hearing was held as continued from the meeting of April 24, for second reading of an ordinance amending the Limousine Airport, Inc. franchise agreement, dealing with rates. There was no opposition present.

AN ORDINANCE AMENDING ORDINANCE NO. NS1975-68, FRANCHISE LIMOUSINE AGREEMENT, SECTION 10-RATES, ORDINANCE NO. NS1978-34.

Mr. Dawkins introduced the foregoing ordinance and moved its adoption on second reading, seconded by Mr. Williams and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1978.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, a public hearing was set for June 12, 1978 for the paving of McLamb Drive, pursuant to petition by the adoption of the following Resolution:

PRELIMINARY RESOLUTION REQUIRING THE PAVING, PURSUANT TO PETITION OF MCLAMB DRIVE FROM THE NORTHWEST CORNER OF LOT 13, BLOCK A, PLAT BOOK 18, PAGE 44, TO LAKE AVENUE. RESOLUTION NO. R1978-15.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1978.

PWC Matters:

Upon motion by Mrs. Evans, seconded by Mr. Dawkins and carried unanimously an application by Mildred Lucas and Linda Bagley for a 1-inch water connection to an existing main to serve a residence on River Road outside the city was approved as recommended by PWC.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, an application by Mitchell and Kasaab (General Partnership) for extension of 1800 feet of 12 inch water main along Raeford Road and construction of a sanitary sewer lift station and force main for service to the former Treasure City Building and property was approved as recommended by PWC.

This concluded PWC matters and Mr. Stowe was excused from the meeting.

Council next gave reconsideration to a proposed city ordinance consenting to the transfer and assignment of a franchise for Community Antenna Television Service in the city. (This ordinance passed on first reading at the April 25 meeting.)

The City Attorney presented this matter and informed Council that this request was not actually for a transfer and assignment of the franchise but was actually a merger of two firms and according to their attorney, Mr. Stacey Weaver, there would be no change in the personnel or firm now serving Fayetteville with cablevision service. The City Attorney suggested that the ordinance read merger instead of transfer and assignment and this would be done if council approved.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE CONSENTING TO THE MERGER OF COMMUNITY ANTENNA TELEVISION SERVICE IN THE CITY OF FAYETTEVILLE. ORDINANCE NO. NS1978-35.

Mrs. Evans introduced the foregoing ordinance and moved its adoption as amended to substitute the word merger for transfer and assignment of franchise on second reading; Motion seconded by Mr. Hurley and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1978.

Council gave reconsideration to a proposed ordinance creating an additional subsection to section 21-33, " Parks and Recreation Areas of the Code of Ordinances of the City of Fayetteville". (This matter continued from the April 24 meeting in order to give the City Attorney the opportunity to reword the ordinance to permit ice cream trucks to sell their wares in the city parks.)

The City Attorney presented this matter and stated that the ordinance would prohibit using recreational facilities of the city for non-departmental sponsored activities for monetary or fund raising purposes unless they be of a charitable nature and by permission of the Recreation and Parks Director. The ordinance would permit the sale of beverages, ice cream, candy and cakes by vendors properly licensed.

Question was raised by Councilman Williams if the wording of this ordinance would inadvertently permit the sale of alcoholic beverages. The City Attorney assured him that this would not be the case.

AN ORDINANCE CREATING AN ADDITIONAL SUBSECTION TO SECTION 21-34.1 "PARKS AND RECREATION AREAS" OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. NS1978-36.

Mr. Williams introduced the foregoing ordinance and moved its adoption as presented, seconded by Mrs. Evans and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1978 and in the office of the Recreation and Parks Director.

Council next gave consideration to a proposed ordinance changing the speed limit from 35 mph to 25 mph on Ft. Bragg Road from Hay Street-Morganton Road to Olive Road.

The City Engineer presented this matter and stated he had prepared this ordinance at the request of Council at their last meeting, at which Councilman Williams stated that this section of Ft. Bragg Road from Oakridge Avenue to Olive Road was through the Haymount Shopping Center District and was extremely congested with pedestrian and vehicular traffic and this action needed to be taken in his opinion.

Mr. Calvert Ray, a resident of the area was recognized and stated that vehicular traffic moves through this area some time at what would appear to be more that 35 mph and requested Council's action to reduce the speed limit to 25 mph, not only on this section of Ft. Bragg Road but also the corresponding segment along Morganton Road to the south side.

Mr. Williams then offered motion for adoption of the ordinance reducing the speed limit along Ft. Bragg Road from Hay Street-Morganton Road to Olive Road from 35 mph to 25 mph, motion seconded by Mr. Dawkins.

Following some further discussion, Mr. Hurley offered substitute motion to reduce the speed limit from 35 mph to 20 mph along this section of Ft. Bragg Road. Motion was lost for lack of a second.

Mayor Finch then called for a vote Mr. Williams' motion and it carried; Mr. George voting no. The Ordinance title appears below.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 8 " SPEED CONTROL" RESCINDING THE 35 MPH SPEED LIMIT ALONG FT. BRAGG ROAD FROM HAY STREET-MORGANTON ROAD TO OLIVE ROAD AND DECLARING A 25 MPH SPEED ALONG THE SAME SEGMENT. ORDINANCE NO. NS1978-37.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1978.

Councilman Williams then offered additional motion to request the Department of Transportation to consider reducing the speed limit from 35 mph to 25 mph along Morganton Road to Highland Avenue and that the installation of a caution light at the Broadfoot Avenue-Morganton Road intersection, seconded by Mrs. Evans and

carried unanimously.

Council next gave consideration to a request from the Fayetteville Kiwanis Club to the Recreation and Parks Advisory Commission that the Kiwanis Little League field at Honeycutt be renamed the James A. Mask Kiwanis Little League Field. Council recognized Mr. Sandy Saunders, President of the Fayetteville Kiwanis Club and Vice Chairman of the Recreation and Parks Advisory Commission, who stated that this request was being made to perpetuate the memory of James A. Mask, a distinguished member of the Fayetteville Kiwanis Club, Teacher and Principal in the Fayetteville City Schools System who was very active for the club in regard to Little League Baseball. Mr. Mask, he stated, was also chairman of the boys and girls committee that supervises the field and he supervised the concession stands for years to raise money to support the program. He spent untold numbers of hours of dedication and support to the young people of the community.

Mr. Hurley then offered motion that the Little League Field at Honeycutt be renamed the James A. Mask Little League Field, motion seconded by Mr. Dawkins and carried unanimously.

Mr. Saunders thanked the Council for this action and informed them that the club would have installed an appropriate plaque designating the field in Mr. Mask's memory.

Council next gave consideration to a report on access from the Veterans Administration Hospital onto Ramsey Street. The City Engineer presented this matter and stated that this report had been undertaken and was being made as requested by Councilman George at the last meeting on April 24.

In a memorandum to the City Manager, the City Engineer stated that a thorough study of the VA Hospital access to and from Ramsey Street was conducted by the Department of Transportation in the latter part of 1975. The study was conducted during the peak hours of traffic and considered volume, time delay and previous accidents.

It was the conclusion of this study that none of the warrants for signalization were met, therefore, the Department of Transportation responded that no signals could be installed. Since the study is two years old a new study may be warranted, Mr. Bennett stated. If this is the desire of the Council, we are sure the Department of Transportation will comply with an up to date study.

Following a brief discussion, Mr. George offered motion requesting that this matter be given further study and reconsideration for the installation of a traffic light at this location by the Department of Transportation, motion seconded by Mr. Hurley and carried unanimously.

Council next gave consideration to bid on Police Department vehicles. Mr. Thomas presented this matter and stated that bids had been received for two intermediate sized sedans and seven police interceptor model sedans for the Police Department. M&O Chevrolet Co. was the low bidder of \$8,926.18 for the intermediate sedans and \$47,489.20 for the interceptor sedans and was the bidder recommended.

Mr. Dawkins offered motion to accept the foregoing low bids of M&O Chevrolet for the Police Department vehicles as recommended, seconded by Mr. Hurley and carried unanimously.

Council next gave consideration to a request from the North Carolina Department of Transportation for an increasing the speed limit along that segment of Dunn Road from Grove Street Extension to the eastern corporate limits of the City from 35 mph to 45 mph.

The City Engineer presented this matter and stated that the Department of Transportation had received several calls concerning the speed limit. The persons that called expressed concern over the existing 35 mph speed limit. Their investigation revealed that the speed of motorist is between 40 and 45 mph. From their investigation they recommended the 45 mph speed limit.

In a memorandum to the City Manager, the City Engineer stated that he and the Police Department had reviewed these conditions and recommend maintaining the existing 35 mph speed limit in that the Police Department had received complaints from residents and business personnel along Dunn Road that the traffic is too fast, the roadway is too narrow and there are numerous driveways from residences and businesses to the roadway.

Following a brief discussion, Mrs. Evans offered motion that the City retain the existing 35 mph speed limit along this segment of Dunn Road and make no change. Motion was lost for lack of a second.

Following some further discussion, Mr. Williams offered motion to increase the speed limit to 45 mph, seconded by Mr. Hurley and carried; Mrs. Evans voting no.

Council next gave consideration to a complaint by Mr. & Mrs. Floyd McLaurin,

See also minutes of August 14, 1978

residents and property owners on Middle Road regarding a drainage canal along their property.

The City Engineer presented this matter and stated that when the city annexed the Middle Road area in 1956, which is located on the east side of the Cape Fear River between U.S. 301 and Clinton Road, the state shifted the responsibility for maintenance to the city. Middle Road was originally strip paved by the state on an inadequate sub-base and with inadequate drainage. Drainage consisted of shallow side ditches which failed to drain several low areas. The road gradually deteriorated in sections until it became a traffic hazard primarily because of heavy truck traffic on sections where the sub-base failed. The sub-base failure was accelerated because of water logging. Residents and the traveling public complained about the condition of the road.

About four years ago, he continued, the McLaurins and their neighbors on the north side granted a drainage easement 15 feet wide on each of a small ditch running westwardly along their property lines. The course of the ditch was the direction of the natural fall to drain a section of Middle Road. This ditch had become shallow and provided no drainage from a pipe under Middle Road. After the easement was granted, the city proceeded to lower the ditch and installed a larger size cross drain under Middle Road. The McLaurins are unhappy because the ditch was cut deeper by the city than they thought necessary and the flow of storm water has caused some erosion of the ditch resulting in a wider ditch than excavated by the city. Sediment deposits in this ditch are now causing some puddles of stagnant water. Since the ditch was deepened by the city, the McLaurins have scited these puddles as creating mosquito problems and argue that no water ever stood in the ditch previous to the work of the city.

The soil in this area is very loose sandy loam for almost the entire length of the ditch, 1250 feet. The soil has almost no cohesive quality which causes stablization to be difficult. Storm water from Middle Road has not caused erosion outside the easement, however, water discharging from the adjoining fields down the ditch bank has eroded the main ditch bank slope outside the easement. The depth of the drainage ditch is approximately at the level necessary to drain Middle Road. The drainage ditch as excavated in 1974 was constructed exactly the way the North Carolina Department of Transportation construct drainage ditches in similar situations. The McLaurins want all the problems removed and suggest that the ditch be piped at public expense.

The City Engineer stated that the following remedy just might be considered by Council.

1) The ditch could be piped at an estimated cost of \$35,000. including construction of the necessary inlet to drain the adjacent farmland. This remedy if paid for entirely by the city would create a precedent. The existing city policy is to pay one half of this type of drainage improvement if the property owners pay one half.

2) Council offer to pay one half the cost of piping and reserve \$17,500. for a period of time to be matched by the property owners. This idea has been discussed with the McLaurins and is unacceptable to them.

3) Acquisition by the city of a strip of land on each side of the ditch of adequate width so that all of the foreseeable erosion which might take place would be entirely on city property. This course of action would cost much less than piping the ditch.

4) Further effort by the city to control erosion and stablize the bank. If this course of action is adopted, we would recommend an additional 10 feet of easement be acquired to provide room for a flatter bank slope and for access by equipment. With the unstable soil conditions, it would be diffiult to estimate the future cost of maintenance effort that may be demanded.

The City Engineer displayed a projection of the property showing the course of the drainage ditch and the possible installation of pipe.

The City Manager also read an excerpt from the city's drainage policy which set forth the 50% participation in installation cost by the property owners and reemphasized the precedent which might be set if the city considered payment of the entire cost. The City Manager also suggested for Council's consideration that should they consider alternate No. 3 they authorize him to acquire appraisals.

Council recognized Mrs. McLaurin who stated that she and the other residents in the area had been troubled by erosion and drainage problems ever since the city lowered the ditch about four years ago. Mrs. McLaurin also cited the problem of stagnant water and mosquitos. Mrs. McLaurin also stated the condition of Middle Road was causing a problem, not only for vehicular travel but the drainage situation.

Lengthy discussion followed.

Mr. Williams then offered motion that the City Engineer look at Middle Road and see the problem with the road causing the problem with the ditch and report back to the Council at the May 22 meeting with a recommendation to the solution, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a proposed ordinance prohibiting parking

on a segment of Colinwood Drive. The City Engineer presented this matter and stated that the city had received a number of complaints about "party" type parking on the north end of Colinwood Drive and Oberlin Court. Some of the citizens have suggested that prohibiting parking on this section of Colinwood might help solve the problem. The City Engineer stated he concurred with the suggestion and he had prepared a proposed ordinance for Council's consideration.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE 11, "PARKING PROHIBITED" ALONG COLINWOOD DRIVE BOTH SIDES FROM A POINT 50 FEET SOUTH OF THE SOUTHERN MARGIN OF OBERLIN COURT NORTHWARDLY TO THE DEAD END. ORDINANCE NO. NS1978-38.

Mrs. Evans introduced the foregoing ordinance and moved its adoption as recommended, seconded by Mr. Williams and carried unanimously.

A copy of the foregoing ordinance is on file in the clerk's office in Ordinance Book NS1978.

Council next gave consideration to a report by the Building Committee. Councilman Williams, Chairman of the committee presented this matter and stated that the committee met on May 2 for the purpose of considering a request from the Historic and Scenic Sites Committee that the balance of approximately \$21,000. remaining in the Historic and Scenic Sites Committee budget appropriation be applied to resume the restoration of the Horne House during this fiscal year. He stated it was the unanimous recommendation of the Building Committee that Council approve the foregoing request.

Following a brief discussion, Mr. Williams offered motion that the City Council approve the reallocation of approximately \$21,000. from Cross Creek Park to the Horne House as requested and as recommended. Motion seconded by Mrs. Evans and carried; Mr. George voting no.

Council next gave consideration to taxi driver permits and upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously permits were approved for the following named persons as recommended by the Chief of Police, Taxi Inspector and the City Manager: George William Carr, Jr., Walter James Lawson, Jr., Cleveland Nunnery, Christopher Edward McIntire, Shirley W. Smith, Edward Erin Davis, Verdell Walker, Jimmy Earl Charles, Alton Barry Medlin, Jr., Willie George Gabriel, Alton C. Foy.

Mayor Finch then announced that Council would consider this special item requested by Mr. Williams at the beginning of the meeting concerning the proposed library site.

Councilman Williams reminded Council of the recent joint meeting with the Cumberland County Commissioners to discuss the possible site for the future library. He stated that to date, the City Council has not been given the opportunity to say where this proposed library would be built and at the conclusion of the joint meeting a definite site had not been decided upon. It was his opinion however, that the commissioners did wish to know if the City Council would be willing to commit the city to help pay for the library. He stated his purpose for bringing this matter up was to get a consensus of opinion.

Councilman Dawkins stated he was of the opinion that the City Council should be willing to cooperate with the county commissioners wherever possible.

Following some brief discussion, Mr. Williams offered motion, seconded by Mr. Dawkins that the City Manager write a letter to the County Manager indicating to the County Commissioners the Council's support of this project in whatever site selection is made for the library, motion carried unanimously.

Appointments:

Upon nomination and motion by Mr. Hurley, seconded by Mrs. Evans and carried by acclamation vote, Mr. Robert H. Caverly was appointed to the Human Relations Advisory Commission to serve a two year term of office said term running to March 1980.

One appointment to the Board of Appeals on Dwellings and Buildings was deferred to the next meeting.

Councilman Hurley was elected to the Arts Council to serve as the City Council's appointee.

Council received resignation of City Manager, W.G. Thomas from the Cumberland County Community Action Board.

Upon motion by Mrs. Evans, seconded by Mr. Hurley and carried unanimously the resignation of Mr. Thomas was accepted and Assistant City Manager John Smith was elected to replace Mr. Thomas on the CCCAP Board.

Delegations:

Council recognized Mr. Harry Shaw of the Historic and Scenic Sites Commission, who expressed thanks from the commission for Council's action in the \$21,000. appropriation for the Horne House tonight and requested that Council prohibit parking

on the west side of Ann Street during construction of the bank and the sidewalks in Cross Creek Park from Cross Creek Bridge back to the bank property.

The City Engineer was requested to draw an ordinance for this purpose for Council's consideration at the next meeting.

Council also recognized Clinton Harris who commented that Council had to date, no Senior Citizens Project Housing nor any groundbreaking for such.

Mrs. Evans replied to Mr. Harris that the City Council is vitally interested in this project and is working on it diligently now.

Councilman Dawkins assured Mr. Harris of the same thing.

There were no City Manager reports.

Council recognized City Attorney Cogswell who recognized in turn the cooperation and diligent help tendered on the recent downtown district tax matter approved for a public hearing by Council in June. He recognized the County Tax office, the City Tax Office, the Planning Department and several individual employees.

There were no matters of interest to City Council.

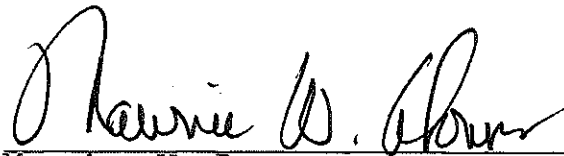
Mayor Finch then adjourned this meeting at 9:40 P.M. for an executive session to discuss property acquisition matters.

Mayor Finch called this regular session back to order at 10:00 P.M.

Councilman Williams then offered motion that the City Council approve acquisition of the St. Lukes Church property for \$37,500. free and clear of all indebtedness, seconded by Mr. Hurley and carried unanimously.

Mr. Hurley then offered motion that the City Council approved the purchase of the Gaines and Buck property on Ray Avenue for \$45,500. free and clear of all taxes, liens and encumbrances, motion seconded by Mrs. Evans and carried unanimously.

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



Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MAY 22, 1978
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, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and the Reverend Robert Ladehoff of St. John's Episcopal Church offered the invocation. The Mayor 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: Ann Yeago, Gerry Cobb and Dee Rogers.

The first order of business was the approval of minutes and upon motion by Mr. Williams, seconded by Mr. Hurley and carried unanimously, the minutes of the regular meeting of May 8, 1978 were approved as submitted by the Clerk.

Prior to the beginning of initial business, the City Attorney requested an executive session at the end of this meeting for Council to consider land condemnation matters. There was no objection voiced.

Councilman Williams requested permission of the Council to introduce an extra item on dog licenses at a later time in the meeting. There was no objection voiced.

Councilman Dawkins requested permission of the Council to abstain from voting on item 14 on the agenda this evening which was the award of the contract for re-surfacing several city streets and specifically Ellington Street, due to a personal interest. There was no objection voiced.

Public Hearings:

A public hearing had been published for this date and hour on the rezoning from R10 Residential District to R5A Residential District or to a more restrictive zoning classification of an area located on the south side of U.S. 401 By-Pass east of Rosehill Road. The Planning Board recommended denial of R5A zoning and approval of R6 Residential District except for a buffer of 175 feet deep along the frontage of Rosehill Road which is to remain R10.

Council recognized Mr. John J. Eagan, the petitioner from Winston Salem who made a presentation on this matter stating that housing for the elderly is proposed for this site.

Mr. Thad Cherry, representing the Cumberland County Roundtable, was recognized in favor.

Mr. Clinton Harris, representing the Cumberland County Roundtable, was also recognized in favor.

Colonel Willie O. Beasley, a resident of North Hills Subdivision, was recognized for himself and resident property owners of North Hills, University and Rosehill Road and presented a petition of opposition to the proposed rezoning.

Lengthy discussion followed.

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 THE SOUTH SIDE OF THE U.S. 401 BY-PASS, EAST OF ROSEHILL ROAD. ORDINANCE NO. NS1978-39.

Mrs. Evans introduced the foregoing ordinance and moved its adoption as recommended by the Planning Board, seconded by Mr. Dawkins and carried; Mr. George voting no.

A public hearing had been published for this date and hour on the rezoning from R6 Residential District to P2 Professional District or to a more restrictive zoning classification of an area located on the south side of Cheselka Street east of Breezewood Avenue. Planning Board recommended approval.

Council recognized Attorney Stacey Weaver for Mr. Gene Tart, one of the property owners in the area for the rezoning. Mr. Weaver stated that several other resident property owners in the area were in favor of this rezoning.

Mr. Edward Marsh and wife, resident property owners were also recognized for the rezoning.

Mr. Norman Snellgroves of Arlington Avenue and Mrs. Lewis Connell were recognized in opposition to the rezoning.

Following lengthy discussion, Mr. George offered motion to continue this matter until June 12th meeting, motion seconded by Mrs. Evans. Mayor Finch called for a vote on the motion and it was as follows: For: Councilmembers George, Evans and Markham. Against: Councilmembers Williams, Hurley and Dawkins. Mayor Finch declared a tie vote and cast her vote against the motion and declared it failed.

Mr. Williams then offered motion to rezone the area to P2 as recommended by the Planning Board, motion seconded by Mr. Dawkins. Mayor Finch called for a vote and it was as follows; For Councilmembers Williams, Dawkins, Hurley and Markham. Against; Councilmembers George and Evans. Mayor Finch declared the motion carried. The Ordinance title appears below:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R6 RESIDENTIAL DISTRICT TO P2 PROFESSIONAL DISTRICT AN AREA LOCATED ON THE SOUTH SIDE OF CHESELKA STREET EAST OF BREEZEWOOD AVENUE. ORDINANCE NO. NS1978-40.

A public hearing had been published for this date and hour on the rezoning from C1 Local Business District to R5 Residential District or to a more restrictive zoning classification an area located at 408 and 412 Dick Street. Planning Board recommended approval.

Council recognized Mr. Charles Haigh, the petitioner who requested approval of the rezoning for the purpose of building a residence on the lot.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM C1 LOCAL BUSINESS DISTRICT TO R5 RESIDENTIAL DISTRICT AN AREA LOCATED AT 408 AND 412 DICK STREET. ORDINANCE NO. NS1978-41.

Mr. Williams introduced the foregoing ordinance and moved its adoption as recommended by the Planning Board, seconded by Mr. Dawkins and carried unanimously.

A public hearing had been published for this date and hour on the rezoning from R10 Residential District to P1 Professional District or to a more restrictive zoning classification an area located on the west side of Ramsey Street between Hillview Avenue and Floyd Street. Planning Board recommended approval of the request for rezoning from R10 Residential District to P1 Professional District for the front portion of the lot and that the back portion of the lot remain R10 Residential.

Mr. Elvis Lewis was recognized for the petitioner and stated a medical clinic was proposed for this location.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R10 RESIDENTIAL DISTRICT TO P1 PROFESSIONAL DISTRICT - P1 PROFESSIONAL DISTRICT APPROVED FOR THE FRONT PORTION OF THE LOT AND THE BACK PORTION TO REMAIN R10 RESIDENTIAL DISTRICT AN AREA LOCATED ON THE WEST SIDE OF RAMSEY STREET BETWEEN HILLVIEW AVENUE AND FLOYD STREET. ORDINANCE NO. NS1978-42.

Mr. George introduced the foregoing ordinance and moved its adoption as recommended by the Planning Board, seconded by Mr. Williams 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 an area located at 1813 Pamalee Drive. Planning Board recommended approval. 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 1813 PAMALEE DRIVE. ORDINANCE NO. NS1978-43.

Mrs. Evans introduced the foregoing ordinance and moved its adoption as recommended by the Planning Board, seconded by Mr. George and carried unanimously.

Copies of all of the foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1978.

A public hearing had been published for this date and hour on a request for a Special Use Permit to relocate a driveway on the northwest side of Stamper Road, 530 feet north of Bragg Boulevard in an R10 Residential District as provided for in the City of Fayetteville Zoning Ordinance Section 32-23 (1A) by Eutaw Shopping Center. Planning Board recommended approval of this Special Use Permit subject to the following conditions: 1) that a fence be constructed on the northern property line to a height of 6 feet and that it begin no closer than twenty feet off the Stamper Road right-of-way line. 2) that the driveway remain 5 feet from the northern property line and this area be landscaped. 3) that a minimum of 6 inch curb be constructed along the northern edge of the driveway and at the end of all parking bays. 4) that drainage plans be approved by the City Engineer.

Mr. Dan Stout, the petitioner was present and recognized and requested approval. There was no opposition present.

Following a brief discussion, Mr. Williams offered motion for approval of the foregoing Special Use Permit as requested and as recommended by the Planning Board, seconded by Mr. Dawkins and carried unanimously.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, public hearings were set for June 26, 1978 for the following matters:

- A. Consideration of the initial zoning to R10 Residential District or to a more restrictive zoning classification an area located at 608 Law Road.
- B. Consideration of the request for a Special Use Permit to operate a private tennis and swim club in an R6 Residential District as provided for in Section 32-23 (4a) of the Fayetteville zoning ordinance for an area located at 101 Commonwealth 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 at 503 Moore Street.
- D. Consideration of the rezoning from R5 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification an area located at 861 Southern Avenue.

Planning Board Matters:

Upon motion by Mrs. Evans, seconded by Mr. George and carried unanimously, approval was given Walking Shores Section I and II Subdivision preliminary and final extension review located on Walking Lane of Country Club Drive subject to the conditions as outlined in the Planning Board memo dated May 22.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously Wilmington Road NDP, Section II, Subdivision preliminary and final review located on Old Wilmington Road located on Wright Street was given conditional approval as recommended by the Planning Board in their memo of May 22.

Upon motion by Mr. Hurley, seconded by Mr. Dawkins and carried unanimously, Bordeaux Center East storage building No. 2 preliminary and final ClP review located on Village Drive at Owen Drive was given approval conditionally as recommended by the Planning Board in their memo of May 22.

Public Works Commission matters:

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously approval was given to an application by Cumberland County Board of Education for water and sanitary sewer connections to existing mains to serve the William H. Owen School on Raeford Road outside the city.

Upon motion by Mrs. Evans, seconded by Mr. Williams and carried unanimously approval was given to an application by Ethelind S. Simmons for one 1-inch water connection to an existing main to serve an existing residence off 401 By-Pass (402 Mernell Road) outside the city as recommended by PWC. (Sanitary sewer service is not available.)

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

Council next gave reconsideration to a complaint by Mr. & Mrs. Floyd McLaurin regarding a drainage connection along their property on Middle Road in East Fay-

etteville. (This matter deferred from the meeting of May 8 at which time the City Engineer was directed to investigate Middle Road and the possibility of its problem with the drainage canal.)

In a memorandum to the City Manager, the City Engineer stated that the background of this problem and possible remedies were outlined in the memo of May 4 and on May 8 the Council discussed this problem and we were asked to further study the drainage of Middle Road as it relates to the canal.

For several hundred feet on each side of the canal the side ditches along Middle Road convey the storm water to the head of the canal which in turn carries the water to a ravine near the Cape Fear River. If the canal was not functioning, several hundred feet of the Middle Road side ditches would have no outlet and Middle Road would become flooded during rains.

We find, he stated, no other practical route for a drainage outlet other than the canal.

In a memorandum to the City Council, the City Manager stated that in view of the City Engineer's memorandum of May 4 and May 17 regarding this matter, it is to be concluded that the only two courses of action to be considered are: a) continued use of the present drainage canal. b) City Council will offer to pipe the ditch under the existing city policy that the city pay half of the estimated drainage improvement and the property owner pay the other half.

Based on past conversations with the McLaurins, neither of the two courses of action are acceptable to them.

Since piping the ditch entirely at city expense would be an exception to policy and establish a precedent, it is recommended that the two courses aforementioned a and b of action indicated in paragraph two of this memorandum be presented again to the McLaurins for their further consideration.

Following some discussion, Mr. Hurley offered motion that the City Council approve an expense up to \$35,000. for the drainage pipe. Motion was lost for lack of a second.

Following some further discussion, Mr. George offered motion to follow the foregoing recommendation of the City Manager and offer options "a" and "b" in paragraph 2 of the City Manager's memo dated May 18 to the McLaurins, motion seconded by Mr. Dawkins and carried, Mr. Hurley voting no.

Mr. & Mrs. McLaurin were both present in the audience and Mrs. McLaurin stated that neither of the aforementioned options would be satisfactory to them.

Council next gave consideration to a request that the wooden house located at 321 Arch Street be declared a building of substantial historical architectural value.

The City Manager presented this matter and stated that he had received a letter from Mr. J. Gary Cicconi, a local attorney who stated that he represented Mr. James Cooper Canady who is the owner of a wood framed house initially designed for residential purposes and located at 321 Arch Street. Mr. Canady desires to convert the use of the building from that of residential occupancy to offices as permitted in the P2 district. The property is presently zoned P2. Mr. Canady however, has recently been informed that this property is located within a fire district which prohibits a wood frame structure from being converted to a business use.

Mr. Thomas stated further that the code provides that a frame wooden structure or building may be converted to any use permissible within its zoned area if said building or structure after requested by the owner, has been declared by the City Council to be a building or structure with substantial historical or architectural value. However, prior to the City making a determination as to the historical or architectural value, the owner must first submit the request to the North Carolina Department of Archives and History for a recommendation as to the historical or architectural value.

Mr. Canady did submit such a request to the State Department of Archives and they responded by a letter addressed to the City Manager stating that they had made an investigation and it was their conclusion that the building at 321 Arch Street does indeed have architectural significance both as a typical example of the late Queen Anne Style and as an integral part of the historic setting of the properties located on John's Square. The building in itself a typical example of the late Queen Anne Style which was still fashionable at the turn of the twentieth century, even with modifications over the years the original plan of the building has remained virtually unaltered.

Mr. Brent D. Glass, Administrator of the Archaeology and Historic Preservation Section of the N.C. Department of Cultural Resources concluded his letter by stating he would like to point out that the owner of the property has attempted to make a positive, supportive and beneficial contribution to the community in his development of the property and if all safety regulations are being followed

it is apparent that individual private efforts such as this can be the focal point for the successful downtown revitalization.

In conclusion, he stated, I would like to encourage the City Council and any other appropriate body to support such property development not only for its architectural merits but also for its value to the social and economic well being of the community.

Following a brief discussion, Mrs. Evans offered motion to follow the recommendation of the City Manager and declare the structure located at 321 Arch Street a building of historical and architectural value, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a presentation by Mr. Bernard Stein, Chairman of the Downtown Revitalization Commission, on a recommendation of the commission to adopt Maiden Lane, Davie Street alternate and an additional request to transfer unused funds for salaries and operating expenses for the hire of a consultant to conduct a feasibility study of the downtown transportation terminal.

Council recognized Mr. Stein, who informed them that their engineer, Mr. John Rose, had proposed an alternate that Maiden Lane begin at the McCoy, Weaver, Wiggins office, run through the Dickinson Buick Property to Davie Street rather than Cashwell Street and then connect to Hay Street. He stated that this alternate route was recommended by the Downtown Revitalization Commission but that the cost to make such alternate route is not known.

Considerable discussion of all aspects of this proposed realignment of Maiden Lane were discussed, particularly the cost involved and its impact on the Department of Social Services Building which is to be relocated in the old Sears building.

Mrs. Evans then offered motion to delay this matter until all of the necessary information is received concerning cost figures and including a review by the Planning Staff as soon as possible and continue this matter to June 26 and hold a public hearing at this time, motion seconded by Mr. George and carried unanimously.

Mr. Stein then made a request for the Downtown Revitalization Commission to transfer \$15,000. of unused funds for salaries and operating expenses for the hire of a consultant to conduct a feasibility study of the Downtown Transportation terminal. Said \$15,000. to be matched by an appropriation by the county for a total of \$30,000. for said feasibility study. Mr. Stein informed Council that this recommendation comes from the City Engineer and the Planning Staff.

Following some discussion of this matter, Mr. Hurley offered motion that the City Council approve the request for \$15,000. for the feasibility study for the Downtown Transportation Terminal if the county matched the \$15,000., motion seconded by Mr. Dawkins.

Mr. George then offered substitute motion to continue this matter to June 12 and during the interim period, the City Administration make a recommendation as to what action be taken, motion seconded by Mrs. Evans.

Mayor Finch called for a vote on the substitute motion and it was as follows; For: Councilmembers George and Evans. Against: Councilmembers Williams, Dawkins and Markham.

Mayor Finch then called for a vote on the original motion and it was as follows: For: Councilmembers Williams, Dawkins, Hurley and Markham. Against: Councilmembers George and Evans. Mayor Finch declared the motion carried.

Council then recognized Mrs. J.F. Conniffie, a property owner from Maiden Lane who owns the property from the railroad 187 feet west along Maiden Lane. Mrs. Conniffie informed Council that she was very much interested in Downtown Revitalization, but that the taxes on her property are unbearable since Sears has moved out of the location. She informed Council that an individual desired to establish a farmers market on her property but was informed by the city that such a use was not permitted by the code. Mrs. Conniffie asked if the proposed by-pass would surround her property. She stated further, she wants to work with the city to lease the property to afford some income for herself. She requested the city to move expeditiously in this matter.

Mayor Finch thanked Mrs. Conniffie for her comments and assured her the city would move expeditiously in this matter.

Council next gave consideration to the adoption of the proposed City of Fayetteville Equal Opportunity Affirmative Action Plan.

The Assistant City Manager presented this matter and reminded Council that the proposal had already been presented to them in detail and suggested their action be to adopt the Resolution and then approve the plan.

Following a brief discussion, Mr. Williams offered motion for adoption of the Resolution as presented and with the following correction: that in the second paragraph that reference to the Civil Rights Act of 1968 be corrected to read 1964. Mr. George offered an amendment to the foregoing motion to review the plan and update it periodically as required by law, motion seconded by Mrs. Evans and carried unanimously.

Council then moved into a consideration of the plan itself and Mrs. Evans offered suggestion that on page 13, item "m" under action element column, the Cumberland County Association of Indian People as one of the additional contact groups and then offered motion to approve the plan with the above change as well as a request for periodic update and review; motion seconded by Mr. George and carried unanimously.

RESOLUTION EXTENDING POLICY ON EQUAL EMPLOYMENT OPPORTUNITY FOR THE CITY OF FAYETTEVILLE. RESOLUTION NO. R1978-16.

A copy of the foregoing resolution is on file in the Clerk's office incorporated in the Affirmative Action Plan as well as in Resolution Book R1978.

Council then considered a proposal to contract with the county for tax billing and collection effective FY 78/79.

The City Manager presented this matter and reminded Council that a detailed presentation had been made on May 15, but reminded them that the contract proposed that the county accomplish tax billing and collections for the city effective with the Fiscal Year 1978/1979. The proposal also includes that the city and county tax departments be merged into a single department under the supervision of the county tax collector. The county tax department would assume responsibility for all functions now being performed by the city tax department including the billing and the collection of taxes current and delinquent, assessments including PWC and privilege license. Under the agreement the county tax collector would perform all duties of the city tax collector and the city would pay the county an amount equal to 1% of funds collected on behalf of the city as a fee for billing and collections. The City tax collector's position would be abolished and the other positions within the City Tax Department would be distributed between the county and the city.

This was discussed at length and Councilman Dawkins asked what is the record of those municipalities which have combined offices. Councilman George offered comment on the municipality giving up the power to levy and collect taxes and the possible legal question involved.

Following some detailed discussion, Mr. Williams offered motion to postpone this matter until June 12 and that the City Manager look at the records of other municipalities which have combined their departments and extend an offer to the county to collect county taxes, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a request for legal representation by a member of the Fayetteville City Police Department. The City Attorney presented this matter and requested permission to represent City Policeman, Jimmy R. Cook in a legal matter involving the Warren Case and the Lobster House.

Mr. Hurley offered motion to authorize the City Attorney to represent Mr. Jimmy R. Cook in behalf of the City of Fayetteville, seconded by Mrs. Evans and carried unanimously.

Council next gave consideration to bids for furnishing lubrication equipment for the City Garage. The City Manager presented this matter and stated that bids had been received on May 15 and that the low bid was submitted by Braswell Equipment Company, Inc., in the amount of \$4,118.49 and was recommended.

Mr. Williams offered motion to approve the foregoing Braswell Equipment Company bid as recommended, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to the award of a contract (Community Development funds) for paving Nevill Street, Ingram Street, Ira Street, Humphrey Lane and Orlando Street. City Engineer presented this matter and stated that the bids are for unit price based on estimated quantities, therefore the final cost will vary slightly from the bids stated. We would therefore recommend awarding the contract to the low bidder, Triple A Construction Company for their bid of \$296,669.50 on a unit price basis and reserving \$326,336. (10% over bid amount) to allow for contingency.

Mr. Williams offered motion to award the contract to Triple A Construction Company as recommended, seconded by Mr. Hurley and carried unanimously.

Council next considered the award of a contract for resurfacing 12 streets. Those streets being:

Glidden Street from Blount Street to 150 feet from end.
Cool Springs Street from Person Street to Grove Street.
Franklin Street from Gillespie Street to the Seaboard Railroad tracks.

Peace Street from Ramsey Street to Hillsboro Street.
 Filter Plant Drive from Bragg Blvd. to Ames Street.
 Greenland Drive from Bragg Blvd. to Ft. Bragg Road.
 Pearl Street from Bragg Blvd. to Belvedere Drive.
 Bragg Street from Pearl Street to Anarine Drive.
 Stamper Road from Ft. Bragg Road to 620 feet north of Bragg Blvd.
 Skye Drive from Morganton Road to Fayetteville Technical Institute.
 Ellington Street from Morganton Road to Pugh Street.
 McBain Drive from McPhee Drive to Pinecrest Drive.

The City Engineer presented this matter and stated that the recommendation was to award the contract to the low bidder, Crowell Constructors on a unit price basis for their bid of \$107,898.75. The various items on construction work are based on estimated quantities and the final cost will no doubt vary somewhat from the amount of the bid. We would like to recommend reserving the total budget amount of \$120,000. for this street surface work.

Following a brief discussion, Mr. Williams offered motion for approval of the Crowell Constructors bid as recommended, seconded by Mrs. Evans and carried; Mr. Dawkins abstaining to vote.

City Manager then displayed a projection for City Council and informed them that the city had at this date reached a landmark in that the city now has under contract under construction the sum of \$1,450,000. an all time record. Council thanked Mr. Thomas for this information.

Council next considered an appointment to the Board of Appeals on Dwellings and Buildings.

Mr. Williams nominated Mr. George Calvert Ray to fill this position. Mrs. Evans seconded the nomination. Mr. Dawkins then offered motion that nominations be closed and that Mr. Ray be appointed by acclamation vote to the Board of Appeals on Dwellings and Buildings for a 3 year term of office said term to run to May 1981, motion seconded by Mr. Markham and carried unanimously.

Council next considered delegations and Mr. Bill Bowser was recognized from the audience and offered comments on the city's action in approving the Affirmative Action Plan this evening and suggested that they consider 1) Grievance procedure. 2) Methods of disseminating the information contained therein thru due process. Mr. Bowser concluded by extending congratulations and thanks to the Council for their action.

City Manager reports:

The City Manager reported the resignation from the Police Department of Patrolman Rodney McKay effective May 12, 1978. Council noted the resignation.

The City Manager next announced to the Council the selection of a City Personnel Director. She is Mrs. Carol M. Parker and her employment will be effective June 7, 1978 at an annual salary of \$14,430. Mrs. Parker was present, recognized and welcomed by the Councilmembers.

The City Manager stated that he had received a communication from Mr. Neal Reichle, Chairman of the Personnel Commission of the Downtown Revitalization Committee that Mr. Robert M. Henry had been elected to serve as Executive Director of the Downtown Revitalization Commission and recommended confirmation of this election by the City Council to begin immediately at an annual salary of \$18,000. with all City fringe benefits and mileage allowance for use of his personal car.

Mrs. Evans offered motion for approval of the foregoing appointment of Mr. Henry as recommended by the Downtown Revitalization Commission, seconded by Mr. Hurley and carried unanimously.

Mr. Henry was present in the audience, was recognized and welcomed by the City Council.

The City Manager requested Council to set a public hearing on the following budgets: the General Revenue Sharing Budget, the countercyclical anti-recession budget. He suggested that the public hearings be scheduled as early in June as possible preferably in the week of June 5-9, and such public hearing was ordered for Monday, June 5, at 7:00 P.M. in the City Hall Council Chamber.

The City Manager reminded Council that under the new Personnel Ordinance that Council adopted to go into effect on July 1, Memorial Day was one of the new holidays approved by Council. The City Manager requested that Memorial Day, Monday, May 29, 1978, be declared a city holiday also this year.

Mr. Dawkins offered motion for approval of the foregoing recommendation of the

City Manager that Monday, May 29, 1978 be and is hereby declared a holiday for city employees, motion seconded by Mr. Williams and carried unanimously.

Matters of interest to City Council:

Mrs. Evans commented that a special recognition should be given by the Council of another historical first for the City, that being the first female department head in the hiring of Mrs. Carol Parker, the new City Personnel Director.

Mrs. Evans then directed question to the City Attorney as to what could be done about large tractor trailer trucks parking on residential streets. The City Attorney informed her that he was studying the matter and would soon make a recommendation.

Mrs. Evans mentioned that at the neighborhood meeting held at Highland Presbyterian Church on Tuesday, May 16, a request was made by a resident of Savoy Heights Subdivision that the park site be cleared and lights installed so it could be used this summer. This matter referred to the City Manager and to the Recreation and Parks Director.

Mayor Finch recognized Councilman Williams who asked for a discussion and the sale of dog licenses. Mr. Williams stated the Tax Department records showed that 419 licenses had been sold to date, and that the records of the county indicated there are 5600 registered dogs May 17. Only a total of \$2,095. had been collected to date but that \$22,560. as revenue for the city if extraordinary collection methods are implemented. He then suggested that the dog owners be billed through the City Tax Department for their dog license.

Mr. Williams then offered motion that the sale of dog license be done through the City Tax Office, motion seconded by Mr. Dawkins.

Following some discussion, Mrs. Evans offered substitute motion to abolish the dog tax and require that all dogs be immunized. Motion was lost for lack of a second.

Following some further discussion, Mr. George offered substitute motion to continue this matter to some subsequent time, seconded by Mrs. Evans and carried unanimously.

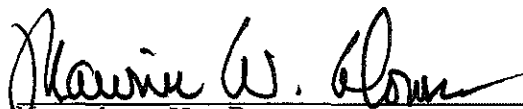
Mayor Finch then informed Council of the Region "M" meeting Thursday night in Clinton.

Mayor Finch also informed Council that she had attended graduation day today of the Fayetteville Police Academy and that as of this date the Police Department is up to strength. Mayor Finch also commented on the smart appearance, the academic achievement and the efficiency of the new graduating class.

Mayor Finch also reminded the Council and all citizens of Citizens Day tomorrow in the Mayor's office.

Mayor Finch then adjourned this regular session into executive session to discuss land condemnation at 11:30 P.M.

Mayor Finch convened this regular session back into order at 11:50 P.M. and upon motion made and duly seconded this meeting was adjourned at 11:51 P.M.


Maurice W. Downs
City Clerk

SPECIAL MEETING
MONDAY, JUNE 5, 1978
7:00 P.M.
CITY HALL COUNCIL CHAMBER

Present: Mayor Beth Finch

Council Members: George Markham, Bill Hurley, J.L. Dawkins, Wayne Williams and Mildred Evans.

Council Member Absent: Marion C. George

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

Mayor Finch called this special session to order and announced its purpose was to hold a public hearing on the City Budget, the General Revenue Sharing Budget and the Counter-cyclical Anti-recession Budget.

Mayor Finch then called on the City Manager for comments and he replied by stating that all information necessary had been presented in the Preliminary Budgets.

Mayor Finch then asked for comments or suggestions on the Budgets from the audience. She restated the purpose of this meeting is to receive input from the general public on the proposed budgets and to set ensuing budget meetings.

Mr. Henry C. Skipper, of 216 Willborough Avenue was recognized and informed Council that this street is in very poor shape with potholes and broken edges and other badly worn places. He stated it was an extreme hazard to drive or to walk upon. He said a petition had been submitted for the paving and repair of this street, but inasmuch as insufficient signatures had been obtained, the City did not approve it. However, if funds are available through other sources to accomplish this paving, he and the other property owners desired it.

At this point, the City Manager informed Council that a Mrs. Margaret Booth was present at the City Administrator's public hearing on the budget approximately one month ago and made this same request for the paving of Willborough Avenue and that the request is included in the Revenue Sharing Budget now for paving, curbs and gutters and drainage.

Mr. B.A. Irwin, of 214 Willborough Avenue, Mr. Bill Ramsey, a property owner at 107 Willborough Avenue and Mrs. Margaret C. Booth of 105 Willborough Avenue were all present in the audience and requested the paving of the street.

Council next recognized Chief of Police, Danny Dixon who stated that his request for appropriations for the following items had been reduced and requested re-establishment of his original appropriation request. 1) telephone communications, 2) vehicle maintenance, 3) improvements for space in the Law Enforcement Center, 4) a 16 station universal gym for the police officers. In this connection he stated that some of the police officers are using their own funds for physical fitness by joining the YMCA and other firms to attain the same. 5) two headsets for communications section so that employees would not have to remove their headsets to check files, 6) trade present motorcycles at savings due to maintenance problems, 7) 6 additional park police officers be increased to 12 and place the policing of parks on regular beats rather than as extra work.

No other persons requested recognition and Mayor Finch extended thanks for the comments and assured that they would receive consideration.

Mayor Finch then reminded Council that budget discussion meetings needed to be set and suggested holding such meetings closer together, such as three meetings in a row or successive day meetings or day-night meetings. She suggested also that one meeting be set to hear department heads only.

Following some discussion, the following schedule was set:

Tuesday, June 6 - 7 to 10 p.m. for general review of the budgets.
Thursday, June 8 - 7 to 10 p.m.
Wednesday, June 14 - 7 to 10 p.m.
Friday, June 16 - 7 to 10 p.m.
The last meeting to be cancelled if unnecessary to hold.

Mayor Finch informed Council that she had received a request from Mr. Charles Smith at FTI for a representative from the City Council to serve on a committee for a program for continuing education for the public. She asked for a volunteer and Councilman Williams did so.

Mayor Finch then asked for a representative from the Council to attend the Region M monthly meeting to represent the Council and Councilman Hurley volunteered to do this.

Following some discussion, Mr. Williams offered motion that the City Council take no action, motion seconded by Mr. Markham.

After some further discussion, Mrs. Evans offered substitute motion to continue this matter to the next regular meeting on June 26, seconded by Mr. Hurley and carried by the following vote: For: Councilmembers Evans, Dawkins and Hurley. Against: Councilmembers Williams and Markham. Abstaining: Councilmember George.

A public hearing had been published for this date and hour on the paving of McLamb Drive from the northwest corner of Lot 13, Block A, Plat Book 18, Page 44 to Lake Avenue, pursuant to petition. The Clerk certified that notices had been sent to all property owners concerning this public hearing. The City Engineer presented this matter and displayed a projection of the proposed improvement.

Mrs. Jimmy Lewis and Aileen Ferguson of McLamb Drive were recognized in favor. Mrs. Lewis informed Council that there was a ditch running across the back of her property that needed some attention. The City Engineer was requested to investigate this matter.

There was no opposition present.

Resolution title:

FINAL RESOLUTION REQUIRING THE PAVING, PURSUANT TO PETITION OF MCLAMB DRIVE FROM THE SOUTHEAST CORNER OF LOT 13, BLOCK A, PLAT BOOK 18, PAGE 44, TO LAKE AVENUE. RESOLUTION NO. R1978-17.

Mr. George 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 Resolution Book R1978.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, the following public hearings were set:

A. The consideration of an exchange of property between the City of Fayetteville and Jack Page on Lucerne Street, set for June 26, 1978.

B. Consideration for assessing Duncan Street, Topeka Street and Scotty Hills Subdivision Drainage set for July 10, 1978.

C. A hearing on the urban area thoroughfare plan as requested by the Joint Planning Board set for June 26, 1978.

Resolution titles:

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENT ON DUNCAN STREET. RESOLUTION NO. R 1978-18.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENT ON TOPEKA STREET. RESOLUTION NO. R1978-19.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR SCOTTY HILLS SUBDIVISION AREA DRAINAGE. RESOLUTION NO. R1978-20.

Copies of the foregoing resolutions are on file in the Clerk's office in Resolutions Book R-1978.

Planning Board Matters:

Upon motion by Mrs. Evans, seconded by Mr. Williams and carried unanimously, Horne's Shopping Area Addition preliminary and final CLP review located off Sycamore Dairy Road was approved conditionally as recommended by the Planning Board in their memo of June 12, 1978.

Public Works Commission Matters:

Mr. Muench, PWC Manager stated that the item appearing on the agenda, consideration of an application by Priscilla Hennessey for an extension of a 6 inch water main in Heidelberg Drive "east of Legion Road" into a proposed residential subdivision to serve approximately 25 lots "outside city just north of Heidelberg Drive" should be deferred and not presented this evening and would be presented by the Planning Board at a later date.

This concluded PWC matters and the PWC representatives were excused from the meeting.

Council next reconsidered a proposal to contract with the County for tax billing and collection effective FY1978/79. (This matter deferred from the May 22 meeting.)

The City Manager presented this matter and stated the research had been done which Council requested and called on Assistant City Manager, John Smith to make the presentation. He stated he had contacted the Institute of Government and had been furnished with a list of several major North Carolina cities that are now contracting for tax collection with their respective county. They are Charlotte, Winston Salem, Raleigh, Asheville, Wilmington, Wilson and Shelby. There are of course, he stated, a large number of smaller towns throughout the state that have county collection.

Mr. Smith stated he had contacted officials in Raleigh, Wilmington and Wilson, out closest neighbors of the seven and received the following information: Raleigh has contracted since 1964 with Wake County. The fee charged Raleigh is 0.5% of collections over approximately \$100,000. Collections are approximately 95%. Raleigh stated they experienced no difficulty.

Wilson has contracted since 1976 and the fee is 1% of collections. Collections are around 98%. The city went into the program not anticipating any savings but mainly for the convenience of the taxpayer and to relieve the city of the burden. They were experiencing no difficulties.

In Wilmington, New Hanover County collects all the taxes for all the municipalities in New Hanover County and has been doing so for the City of Wilmington since 1971. The fee charged is 1½%. Both the city and county officials like the arrangement.

Mr. Smith stated the officials with whom he spoke were enthusiastic about their arrangements in all three cases. The fees cost some concern with two of the cities but in no case has the percentage fee been changed since the inception of the contracts. The Institute of Government informed him that they knew of no city in the state that ever contracted its tax collections to a county and subsequently terminated the contract.

Some discussion then followed and Mr. George commented that he had questions on the legality of such a move by the city and stated that if in his opinion it would take an act of the General Assembly to accomplish this.

Mr. Williams stated he had no reservations about the legality of the proposal inasmuch as the city was not abolishing the tax collectors office since the county tax collector would act in that capacity.

Mrs. Evans suggested that the City Council may try this method for a year to find if it works satisfactorily and if not to go back to the present system.

Additional discussion followed.

Mr. Williams then offered motion that the City of Fayetteville contract for an interlocal undertaking with the County of Cumberland for the billing and collection of City taxes for the Fiscal Year 1978/79 at a 1% fee.

Council then recognized City Tax Collector Joe McCall who offered some comments in defense of retaining the City Tax Collector's office and not contracting with the County for tax billing and collection.

Mr. George then offered a substitute motion to continue this matter to the next regular meeting and for the City Attorney to check to see if a local bill is necessary. The motion was lost for lack of a second.

Mayor Finch then called for a vote on the motion to enter into a contract and the vote was as follows: For: Councilmembers Evans, Williams, Dawkins and Hurley. Against: Councilmembers George and Markham. Mayor Finch declared the motion carried.

Council next gave consideration to extension of lease agreements concerning the lease of property owned by the city.

The City Attorney presented these matters and informed Council that two of the lease agreements were for the extension of existing leases and the third was a new lease.

A Mrs. Toomey, leasee of property located at 334 Hay Street was recognized for the business, Shopper's Guide and asked Council if it proposed to demolish this building in the near future to make way for the relocation of Ray Avenue.

The City Engineer stated this building was purchased for this purpose and that such relocation could come within a year.

Mr. Dawkins then offered motion, seconded by Mrs. Evans for extension of the lease agreement between the City of Fayetteville and S&J Printing located at 334 Hay Street said extension to run until June 1, 1980 and for the extension of a lease agreement between the City of Fayetteville and Mrs. Dorothy E. Green at 115 Ray Avenue said lease to be extended until June 1, 1980, motion carried unanimously.

On the third matter, the lease agreement with the Fayetteville Board of Education on the Buck property on Ray Avenue, City Attorney requested City Council to continue action on this lease until some later date due to a technicality but prior to the end of the month and action on this matter was continued until Wednesday, June 14, 1978 when Council will schedule a budget discussion at which time a special meeting could be called for action on this matter.

Council next gave consideration to authorizing the condemnation of parcels of land located at 915 Arsenal Avenue, 828 Arsenal Avenue, 806 Arsenal Avenue, 1001-1005 Arsenal Avenue, 915 Arsenal Avenue located at the southeast corner of Arsenal Avenue and Davis Street and 113 Kirkland Drive. The City Attorney presented these matters and recommended Council's approval. The City Engineer, in response to question from Council, stated the purpose of these condemnations were for the improvement of Arsenal Avenue.

Following a brief discussion, Mr. Williams offered motion for approval of the foregoing land condemnation matters as recommended by the City Attorney and the City Engineer, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to amendments to Chapter 20 of the Fayetteville Code of Ordinances concerning loading and unloading zones.

The City Attorney presented this matter and informed Council that the airport is suffering acute problems with traffic congestion in the loading and unloading zones at the airport. The City Attorney suggested 1) placing a fine on violators. 2) adding loading/unloading to the towaway zone provision of the ordinance and 3) more restrictive time allowed in such loading/ unloading zone.

Mr. Bob Hasty, a member of the Airport Commission was recognized and gave Council statistics on the use of the loading/unloading zones by aircraft arrival and departure at the airport by time schedules. Mr. Hasty requested that Council set a three minute limit.

Mr. Charles Clark also of the Airport Commission was recognized and gave additional statistics and also cited the acute traffic problem experienced at the airport in the loading/unloading zone at the terminal building.

Following some discussion, Mrs. Evans suggested charging a \$5.00 fine for loading/unloading and a five minute limit and add the loading/unloading zone to the towaway zone.

Mrs. Finch also suggested that at the same time this was studied, consideration be given to making a special provision for parking by persons with handicaps. This matter was then referred to the City Attorney to study and to draw an ordinance which would amend the code to include all of the foregoing discussed provisions.

Council next gave consideration to the award of contracts. The first for the paving of Rosehill Road. The City Engineer presented this matter and stated that bids were for drainage, curbs and gutters and four lanes of pavement with a fifth turning lane at each end. The contractor has 365 calendar days in which to perform the work for the liquidating damage charge of \$100. per day for overrun. The low bid was submitted by Cumberland Paving Company in the amount of \$606,697. He recommended awarding the contract on a unit price basis to the low bidder, Cumberland Paving Company and reserving \$667,367. (10% of the low bid) for the project.

Mr. Hurley offered the motion for awarding the bid to Cumberland Paving Company as recommended, seconded by Mr. Dawkins and carried unanimously.

The second bid was for drainage in the Carlos Avenue and Sandhill Drive Area. The City Engineer presented this matter and stated that bids are based on estimated quantities, therefore the final cost may change slightly from the bid amount. Funds for this project are provided in the Federal Revenue Sharing Budget and the project was initiated by request from a number of residents in the area. The contract has a construction period of 45 calendar days for the \$50. per day liquidating damage charge for overrun. The low bid was submitted by Blue Contracting Company in the amount of \$41,235.60. He recommended awarding the contract on a unit price basis to the low bidder Blue Contracting Company and reserving \$45,359. (10% of the low bid) for the project.

Mr. Williams offered motion for award of the foregoing contract to Blue

Contracting Company as recommended, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to an agreement between North Carolina Department of Transportation and the City covering construction of a section of N.C. 24 on new location. The City Engineer presented this matter and stated that the city is being asked by DOT to sign a municipal agreement concerning N.C. 24 which is proposed for construction on a new location.

The project is within the city limits only about 1500 feet and then extends outside the city limits about 4.5 miles to a point east of I-95. The proposed agreement is similar to other agreements except in this case the city is not being asked to participate in the right-of-way cost. The city is being asked to provide any utility adjustments necessary to accommodate the project. After the project is completed the city is asked to prohibit all parking, loading and unloading and it should also be noted this is a controlled access project that is no driveways permitted. Ingress and egress from the new highway will be at certain intersections only. This provision does not affect any existing businesses or streets within the city limits.

We recommend approval of the municipal agreement. Following a brief discussion, Mr. Dawkins offered motion for approval of the foregoing municipal agreement and that the Mayor and Clerk be and they hereby are authorized and directed to sign said agreement for the city, motion seconded by Mr. Williams and carried unanimously.

Council next gave consideration to an interlocal agreement for Community Development staff services between the County of Cumberland and the City of Fayetteville. Mr. Richard Herrera, Executive Director of the Community Development Department presented this matter and stated the agreement provided that a member of the Community Development staff would provide for the administration by the staff of the county's Community Development Program authorized and funded pursuant to Article 20, Part I, Chapter 1A of the North Carolina General Statutes to provide for compensation by the county to the city for such services rendered by the staff. An example of such services would be to include rehabilitation of structures, administration of loan programs, demolition of structures and site improvements such as installation of utilities, drainage and grading and other various duties. Mr. Herrera stated that approval of this agreement is recommended by the Community Development Commission.

Following a brief discussion, Mr. Dawkins offered motion for approval of the foregoing agreement as recommended and that the Mayor and Clerk be and they hereby are authorized and directed to sign for the city, motion seconded by Mrs. Evans and carried unanimously.

Council next gave consideration to the award of a bid for enclosing the baggage claim area at the municipal airport. Mr. Charles Clark of the Airport Commission presented this matter and stated that bids were received on May 3 to enclose the baggage claim area and install a conveyor belt to better serve Fayetteville's air passengers. The Airport Commission requests that the following low bids be approved by the City Council and authorize the Mayor to sign the contracts.

Clark Brothers- electrical	\$ 3,400.
Cape Fear Heating & Airconditioning-heating and cooling	6,500.
DWC Contractors-general contractors	22,500.
Sherman Construction Company-bag conveyor	39,226.

Following a brief discussion of this matter Mr. Dawkins offered motion to approve the foregoing bids as recommended by the Airport Commission, motion seconded by Mr. Hurley and carried unanimously.

Council next gave consideration to a recommendation for the location of the Senior Service Center approved in the Community Development application third year funding.

Mr. Richard Herrera, Executive Director of Community Development Department was recognized again and presented this matter with the following explanation. At a meeting held by the Fayetteville Redevelopment Commission on June 6, a recommendation was given by representatives of the Coordinating Council on Older Adults Inc. At that meeting, the Coordinating Council requested that Fayetteville Redevelopment Commission favorably approve their recommendation that two urban renewal parcels designated parcels M-4 and N-10 be purchased for eventual construction of the Senior Service Center.

These two parcels are composed of 325,128 square feet and the minimum acceptable price for the two parcels combined is \$22,900. Parcel No. M-4 is located on the north side of Bragg Blvd. at the CBD Loop and Parcel No. N-10 is located on Blue Street to the north and west of Parcel M-4.

Following some discussion, Mr. Dawkins offered motion to follow the foregoing recommendation of the Redevelopment Commission and Coordinating Council and concur in their action approving the sale and transfer of these properties, motion seconded by Mrs. Evans and carried unanimously.

Council next gave consideration to bids for a used road tractor to be used at the proposed transfer station. The City Manager presented this matter and informed Council that in February bids were received and contracts were awarded for the purchase of equipment for the city's proposed refuse transfer station. Included in this bid invitation was one used road tractor to be used in shifting transfer trailers at the station site. The only bid proposal received was from LaFayette Ford and that firm offered a choice from several used road tractors for \$8,000. because the cost of this purchase had been estimated at \$5,000. no action was taken on the LaFayette proposal until it could be determined if a suitable state or federal surplus vehicle was available at lower cost. However, the carrying capacity of the available surplus tractors was inadequate for the transfer station application.

Because the LaFayette Ford proposal offers a road worthy tractor which can be used as a backup unit for transporting loaded transfer trailers to the landfill, we feel that the excess cost of this unit over our earlier estimate is justified. The superintendent of Sanitation has selected a used road tractor from those offered on the LaFayette bid which he feels would be best suited for this purpose. Consistent with his selection it is my recommendation that the purchase of the used 1971 International road tractor from LaFayette Ford for \$8,000. be approved. \$3,000. of these funds could come from the General Fund and \$5,000. from Revenue Sharing.

Following a brief discussion, Mrs. Evans offered motion for approval of the foregoing item as recommended and for purchase of the road tractor from LaFayette Ford for \$8,000., motion seconded by Mr. Hurley and carried unanimously.

Council next gave consideration to the approval of taxi driver permits, and upon motion by Mr. Hurley, seconded by Mr. Dawkins and carried unanimously taxi driver permits were approved for the following named as recommended by the Chief of Police, the Taxi cab Inspector and the City Manager: Grover Edward Cheek, Ernest Harvey McEachern, James Allen Myers, Michael Anthony Brown, Percy James Merit, Tommy Ray McCollough.

Appointments:

Three appointments to the Airport Commission, one appointment to the Public Works Commission, one appointment to the Public Works Commission Retirement Plan, one appointment to the Joint Planning Board and two appointments to the Downtown Revitalization Commission were considered for information purposes this evening and deferred until the next regular meeting. Also, Mayor Finch informed Council that she had received a letter from Mr. Bill Geimer informing her of his resignation from the Board of Appeals.

Delegations:

Mr. Bill Bowser, a local citizen was recognized with a grievance against the Housing Authority and with the contract executed between the city and county this evening because the county has no affirmative action program. Mayor Finch informed Mr. Bowser that the City Council has no authority over the Housing Authority and that he should take his complaint directly to that agency.

City Manager reports:

The City Manager reported one resignation from the Fire Department of James B. West and one resignation from the Police Department of William C. Comer. Council noted the resignations.

The City Manager informed Council that the following named applicants had been certified by the Civil Service Commission for appointment to the Police Department as Police Officers: Billy Byrd, Bobby Belcher and Daniel Johnson.

Following a brief discussion, Mr. Hurley offered motion that the foregoing three applicants be appointed to the Police Department as Police Officers effective immediately as recommended, motion seconded by Mr. Dawkins and carried unanimously.


Matters of interest to City Council:

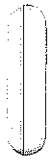
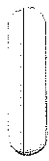
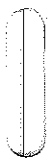
Mrs. Evans reminded Council that they had approved at the May 22 meeting, the transfer of \$15,000 of funds set aside for salaries and operating expenses for the Downtown Revitalization Commission at the request of Mr. Stein for the hiring of a consultant to conduct a feasibility study for a downtown transportation center. In a report prepared by the Planning Department said feasibility study is indicated to cost \$4,175. The city's \$15,000. was to be matched by the county's \$15,000. to have this feasibility study conducted. In view of the \$4,175. cost figure in the Planning report, Mrs. Evans offered motion that Council rescind its action of May 22 and withdraw its \$15,000. appropriation, motion seconded by Mr. George.

Following a brief discussion, Mr. Williams offered substitute motion to defer this matter until the next regular meeting and meanwhile the City Council be given additional information and a copy of the memorandum, motion seconded by Mr. Hurley and carried unanimously.

Mayor Finch reminded Council of the budget session on Wednesday evening at 7:00 P.M.

Thereafter, all matters of business having been completed this meeting was adjourned at 11:15 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk



SPECIAL MEETING
THURSDAY
JUNE 22, 1978
9:30 P.M.
KYLE HOUSE

Present: Mayor Beth Finch

Council Members: J.L. Dawkins, George Markham, Bill Hurley, Wayne Williams,
Mildred Evans and Marion C. George.

Others Present: William G. Thomas, III, City Manager
John P. Smith, Assistant City Manager
Robert Cogswell, City Attorney
George McCarthy, Finance Director
Milton Bluhm, Assistant City Engineer

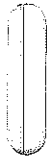
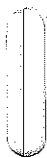
Upon motion made by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, Council convened in a special session for the purpose of considering the purchase of land for the City Transfer Station.

Mrs. Evans offered a motion that the City Council authorize the purchase of the 7.5 acre tract of land abutting Cole Street and Driver Street for a transfer station site as recommended by the City Manager provided a legally clear and free title could be obtained for not more than \$50,000. The motion was seconded by Mr. Markham and carried unanimously.

Thereafter, this special session was adjourned at 9:35 P.M. upon motion made and duly seconded.



William G. Thomas, III
City Manager



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MONDAY, JUNE 26, 1978
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 Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and Councilman Wayne Williams led the invocation. Following the invocation, Mayor Finch led the audience in the Pledge of Allegiance to the Flag.

Mayor Finch recognized the Following Youth Council Representatives present in the audience to observe Council proceedings: Ann Yeago, Sharon Lindsay and Sean Alvarez.

The first item of business was the approval of minutes of the June 12, 1978 meeting and upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously the minutes of the regular meeting of June 12, 1978 were approved as submitted by the Clerk.

At this point, Mayor Finch advised Council of an addition to the agenda, Item 6a, Amendment, Change 4. There were no objections voiced.

Public Hearings:

The first public hearing was the consideration of creating a Municipal Service District with a special tax in the downtown area of Fayetteville. (This matter continued from the June 12 meeting.)

Mr. Cogswell, City Attorney, presented this matter and stated that he would like to point out several things that had caused confusion: 1) that anything east of Cool Spring Street was not considered. 2) anyone not paying property tax due to exemption, does not have to pay the special tax. 3) You cannot charge a different rate to different people.

Mayor Finch then recognized Mr. M.J. Weeks, President of the Downtown Fayetteville Association and a property owner in downtown Fayetteville. Mr. Weeks stated that several months ago the Downtown Fayetteville Association began working with the Downtown Revitalization Commission investigating the possibility of creating this special tax district for the purpose of raising money to help in programs for the benefit of the downtown area. After much research and study, it was recommended to the boards that the program be proposed to the City Council. This tax district is very much needed, it would not only help get some projects underway, but it would also demonstrate our willingness to invest in our own future, and not wait for someone else to do it. The most equitable way to do it is for everyone who will benefit to participate. He pointed out that based on the proposed 10 cents per 100 valuation, a property valued at \$25,000. would only cost \$25. per year. He stated that if Council adopted this proposal, the Downtown Fayetteville Association would be willing to establish a committee to hear and review any hardship cases of owner occupied residences and if it was determined that the 10 cents did create a hardship, they would find a way to alleviate the hardship that might be created by this type of tax.

Mayor Finch then recognized Mr. Bob Henry, Executive Director of the Fayetteville Revitalization Commission who stated the Commission had unanimously voted to endorse the concept of this special tax district for revitalization purposes. He stated that this special tax district is a way to establish responsibility for revitalization from the people who that revitalization effort is designed to help. It is a method of funding the immediate needed projects that are not applicable to government funds. It is a way to share the responsibility to establish the confidence, communication and coordination necessary for revitalization to become a reality of downtown Fayetteville. It is one way to get downtown Fayetteville moving in the right direction in the rebuilding of our city.

Mayor Finch recognized Mr. Bernard Stein of the Downtown Revitalization Commission. Mr. Stein stated that he was speaking as an individual and as a property owner and business man in downtown Fayetteville and that he did want to contribute to downtown and its future, and urged Council to approve this special tax district.

Mayor Finch also recognized Mr. John Huske, Mr. Neil Reichley, Mrs. Stewart Kerr all downtown property owners who were in favor.

Mayor Finch recognized Mrs. Dorothy Kitchen, a downtown property owner who was opposed.

Mr. Ed VanStory, a downtown property owner was recognized and stated that he was opposed to any special tax for the downtown area. He presented a petition of taxpayers opposed to this special tax and also to the increase in property tax over the years, and requested Council to seek ways to reduce property taxes and finance the revitalization of the downtown district through other sources.

Mayor Finch then recognized Mr. Matthew Smith, Albert Waker and Dr. J.N. Robertson, all downtown property owners opposed to the special tax.

At this time Mayor Finch stated that time had expired and asked Council if there were any objections to hearing five minutes more from opponent and then proponents. There were no objections voiced.

Mr. Quincy Scarborough was recognized in opposition and presented a petition of 35 names who were opposed to the special tax.

Mrs. Bernice Wolfe and Rajah Arab, downtown property owners were recognized in opposition.

Mayor Finch then gave five minutes more to the proponents and recognized Mr. Horace Thompson and Mr. Doug Nunnely who were in favor of the special tax.

There was a brief discussion.

Mrs. Evans offered motion to create a municipal service district with a special tax in the downtown area as proposed and advertised at the rate of 10 cents per 100 with the exception of the east side of Cool Spring Street, seconded by Mr. Hurley.

After some discussion, Mr. Williams offered an amendment to the motion that none of the money from the special tax district be spent on administrative cost and that all property owners in the district be notified of meetings when decisions are to be made and returned to Council.

Mayor Finch asked for a vote on the amendment.

At this time Mr. George asked to abstain from voting and Mayor Finch stated that he had not asked for abstention prior to the vote and therefore his vote was to be recorded as a yea vote.

The vote on the amendment was as follows; For: Councilmembers Hurley, Dawkins, Williams and George, against: Councilmembers Evans and Markham.

Mayor Finch declared the motion to be presented as amended.

Mr. George asked to abstain from voting due to the fact that he owns property in the district.

Mayor Finch asked if there were any objections and there were none.

Mayor Finch then called for a vote on the motion as amended and it was as follows: Councilmembers Evans, Williams, Dawkins and Hurley for; Councilmember Markham against and Councilmember George abstaining.

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 608 Law Road. Planning Board recommended approval. There was no opposition.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE TO R10 RESIDENTIAL DISTRICT AN AREA LOCATED AT 608 LAW ROAD. ORDINANCE NO. NS1978-44.

Mr. Williams introduced the foregoing ordinance and moved 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 NS1978.

A public hearing was published for this date and hour for a Special Use Permit to operate a private tennis and swim club in an R6 Residential District as provided for in Section 32-23 of the Fayetteville zoning ordinance for an area located at 101 Commonwealth Avenue. Planning Board recommended approval. There was no opposition.

Mr. Dawkins offered motion to approve the request for the Special Use Permit subject to the conditions set forth by the Planning Board, seconded by Mrs. Evans 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 503 Moore Street.

Planning Board recommended approval.

Council recognized Mr. Gerald Beaver who appeared in behalf of the petitioner.

Council recognized Mr. Matthew Smith, who was opposed to the rezoning.

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 AT 503 MOORE STREET. ORDINANCE NO. NS1978-45.

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

A copy of this ordinance is on file in the Clerk's office in Ordinance Book NS1978.

A public hearing had been published for this date and hour on the rezoning from R5 Residential District to C3 Heavy Commercial District of an area located at 861 Southern Avenue.

Mr. W.J. Gales, the petitioner was recognized and asked that his petition be withdrawn.

Mr. George offered motion that no action be taken at the request of the petitioner, seconded by Mr. Hurley and carried unanimously.

Council then considered a recommendation from the Planning Board to adopt the Maiden Lane/ Davie Street alternate.

Cliff Strassenburg, Planning Director presented this matter and stated there were two alternatives. A) begins at Bragg Blvd. intersecting with Cashwell Street proceeding up to Davie Street at the intersection with Hillsboro then across the railroad, across the Sears parking lot east through an area leased by Dickinson Buick intersecting Ray Avenue and continuing eastward across to the present Dickinson Buick to intersect with existing Maiden Lane at a point just east of Burgess Street. This proposal was introduced to the Revitalization Commission by Mr. Rose and endorsed by that Commission. The alternate B (considered by Planning and Engineering Departments) begins at Bragg Blvd. follows the same line to Hillsboro St. crossing the Sears parking lot now at a diagonal direction to intersect Ray Avenue approximately at the point that Maiden Lane now intersects with Ray Avenue proceeding eastward along the turn alignment for Maiden Lane.

Mr. Strassenburg stated that an analysis was made of some of the cost factors that would be involved in both of these alternates. Both would be more costly than the original Maiden Lane/Cashwell Street plan. He stated the advantages and disadvantages of each. The Planning Department and the Engineering Department after considering the advantages and disadvantages and the cost involved would recommend alternate B.

Council recognized Mr. John Rose, architect of the Sears building who stated that the largest problem is traffic, people traffic and vehicular traffic. Mr. Rose had earlier presented alternates A and B to the Cumberland County Commissioners, and they expressed reservations about plan B and that plan A would be more desirable for the use of the building.

Council recognized Chip Modlin, Department of Social Services Director, who was in support of alternate A but was concerned about the parking situation.

Council recognized Mr. Bernard Stein who stated that the Downtown Revitalization Commission had not had a chance to study or discuss Plan B.

After some discussion, Mrs. Evans offered motion to refer this matter to the Revitalization Commission and hear their recommendation at the next meeting, seconded by Mr. Dawkins and carried unanimously.

Upon motion by Mr. Dawkins, seconded by Mr. Hurley and carried unanimously, the following public hearings were set for July 24, 1978:

- A. The consideration of the initial zoning to P2 Professional District or to a more restrictive zoning classification of an area located on the east side of U.S. 401 North and being Methodist College property.
- B. Consideration of the rezoning from R6 Residential District to C-3 Heavy Commercial District or to a more restrictive zoning classification an area located at 1817 Pamalee Drive.
- C. Consideration of the rezoning from R5 Residential District to C1 Local Business District or to a more restrictive zoning classification an area located at 1040 Bragg Blvd.
- D. Consideration of the rezoning from R5 Residential District to P2 Professional District or to a more restrictive zoning classification

an area located at 1211 Arsenal Avenue.

E. Consideration of the exchange of property between the City and Dr. Ron Tucker and Mr. Jack Page.

Planning Board Matters:

Upon motion by Mr. Hurley, seconded by Mr. Williams and carried unanimously, Manna Church addition preliminary and final Cl review located at 5117 Cliffdale Road was given conditional approval as recommended by the Planning Board.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously Cumberland County Health Center preliminary and final group development review located on Fountainhead Lane and McGilvary Street was given conditional approval as recommended by the Planning Board.

Upon motion by Mr. Hurley, seconded by Mr. Williams and carried unanimously the Waffle House Restaurant preliminary and final ClP review located on McPherson Church Road was given conditional approval as recommended by the Planning Board.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously Woodfield Subdivision preliminary and final extension located off Pamalee Drive was given conditional approval as recommended by the Planning Board.

Upon motion by Mr. Hurley, seconded by Mr. Williams and carried unanimously Windtree Apartments preliminary and final group review located on Cliffdale Road at the Owen Drive Expressway was given conditional approval as recommended by the Planning Board.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously Windtree Subdivision preliminary and final review located off Cliffdale Road was given conditional approval as recommended by the Planning Board.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously Murchison Road Redevelopment Subdivision, Section 3, Part 2, preliminary and final review located on Murchison Road was given conditional approval.

Public Works Commission Matters:

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously an application for outside water connection to serve Jim Walters Homes, Inc. located on Eastern Blvd. was approved as recommended by PWC.

This concluded PWC matters.

The next item was the consideration of the revised Fayetteville Urban Area Thoroughfare plan.

Mr. Cliff Strassneburg presented this matter and stated that the plan had been endorsed by the County and the Town of Hope Mills and requested City Council to take action to approve and adopt the Fayetteville Urban Area Thoroughfare plan so that it could be carried forward to the Board of Transportation for them to mutually adopt.

Mrs. Evans offered motion that Council adopt the resolution to endorse the Fayetteville Urban Area Thoroughfare Plan, seconded by Mr. Dawkins and carried unanimously. The resolution title appears below:

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL ADOPTING THE FAYETTEVILLE URBAN AREA THOROUGHFARE PLAN. RESOLUTION NO. R1978-21.

A copy of this resolution is on file in the Clerk's office in Resolutions Book R1978.

Mr. Thomas then presented to Council the Budget Appropriation Ordinance Amendment - Change 4.

Mrs. Evans offered motion to approve the Budget Appropriation Ordinance Amendment - Change 4, seconded by Mr. Dawkins and carried unanimously. NO.NS1978-45A.

Council then considered a report on a Ground Transportation Terminal Feasibility Study which was presented by Mr. Cliff Strassenburg, Planning Director.

Mr. Strassenburg stated that at the June 12 meeting considerable confusion was expressed by Council regarding the Ground Transportation Terminal Feasibility Study and the Terminal Facility Needs work task listed in the FY1978/79 unified Work Program for the Fayetteville Urban Area Transportation Study. Mr. Strassenburg stated that although both studies deal with the general subject of "terminal facilities" the two studies differ in purpose, transportation modes included, planning basis, study area, study frequency, agency participation, end product cost and funding. The confusion centered on whether or not the two studies were duplications of effort. He presented to them a memorandum which he hoped would dispel the confusion in regard to these two important studies.

Council then considered a lease agreement with the Fayetteville City Board of Education, Buck Property on Ray Avenue. Mr. Cogswell presented this matter and stated that due to court proceedings he requested that it be postponed until the July 10, 1978 meeting.

Mr. Williams offered motion, seconded by Mr. Dawkins and carried unanimously that this matter be continued until the July 10 meeting,

Council next considered a presentation by Mr. M.G. Lamar of the City Inspection Department concerning a proposed new ordinance for control of erosion and sedimentation.

Mr. Lamar recommended that Ordinance No. NS1974-104 of the City Code of Ordinances entitled "Ordinance for Control of Erosion and Sedimentation" be repealed in its entirety and the new ordinance in lieu thereof, entitled "Ordinance for Control of Erosion and Sedimentation" be adopted with an effective date of October 1, 1978.

Mr. Williams offered motion, seconded by Mr. Dawkins and carried unanimously to follow the recommendation of Mr. M.G. Lamar of the City Inspection Department and repeal the Ordinance No. NS1974-104 of the City Code of Ordinances in its entirety and the new ordinance in lieu thereof be adopted with an effective date of 1 October 1978. The Ordinance Title appears below:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO PROVIDE FOR THE CONTROL OF SOIL EROSION AND SEDIMENTATION. ORDINANCE NO. NS1978-46.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1978.

Council then considered an ordinance establishing a lien against the real property located at 310 Wilmington Road for the cost of demolition and the removal and restoration of 10 feet of fence.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$147.98 AGAINST THE PROPERTY LOCATED AT 310 WILMINGTON ROAD AND OWNED BY J.T. SOUIRES FOR THE DEMOLITION OF A SUBSTANDARD STRUCTURE. ORDINANCE NO. NS1978-47.

Mr. Williams introduced the foregoing ordinance and moved its adoption at 10 pm, seconded by Mrs. Evans and carried unanimously.

A copy of this ordinance is on file in the Clerk's office in Ordinance Book NS1978.

Council then considered the three contracts for rental cars, National Car Rental System, Car Rental, Inc., and Avis Rent A Car System.

Mr. Cogswell presented this matter and stated that the only change from the present contract is the minimum guaranteed annual rent has been increased from \$9,600. to \$15,600.

Mr. Williams offered motion to follow the recommendation of the Airport Commission and approve the contracts for the three rental cars, seconded by Mr. Dawkins and carried unanimously.

Council next considered the lease agreement with Rankin Brothers to construct a corporate hangar at the airport.

Mr. Williams offered motion, seconded by Mr. Dawkins and carried unanimously to approve the lease agreement with Rankin Brothers to construct a corporate hangar at the Airport.

Mr. Cogswell then presented to Council three traffic ordinance and 2 traffic schedules for consideration. He stated that there was a need to clamp down on the parking in front of the airport and the need to put loading and unloading zones in the entire city. There are three ordinances, Mr. Cogswell stated and you can't have one without the other.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING SECTION 20-69.1 "PENALTY FOR STOPPING OR PARKING IN NO PARKING, PARKING PROHIBITED OR RESTRICTED PARKING AREA" OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1978-9.

Mr. Williams introduced the foregoing ordinance and moved its adoption with the work 5 minutes inserted, seconded by Mr. Hurley and carried unanimously.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUCIL AMENDING SECTION 20-67 "LOADING AND UNLOADING PROHIBITED " AT CERTAIN TIMES ON DESIGNATED STREETS AND ADDING A NEW SECTION 20-67.1 CONCERNING PARKING IN FRONT OF THE FAYETTEVILLE MUNICIPAL AIRPORT. ORDINANCE NO. S1978-10.

Mr. Dawkins introduced the foregoing ordinance and moved its adoption, seconded by Mr. Williams and carried: Mrs. Evans voting no.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 10 "LOADING AND UNLOADING ZONES". ORDINANCE NO. NS1978.48.

Mr. Williams introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Evans and carried unanimously.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 11, "PARKING PROHIBITED". ORDINANCE NO. NS1978-49.

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

AN ORDINANCE OF THE CITY OF FAYETTEVILLE AMENDING SECTION 20-107 "TOWING AWAY AND STORAGE OF VEHICLES PARKED IN VIOLATION OF THIS ARTICLE" OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1978-11.

Mr. Williams 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 S1978 and NS1978.

Council then considered the closing of Elmhurst Drive for a neighborhood picnic Tuesday evening, June 27, 1978.

Mr. Hurley offered motion to grant the request for the closing of Elmhurst Drive on Tuesday evening, June 27, 1978, seconded by Mr. Williams and carried unanimously.

Appointments:

There were three appointments to the Airport Commission.

Mr. Hurley nominated Mr. Cyrus P. Earnhardt Jr., Mr. Williams nominated Mr. Ward for reappointment and Mr. Dawkins nominated Mr. J.A. Hollingsworth for reappointment.

Mr. George moved that nominations be closed and Mr. Cyrus P. Earnhardt Jr. be appointed for a two year term of office and Mr. J.A. Hollingsworth and Mr. B.F. Ward be reappointed for two year terms of office, seconded by Mr. Dawkins and carried unanimously. Terms of office to run to June, 1980.

There was one appointment to the Public Works Commission.

Mrs. Evans nominated Mr. Harry Stein for reappointment.

Mr. Williams moved that nominations be closed and reappoint Mr. Harry Stein by acclamation vote for a three year term of office, seconded by Mr. Dawkins and carried unanimously. Term of office to run to June, 1981.

There was one appointment to the Public Works Commission Retirement Plan.

Mrs. Evans nominated Mr. Louis Fulcher for reappointment.

Mr. Dawkins moved that nominations be closed and reappoint Mr. Louis Fulcher by acclamation vote for a five year term of office to the Public Works Commission Retirement Plan, seconded by Mr. Hurley and carried unanimously. Term of office to June, 1983.

Mr. Williams nominated Mr. Sterling Wray for reappointment to the Joint Planning Board.

Mr. Dawkins made the motion that nominations be close and reappoint Mr. Sterling Wray by acclamation vote for a four year terms of office to the Joint Planning Board, seconded by Mr. Hurley and carried unanimously. Term of office to run to June, 1982.

There were two appointmenst to the Downtown Revitalization Commission.

Mr. George nominated Mr. Tom Lee and Mr. Moses Walker for reappointment.

Mr. George made the motion that nominations be close and Mr. Lee and Mr. Walker be reappointed to the Downtown Revitalization Commission by acclamation vote for one year terms of office, seconded by Mr. Dawkins and carried unanimously.

The one appointment to the Board of Appeals was deferred until the next meeting.

Mayor Finch announced that she had appointed Mr. Calvin Poole to fill the unexpired term of Dr. W.T. Holland on the Fayetteville Metropolitan Housing Authority.

There were no delegations.

Mr. Albritton, of the City Inspection Department and the President of the Council of Codes Officials presented plaques to Mayor Finch and Mr. Thomas as honorary members of the Council of Codes Officials. Mayor Finch is the first Mayor in the State of North Carolina and the first lady ever to be honored as a member of this association. Mr. Thomas is the first City Manager in the State ever to be honored as a member of this association also.

City Manager's Report:

Mr. Thomas presented to Council two applications for two different grants for approval.

The first was the Governor's Highway Safety Program. Mr. Thomas stated this is a small grant in the amount of \$2600. with no participation by the city and requested authority to sign said application.

Mr. Dawkins offered motion, seconded by Mr. Williams that Mr. Thomas be authorized to sign the application for the Governor's Highway Safety Program, motion carried unanimously.

The second grant was the second year continuation grant for the Victim's Advocate Counselling Program. Mr. Thomas stated this is a \$15,473. grant and the city's participation is \$860. and requested authorization to sign said grant.


Mr. Williams offered motion, seconded by Mr. Hurley and carried unanimously that Mr. Thomas be authorized to sign the application for the Victim's Advocate Counselling Program.

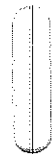
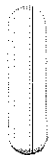
Motion was made by Mr. Williams, seconded by Mr. Dawkins and carried unanimously to set the budget meeting for 12:00 noon at the Kyle House, and appointments be made for tax collector and assistant tax collector at that time.

Mayor Finch reminded everyone of the Governmental Association Meeting in Wade Tuesday night at 8:00 and the HUD meeting on July 6 at Greensboro and on July 10th at FTI for the Local Government Review on Balance and Economic Growth meeting in the library.

Mr. Williams asked about having the meetings begin again at 7:00. Mr. Cogswell to report to Council at next meeting.

Thereafter, all matters of business having been completed, this meeting was adjourned at 11:33 upon motion made and duly seconded.


Patricia L. Labiosa
Acting City Clerk



SPECIAL MEETING
KYLE HOUSE
WEDNESDAY, JUNE 28, 1978
12:00 NOON

Present: Mayor Beth Finch

Council Members: Wayne Williams, Mildred Evans, Marion George, J.L. Dawkins and Bill Hurley.

Council Member Absent: George Markham

Others Present: Mr. William G. Thomas, III, City Manager
Mr. Robert Cogswell, City Attorney
Mr. John Smith, Assistant City Manager
Mr. George McCarthy, Finance Director

Upon motion by Mr. Dawkins, seconded by Mr. Hurley and carried unanimously this special meeting was called to order by Mayor Finch to take official action on adoption of the General Budget and Parking Facility Budget for the Fiscal Year 1978/79.

Mr. Dawkins offered motion that the General Budget Ordinance as presented at this time be endorsed and passed for the Fiscal Year 1978/79, seconded by Mr. Hurley and carried unanimously. The ordinance title appears below:

1978/79 BUDGET APPROPRIATION ORDINANCE. ORDINANCE NO. NS1978-50.

A copy of the above ordinance is on file in the Clerk's office in Ordinance Book NS1978.

Mr. Williams then offered motion to adopt the Parking Facility Budget ordinance as presented, seconded by Mr. Dawkins and carried unanimously. The ordinance title appears below:

1978/79 PARKING FACILITY OPERATING BUDGET ORDINANCE. ORDINANCE NO. NS1978-51.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1978.

Mayor Finch then presented to Council for consideration a resolution appointing Mr. A.B. Johnson as the Tax Collector and Mrs. Barbara W. Goggio as Assistant Tax Collector.

Mr. Dawkins offered motion to adopt the resolution as presented, seconded by Mr. Williams and carried: Mr. George voting no. The resolution title appears below:

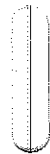
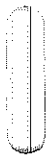
RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL APPOINTING MR. ABSTON BAINBRIDGE JOHNSON AS TAX COLLECTOR AND MRS. BARBARA W. GOGGIO AS ASSISTANT TAX COLLECTOR. RESOLUTION NO. R1978-22.

Mr. Thomas then presented an administrative matter to Council. He stated he had been approached by Mr. George Breece, Real Estate broker, representing Mr. Ralph Graves of the Temple of Truth Holy Church. They are asking permission for temporary use of the Church of Cashwell Street at no obligation to the city. Mr. Thomas requested authority to enter into an agreement which will be prepared by the City Attorney allowing the use of the church. There would be no rent, taxes and no fees.

Mr. Williams offered motion to authorize the City Manager to negotiate the lease of the Cashwell Street Church, seconded by Mr. Hurley and carried unanimously.

Thereafter all matters of business having been discussed, this meeting was adjourned at 12:20 upon motion made and duly seconded.


Patricia L. Labiosa
Acting City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JULY 10, 1978
8:00 P.M.

Present: Mayor Beth Finch

Council Members: George Markham, Bill Hurley, J.L. Dawkins, Wayne Williams and Mildred Evans.

Council Member Absent: Marion George

Others present: Mr. William G. Thomas, III, City Manager
Mr. Robert Cogswell, City Attorney
Mr. Ray Muench, PWC

Mayor Finch called the meeting to order and the Reverend Gardner Altman of Calvary Assembly Church offered the invocation. Scout Chris Langston of Boy Scout Troop 771, McPherson Presbyterian Church, led the Pledge of Allegiance to the Flag.

Mrs. Finch recognized the following representatives from the Fayetteville Youth Council present to observe Council proceedings: Jonathan Warren, Mary Duane Gillian and Billy White.

The first order of business was the approval of minutes and upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, minutes of the regular meeting of June 26, 1978, were approved as submitted by the Acting City Clerk.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, a special meeting of June 28, 1978, was approved as submitted by the Acting City Clerk.

Public Hearings:

A public hearing had been published for this date and hour on the levying of assessments for the paving of Duncan Street. The Clerk certified that all property owners had been mailed written notice of this public hearing.

The City Engineer presented this matter and stated that street paving and curbs and gutters had been completed and the assessment rate was \$4.00 per foot. There was no opposition present.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENTS OF DUNCAN STREET. ORDINANCE #NS1978-52.

Mrs. Evans introduced the foregoing ordinance and moved its adoption, at 8:05 P.M., seconded by Mr. Dawkins and carried unanimously.

A public hearing had been published for this date and hour on the levying of assessment for the paving of Topeka Street. The Clerk certified that the owners had been mailed notices of the public hearing.

The City Engineer presented this matter and stated the paving and curbs and gutters had been completed and the assessment rate was \$4.00 per foot. There was no opposition present.

Mr. Aaron Williams, a property owner was recognized and complained about people dumping trash and the unsightly conditions existing at the end of this street. The City Engineer advised that this was an undedicated portion and was privately owned. He stated the City could if it wished to erect a barricade at the end of the paved portion or the owner could do the same to prevent abuse. The City Engineer was requested to contact the owner concerning this matter.

Ordinance title:

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF TOPEKA STREET. ORDINANCE NO. NS1878-53.

Mr. Williams introduced the foregoing ordinance and moved its adoption at 8:15 P.M., motion seconded by Mr. Dawkins and carried unanimously.

Copies of the foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1978.

A public hearing had been set for this date and hour on the levying of assessments for drainage for Scotty Hills Subdivision. The City Attorney informed Council that due to an oversight, this matter had not been published in the newspaper and requested a continuance of this matter. The City Clerk then certified that all property owners had received written communication of the hearing and several were present in the audience.

Council recognized Mr. Harold Campbell, of 914 Brookhaven Drive, who informed

Council that the property owners do not feel that this project is as yet completed in a satisfactory manner. He stated, speaking for the other property owners, that they had no opposition to the assessment rate, but that they feel some additional attention should be given by the City to the proper completion of the drainage project. Mr. Campbell asked what will happen to the drainage water on top of the ground. He also stated that there was some eroding and open ditches. Mr. Williams then offered motion to continue this item to the July 24 meeting, seconded by Mr. Dawkins.

Mrs. Wanda Berry another property owner on Drayton Road was also recognized and stated that a ditch alongside her property had started to erode. Mrs. Sylvia Allen, another property owner was recognized and asked if her property was subject to assessment. She was informed this could be checked.

Mr. Maggie Chio was also recognized and complained about the muddy conditions and an open ditch and requested correction.

Mayor Finch assured these property owners that all of their complaints would be checked into and corrected. She then called for a vote on the motion and it carried unanimously.

A public hearing was held as continued from prior meetings on the recommendation from the Fayetteville Revitalization Commission to adopt the Maiden Lane/Davie Street alternate.

Council recognized Mr. Horace Thompson of the Revitalization Commission, who stated that the Commission recommends the City approve Alternate B for Maiden Lane [Ray Avenue to Davie Street rather than Caswell Street] make the street one way behind the old Sears Building and the Prince Charles Hotel, provide 750 parking spaces for the proposed Department of Social Services to be located in the old Sears Building, and a multi-level parking deck. He stated that funds may be available through the Department of Social Services for leased parking.

Following some further remarks from Mr. Thompson, Mayor Finch suggested to Council that they delay on a decision on parking problems for now and consider only the Maiden Lane location.

Mayor Finch recognized Mr. Clinton Harris, a private citizen, who suggested that Council leave Maiden Lane as it is and install overhead walkways from the parking lot to the building.

There was no opposition present.

Mayor Finch recognized Mr. John Rose, who stated that time is important and essential at this period and that he needed additional information and drawings on the proposed changes.

Following some further discussion, Mrs. Evans offered motion to follow the recommendation of the Revitalization Commission, the Engineering Department, and the Planning Board and adopt Alternate B for the Maiden Lane relocation. Motion was lost for lack of a second.

Following some further discussion, Mrs. Evans again offered motion to adopt Alternate B, motion seconded by Mr. Hurley.

Mr. Williams then asked about the cost of relocation of Alternate B, and this was discussed for several moments.

Mr. Dawkins then offered substitute motion to continue this matter to July 24, seconded by Mr. Williams and the vote was as follows: For: Councilmembers Dawkins and Williams. Against: Councilmembers Evans, Hurley and Markham.

Mayor Finch declared the motion lost.

Following some further discussion of this matter, Mr. Hurley stated that after hearing discussion on this matter, he was inclined to continue this matter for additional study and for additional cost figures and that he would not vote for the adoption of Alternate B at this time.

Mrs. Finch then called for a vote on the original motion to adopt Alternate B and it was as follows: For: Mrs. Evans. Against: Councilmembers Williams, Dawkins, Hurley and Markham. Mayor Finch declared the original motion lost.

Mr. Williams then offered motion to continue this matter to the July 24 meeting, seconded by Mr. Dawkins and carried unanimously.

Planning Board matters:

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, a request for an 8 inch water main extension to serve Car-Milt Estates, Section I, off Legion Road outside the City was approved as recommended by the Planning Board.

Public Works Commission Matters:

Upon motion by Mr. Dawkins, seconded by Mrs. Evans and carried unanimously,

an application by Barbour-Smith Construction Company for one 4-inch sanitary sewer connection to existing main to serve Lot 94, Glenwick Drive, Evergreen Estates outside the City was approved as recommended by the PWC.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, an application from Hobart Sales and Service for one 1-inch water connection to the existing main to serve a commercial establishment on Highway 301 South (Gillespie Street) was approved as recommended by PWC.

PWC Manager Muench informed Council that annexation agreements had been or would be executed by these persons and presented to Council at a later date.

Council next gave consideration to a lease agreement with the Fayetteville City Board of Education for the Buck Property on Ray Avenue. The City Attorney presented this matter and stated that the City now owned this property and was in a position to enter into the lease agreement with the Fayetteville City Board of Education for this tract.

Following a brief discussion, Mr. Williams offered motion for approval of the lease agreement as presented and that the Mayor be and she hereby is authorized and directed to sign said lease for the City.

Council next gave consideration to a proposed ordinance amending Chapter 2, Article 2, Section 2-20 of the Code changing the hour of the Council's regular meetings from 8:00 P.M. to 7:00 P.M. as requested by Council at the last meeting. The City Attorney presented this matter with this explanation and suggested that Council, if they adopted the ordinance, make it effective on or after July 25, 1978 inasmuch as public hearings had been advertised for 8:00 for the July 24 meeting.

Ordinance title:

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE II, Section 2-20 REGULAR MEETINGS, OF THE CITY COUNCIL CHANGING THE HOUR FROM 8:00 P.M. TO 7:00 P.M.
ORDINANCE NO. S1978-12.

Mr. Williams introduced the foregoing ordinance and moved its adoption to be effective July 25, 1978, motion seconded by Mrs. Evans and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1978.

Council next gave consideration to a lease agreement between the Fayetteville Airport Commission and Fayetteville Aviation Inc. The City Attorney presented this matter and recommended approval, subject to the addition of a paragraph regarding the purpose of the lease.

Following a brief discussion, Mr. Markham offered motion for approval of the lease and that the Mayor be and she hereby is authorized and directed to sign said lease for the City, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a municipal agreement with the North Carolina Department of Transportation for upgrading the traffic signal at Blount Street and Winslow Street. The City Engineer presented this matter and stated that DOT and the Federal Highway Administration had verified the need to upgrade the traffic signal at Blount Street and Winslow Street. The project would interconnect the signal with the other signals in the west side downtown system. The improved signal would also be coordinated with the railroad signal.

The project is estimated to cost \$15,000 with the FHA paying not more than \$10,500. and the City paying the remaining \$4,000. The City would pay the entire initial cost but would be reimbursed 70% of the cost up to \$10,500. Any over-run cost would be borne by the City. Any right-of-way required, however none is anticipated except probably an easement for pole or guy wire location. The City is to accomplish the design and submit it to DOT for approval to install the equipment with its own forces and to maintain the signal equipment and that both streets involved are City systems streets. The City Engineer recommended approval of the municipal agreement.

Following a brief discussion, Mr. Dawkins offered motion for approval of the foregoing municipal agreement and that the Mayor be and she hereby is authorized and directed to sign said agreement for the City. Motion seconded by Mr. Williams and carried unanimously.

Council next gave consideration to a proposed ordinance changing the speed limit on Hull Road, Skye Drive, Devers Street and Deal Street from 35 mph to 25 mph.

The City Engineer presented this matter and stated that residents of Deal Street have requested this change namely due to a handicap (deaf and mute) child that resides on Deal Street and crosses the street frequently.

Skye Drive, Devers Street and Hull Road abut Fayetteville Technical Institute, Fayetteville City School Board and the Honeycutt Recreation Center and both FTI and City Recreation have recommended this change due to the pedestrian and vehicular use of the streets.

Ordinance title:

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE #8 "SPEED CONTROL" RESCIND 35 MPH AND DECLARE 25 MPH ALONG THE FOLLOWING STREETS: DEAL STREET, FROM FAIR STREET TO ITS TERMINUS, SKYE DRIVE FROM MORGANTON ROAD TO HULL ROAD, DEVERS STREET FROM FT. BRAGG ROAD TO HULL ROAD, HULL ROAD FROM FT. BRAGG ROAD TO CHURCH-HILL DRIVE. ORDINANCE NO. NS1978-54.

Mr. Williams 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 NS1978.

Council next gave consideration to structural repairs to Central Fire Station.

The City Manager presented this matter and stated that a \$50,000. appropriation had been approved in the fiscal year 77/78 Budget for renovation-storage and administrative offices for the Fire Department in the Central Fire Station. Engineer John Rose had begun the initial drawings and had found Central Fire Station building to be in bad shape with walls out of plumb and floors sagging. Engineer Rose had called in a structural engineer to examine the building and the engineer had confirmed that the problems did exist and would require a sum of \$10,034. for the structural engineering cost of which \$700. is the engineer's fee and \$1,100. for contingency and cost to restore the building to structural soundness is \$8,234. The City Manager recommended an allocation from contingency in the amount of \$10,034. to add to the original \$50,000 allocation for this renovation. The renovation would be to the left and rear of the existing Central Fire Station and would consist of a storage room and administrative offices.

Mrs. Evans offered motion for approval of the foregoing allocation of \$10,034. as recommended by the City Manager, seconded by Mr. Williams and carried unanimously.

Appointments:

One appointment to the Board of Appeals and four appointments to the Board of Adjustment were deferred until the next regular meeting of Council.

There were no delegations present.

City Manager reports:

The City Manager informed Council that the following named persons were recommended for taxi cab driver permits by the Chief of Police, the Taxicab Inspector and himself, and upon motion by Mr. Dawkins, seconded by Mr. Hurley and carried unanimously, said permits were approved as recommended.

Judy Carol Hamby, Larry N. McCleary, Shirley Taylor Davis, Michelle Wolle, Alex Nathaniel Burgess, Brenda Green Stewart, Gary Parham, Ronald Easter, James Edward Williams, Charles James Franklin, Charlie Warren Guy, Dennis Mock, Fred Shaw, Bobby Calvin Fullmore, Samuel Wayne Guy, Larry Roger Patterson and McArthur Taylor.

Matters of interest to City Council:

Mr. Dawkins commented that he certainly appreciated the City Attorney's apology and admission of the error and oversight regarding the legal publication for the public hearing on the Scotty Hills drainage matter this evening.

Mr. Hurley informed Council that he had received complaints from several citizens regarding noise from cars and motorcycles and requested the City Attorney to bring information to the Council at the next meeting regarding enforcement of the noise ordinance.

Mr. Hurley commented that he had talked with Mr. Maxon of the City Recreation Department regarding the vehicular traffic problems existing on Slater Avenue at the Seabrook Recreation Center and on Devers Street at the Honeycutt Recreation Center. Mr. Hurley suggested the installation of an overhead caution light which could be controlled by the center directors as needed. The City Engineer was requested to check this.

Mayor Finch reminded the City Engineer that the Council had approved ordinances for handicapped parking and tow away zones at the last meeting and requested the City Engineer to check on the installation of signs informing the general public of handicap parking and of the tow away provision for violation of the ordinance.

Mayor Finch reminded Council of the information meeting next Monday, July 17, at 7:00 P.M. in the City Hall Council Room.

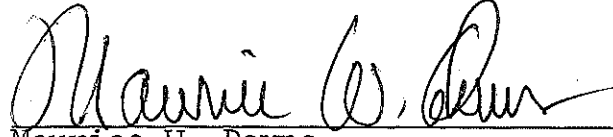
Mayor Finch reminded Council of a meeting on the 911 emergency number in the Law Enforcement Center at 2:00 P.M. on Tuesday, July 11. She reminded Council that the acquisition by the City of the 911 emergency number would be advantageous.

Council recognized City Attorney Cogswell who informed them that effective July 1, 1978 ten parking spaces in lot #1 next to Cross Creek had been eliminated

and reassigned due to the collapse of the wall into the creek and that park at your own risk sign had been installed at this location.

The City Attorney informed Council that as an officer of the court, he was extremely proud of the new Cumberland County Court House building and that opening day was scheduled for July 24 and issued an invitation to the Mayor and Council to visit the new facility and see the new superior and district court layouts.

Thereafter, all matters of business having been completed, this meeting was adjourned at 9:45 P.M. upon motion made and duly seconded.



Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JULY 24, 1978
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 Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and the Reverend Ralph Graves of the United Holy Church of America offered the invocation. Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch recognized the following Youth Council Representatives: Stacy Stallings, Mary Heuer and Robert Leath.

The first order of business was the approval of minutes and upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously minutes of the regular meeting of July 10, 1978, were approved as submitted by the City Clerk.

Public Hearings:

A public hearing was held and continued from the July 10 meeting on the consideration of Resolution confirming the assessment roll and levying assessments for drainage systems and other improvements in the Scotty Hill Subdivision. The City Attorney and the City Engineer presented these matters. The City Attorney reported that these matters had been legally advertised now and the City Engineer reported that the assessment for Project No. 1 was \$10. per front foot and for Project No. 2, \$500. per lot. The City Engineer displayed a projection of the drainage system. He stated that all deficiencies had been corrected.

Mr. Al Campbell of Brookhaven Drive was recognized and stated that he still was not opposed to the assessment but that the project was not as yet complete and referred again to the drainage along the ground and to the drainage pipes.

Mr. Joel Allen, also of Brookhaven Drive was recognized and stated that his original understanding was that if he gave right-of-way his property would not be subject to the assessment.

Mr. Wayne Jordan, another property owner was also recognized and stated that in his opinion, the project was not yet complete.

Following a lengthy discussion of this matter, Mayor Finch suggested a further continuation of this public hearing for an on sight tour of the area by the Council members and suggested 2:30 P.M. July 28.

Mr. Dawkins then offered motion, seconded by Mrs. Evans to continue this matter to the August 14 meeting, pending on sight tour by the City Council. Motion carried unanimously.

Council next gave consideration to a recommendation from the Fayetteville Revitalization Commission to adopt the Maiden Lane/Davie Street alternate. (This matter continued from the July 10 meeting.)

Mr. Horace Thompson, Chairman of the Downtown Revitalization Commission was recognized and stated that the committee recommends Maiden Lane be tied to Davie and Council adopt alternate C, which is to close Maiden Lane at Ray Avenue on an interim basis and route vehicular traffic along Ray Avenue to Hay Street and further that a parking deck be constructed.

Council also recognized Mr. Chip Modlin, Director of Cumberland County Social Services who gave a detailed summary on parking now utilizing the Social Services Office and of the need for not less than 750 parking spaces for Social Services when it is relocated in the old Sears Building.

Engineer John Rose was also recognized and displayed a sketch of Maiden Lane and of the parking area.

There was no opposition present.

Following a detailed discussion, Mrs. Evans offered motion to approve the concept of Maiden Lane/Davie Street Alternate C, and if financially possible that the City consider the construction of a parking deck in the future, motion seconded by Mr. Hurley and carried unanimously.

A public hearing had been published for this date and hour on the initial zoning to P2 Professional District or to a more restrictive zoning classification of

an area located on the east side of U.S. 401 North and being the Methodist College property. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE TO P2 PROFESSIONAL DISTRICT AN AREA LOCATED ON THE EAST SIDE OF U.S. 401 NORTH AND BEING THE METHODIST COLLEGE PROPERTY. ORDINANCE NO. NS1978-65.

Mr. Dawkins introduced the foregoing ordinance and moved its adoption, seconded by Mr. Williams 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 at 1817 Pamalee Drive. Planning Board recommended approval. 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 1817 PAMALEE DRIVE. ORDINANCE NO. NS1978-56.

Mr. Williams introduced the foregoing ordinance and moved its adoption, seconded by Mr. Hurley 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 1040 Bragg Blvd. Planning Board recommended approval.

Council recognized Mr. Lee Garvin, representing the petitioner, who requested approval of the rezoning. 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 AT 1040 BRAGG BLVD. ORDINANCE NO. NS1978-57.

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

Copies of all of the foregoing ordinances are on file in the City Clerk's office in Ordinance Book NS1978.

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 1211 Arsenal Avenue. Planning Board recommended approval.

Mr. Homer Barrett, representing the petitioner was recognized for the rezoning.

Mr. John C. Shaw was recognized for Mrs. Veda Funderburk, owner of the property in support of the rezoning.

Mrs. Sue Bandy, President of Haymount Preservation was recognized in opposition and requested a moratorium on all zoning in the Haymount area until the planning studies are completed. At Mrs. Bandy's request, 25 persons stood in opposition to the proposed rezoning.

Mr. Frank Whaley, 1107 Arsenal Avenue was recognized in opposition.

Dr. Phillip Anderson, 128 Magnolia Drive was recognized in opposition and presented several protest petitions.

Reverend Taylor Hill, an adjacent property owner was recognized in opposition.

Mr. Clinton Harris was recognized and requested Council to not rezone any area in order that someone could make a profit.

Mr. Jim Cherry, 110 Olive Road was also recognized in opposition.

Following a brief discussion, Mr. Dawkins offered motion to deny the foregoing petition for rezoning, seconded by Mr. Williams and carried unanimously.

A public hearing had been published for this date and hour on the consideration on relocating a portion of Lucerne Street by request by the two adjoining property owners, Dr. Ronald B. Tucker and Mr. Jack W. Page. The City Engineer and the City Attorney presented this matter. The City Engineer stated that some time ago Mr. Page built a residence on the west side of Lucerne Cul de sac. The structure was built too close to the street right-of-way to conform to the City ordinance. In order to alleviate this problem, he and the only other property owner involved, Dr. Tucker, are requesting the City to consider shifting the location of the cul de sac to obtain the minimum building set back distance from the right-of-way.

They propose to grant the new right-of-way free of charge but want to obtain title to the old right-of-way.

The proposed cul de sac will function in every way as well as the other location therefore, we recommend approval of relinquishing the old right-of-way and accepting the new right-of-way plus a utility easement all to be conveyed to the city without cost. There was no opposition present.

Following a brief discussion, Mrs. Evans offered motion to follow the foregoing recommendation of the City Engineer and City Attorney and approve the mutual transfer of the properties, motion seconded by Mr. Williams and carried unanimously.

This completed the public hearings.

Upon motion by Mr. Williams, seconded by Mr. Hurley, and carried unanimously, public hearings were set for August 28, 1978 on the following matters:

- A. Consideration of the rezoning from R10 Residential District to M2 Heavy Industrial District or to a more restrictive zoning classification an area located between Old Dunn Road and Middle Road southwest of the service road to I-95.
- B. Consideration of the rezoning from R6 Residential District to P2 professional District or to a more restrictive zoning classification an area located at 404 Barrington Cross.
- C. Consideration of a request for a Special Use Permit to operate a day care center in an R6 Residential District as provided for in Section 32-24 of the Fayetteville zoning ordinance for an area located at 1000 Ivy Road.
- D. Consideration of the rezoning from R5 Residential District to P2 Professional District or to a more restrictive zoning classification an area located at 716 Athens Avenue.
- D. Consideration of an amendment to Section 32-11 (1) accessory uses, of the City of Fayetteville zoning ordinance providing for the use of accessory structures in home occupations.

Planning Board Matters:

Upon motion by Mr. Williams, seconded by Mr. Hurley and carried unanimously, conditional approval as recommended by the Planning Board was given Hillendale Subdivision preliminary and final extension review located on Rosehill Road.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously conditional approval as recommended by the Planning Board was given Rivercliff Subdivision preliminary and final extension located on Eastwood Avenue at Cape Fear River.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously conditional approval as recommended by the Planning Board was given to the R.B. Tucker property subdivision preliminary and final review located on Lucerne Drive.

PWC Matters:

Council heard request from PWC Manager Muench for the adoption of a resolution authorizing PWC to acquire an electric easement by condemnation from the W.R. Company on 401 By-pass.

Mrs. Evans offered motion for approval of the foregoing request and for adoption of the resolution, motion seconded by Mr. Williams and carried unanimously.

Council next gave consideration to extending by six months ^{the} present consent order which restrains the City from taking any further steps toward annexation of Ft. Bragg until August 8, 1978.

The City Manager presented this matter and made the following recommendation:

- a) Authorize the Mayor to seek an agreement with Spring Lake to extend the consent order for 6 months.
- b) At the next meeting of the Cumberland County Governmental Association in September, provide the representatives of the Board of County Commissioners in the non-annexing communities with all the background data and issues involved in the annexation. It would then be requested that the representatives brief their respective governmental bodies and ask for consideration or as in the case of Hope Mills and Stedman, reconsideration of an official concurrence or non-concurrence with the proposed annexation.
- c) If the replies are favorable, efforts could then proceed towards reaching a compromise with Spring Lake.
- d) If the replies are negative and obstacles cannot be overcome, the appropriate action would then be to work with Spring Lake towards

securing from the Federal Courts, a permanent restraining order on the two annexations.

The City Attorney was then recognized and stated that he concurred with the foregoing recommendation of the City Manager and under the terms of the existing order, the City of Fayetteville is restrained against taking any further steps toward annexation of Ft. Bragg until August 8, 1978 and the town of Spring Lake is similarly restrained until August 14, 1978.

Following a brief discussion, Mr. Williams offered motion to follow the foregoing recommendation of the City Manager including the 6 days difference in time of the public hearings, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to an ordinance requiring the City Building Inspector to correct conditions at 414 Neville Street. The property owner was given a 90 day extension on April 24. The Chief Housing Inspector reported that the owners, Mr. and Mrs. Monroe Johnson, had secured an electrical permit and the work was completed on June 20, 1978, and a plumbing permit was secured June 15, 1978 and work is still in progress.

He recommended that no action be taken by the City Council at this time and all requirements by the Building Inspection Department had been met.

Council took no action on the foregoing matter.

Council next gave consideration to several ordinances requiring the City Building Inspector to correct conditions of substandard housing.

Council recognized Mr. Edward Baldwin of 1018 Ellis Street who stated that he had not received any communication and that he did not understand what he was supposed to do.

Following some discussion, Mr. George offered motion to continue this matter for 90 days and that City Administration contact Mr. Baldwin and explain his deficiencies, motion seconded by Mr. Dawkins.

Mr. Dawkins then offered an amendment to the foregoing motion to continue this matter to the August 14 meeting and bring back information from Mr. Maccy. The amendment was acceptable and the motion carried.

On a similar matter, Council recognized Mrs. Ossie Harvey of 1908 Murchison Road who stated that her contractor has not yet completed the work on her structure and requested additional time.

Following a brief discussion, Mr. Williams offered motion to continue this matter for 30 days to August 28 to allow for correction of the deficiencies, motion seconded by Mr. Dawkins and carried unanimously.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, the following ordinances were adopted:

Ordinance titles:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 1307 MURCHISON ROAD AND OWNED BY MR. JOHNNY F. BUTLER. ORDINANCE NO. NS 1978-58.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 901 MURCHISON ROAD AND OWNED BY MRS. ELLA WOOTEN. ORDINANCE NO. NS1978-59.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 417 BEVIL STREET AND OWNED BY MR. ARTHUR L. SINGLETON. ORDINANCE NO. NS1978-60.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 314-A CHANCE STREET AND OWNED BY MARY J. MCQUEEN. ORDINANCE NO. NS1978-61.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 360 DICK STREET AND OWNED BY MRS. HATTIE OWEN. ORDINANCE NO. NS1978-62.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 421 PRESTON AVENUE AND OWNED BY MR. THEODORE PEMBLETON. ORDINANCE NO. NS1978-63.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 217 DAVIS STREET (APARTMENTS 1,2,3,and 4) AND OWNED BY MR. RAJAN A. SHAMDASANI. ORDINANCE NS1978-64.

Copies of all of the foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1978.

Council next gave consideration to a lease agreement for location of the Fayetteville Revitalization Commission office. The City Attorney presented this matter and stated it was proposed to lease the Old Town Shop location at 121 Anderson Street for the office of Mr. Bob Henry and the Fayetteville Revitalization Commission.

Mr. Williams offered motion, seconded by Mr. Hurley to approve the foregoing and to authorize the City Manager to enter into said lease for the city, motion carried unanimously.

Council next gave consideration to a preliminary resolution and notice of intent to close Cole Street and Driver Street. The City Attorney presented this matter and stated the purpose of closing these two street is for the proposed City compactor site. He stated the adoption of the preliminary resolution would be the setting of a public hearing on August 28, 1978.

Resolution title:

PRELIMINARY RESOLUTION AND NOTICE OF INTENT TO CLOSE COLE STREET AND DRIVER STREET. RESOLUTION NO. R1978-23.

Mr. Dawkins introduced the foregoing resolution and moved its adoption and for the setting of a public hearing of this matter on August 28, 1978, motion seconded by Mr. Williams and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolution Book R1978.

Council next gave consideration to a proposed ordinance creating a new Section 20-86 "Parking of vehicles in residential districts." The City Attorney presented this matter and stated he had drawn this ordinance at the direction of Council as a means toward regulating the parking of large trucks, semi-trailers, truck tractors, road tractors and vans in the residential districts of the City. The proposed ordinance would make it unlawful for any of the foregoing of 2½ tons ready capacity to park in the streets in the R5, R5A, R6 and R10 zones.

Ordinance title:

AN ORDINANCE CREATING A NEW SECTION, 20-86, "PARKING OF VEHICLES IN THE RESIDENTIAL DISTRICTS OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S1978-13.

Mr. Williams introduced the foregoing ordinance and moved its adoption as amended to change the word "ready" to "rated", to add R15 and the amount of \$5.00 as the penalty, effective 30 days from this date. Mr. George offered an amendment to make the penalty \$25.00, rather than \$5.00. The amendment was accepted and the motion was seconded by Mr. Dawkins and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1978.

Council next gave consideration to the continuation of Law Enforcement Administration Subgrant application for a court liaison officer. The City Manager presented this matter and requested Council's approval for the continuation of this program inasmuch as the City for a local cash match of \$1,072. for this essential program would be eligible for an LEAA Grant in the amount of \$18,304. The City Manager recommended approval.

Following a brief discussion, Mr. Williams offered motion for approval of the foregoing LEAA Grant continuation as recommended, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to the awarding of a contract for the paving of Camden Road from Orlando Street to Cumberland Road, Henry Street from Orlando Street to Eugene Street and for storm drainage for Progress Street Morgan and Simpson Street.

The City Engineer presented this matter and stated that bids were received on this project and this proposed contract is on a unit price basis with various quantities of work being estimated, therefore the final contract price may vary slightly from the total amount of the bid. He recommended awarding the contract to the low bidder, Cumberland Paving Company for their bid of \$219,078.60 for the bid unit prices and reserving \$241,000. (10% over the bid) for accomplishing the work. The funds for this project are from Community Development grants.

Following a brief discussion, Mr. Williams offered motion for approval of the foregoing and for awarding of the contract to Cumberland Paving Company as recommended, seconded by Mrs. Evans and carried unanimously.

Appointments:

One appointment to the Board of Appeals, due to the resignation of Mr. Bill Geimer, was deferred until the next regular meeting.

Council next considered four appointments to the Board of Adjustment. Mayor

Finch stated that all of the incumbents had agreed to serve again if reappointed.

Mr. Dawkins nominated the four incumbents, Mr. E.E. Miller (alternate), Mr. John R. Griffin, Jr., Mr. Tommy McCoy and Mrs. Kenneth Adams for reappointment.

Mr. Williams then offered motion that nominations be closed and that all of the foregoing be and they hereby are reappointed by acclamation vote to serve three year terms of office each, said terms running to July 1981, motion seconded by Mr. George and carried unanimously.

Delegations:

Mr. Clinton Harris, a local citizen, was recognized and stated to Council that concerning the Quick Stop on Arsenal Avenue on Haymount Hill, was a prime example of how not to build a parking lot and service station. Inasmuch as no provisions had been made for pedestrians and especially for the handicapped attempting to walk at this location. He stated that also the slope of the lot permits water to drain across the walkway which makes it even more hazardous. Mr. Harris also stated he felt the City was negligent in that the All American Expressway at Owen Drive has open drainage.

Mayor Finch thanked Mr. Harris for his remarks and reminded Council that it should be aware of the ever present need of sidewalks.

City Manager reports:

The City Manager informed Council that the following named had been certified for appointment to the Fire Department by the Civil Service Commission and were recommended by the Fire Chief and himself: Arch O. Cox, III, Kenneth L. Huculak, James F. Johnson, Lynwood Privett, William E. Smith and James L. White.

Mr. Hurley offered motion for appointment of the foregoing to the Fire Department as recommended. Motion seconded by Mr. Markham and carried unanimously.

The City Manager informed Council that at their direction, he had investigated the cost of installing caution blinker lights at the Seabrook and Honeycutt Recreation Centers and said cost was \$950. each installed.

Following a brief discussion, Mr. Williams offered motion to authorize the City Engineer to install caution lights the most economical way possible and for \$950. each or less. Motion seconded by Mr. Dawkins and carried unanimously.

Mr. Thomas informed Council that a Marathon run is scheduled for 6:00 P.M. on September 17, from the Market House to the Methodist College and another later on. He stated he would bring details back at a later date, inasmuch as Council must authorize the use of the public streets.

The City Attorney reminded Council that they had approved a lease with the City School Board for the use of the Buck Property on Ray Avenue and that paragraph 11 of said lease was a provision dealing with notice of termination. The City Attorney requested authorization to change paragraph 11 to read from 60 days to 6 months for practical purposes.

Mr. Hurley offered motion, seconded by Mr. Dawkins for approval of the change in the School Board lease to read from 60 days to 6 months regarding the notice of termination, motion carried unanimously.

Matters of interest to the City Council:

Mr. Markham announced that there would be a policy committee meeting at 1:00 P.M. on August 1 at the Barbecue Lodge.

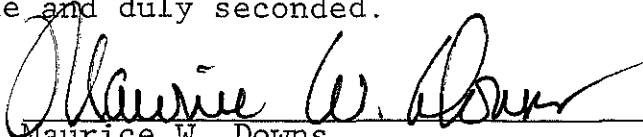
Mr. Williams suggested that Council take a look into a stiffer anti-noise ordinance.

Mrs. Evans suggested to Mayor Finch that she appoint a council committee to work with the City Manager for administration and operation of the multi-purpose Senior Citizens Center recently approved by the Council. Mayor Finch appointed Mrs. Evans, to chair this committee & Councilmembers Dawkins and Hurley as members.

Mayor Finch informed Councilmembers that the Region M meeting would be this coming Thursday.

Mayor Finch informed Councilmembers that at the August 28 meeting, she wanted a report or no report from every committee and a recommendation for the continuance of these committees.

Thereafter all matters of business having been completed, this meeting was adjourned at 11:00 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

SPECIAL MEETING
8:00 P.M.
WEDNESDAY, JULY 26, 1978
COUNCIL CHAMBER
KYLE HOUSE

Present: Mayor Beth Finch

Council Members: George Markham, Bill Hurley, J.L. Dawkins, Wayne Williams
and Mildred Evans.

Council Member Absent: Marion C. George

Others Present: Mr. William G. Thomas, III, City Manager
Mr. Robert C. Cogswell, City Attorney

Mayor Finch called this special session to order.

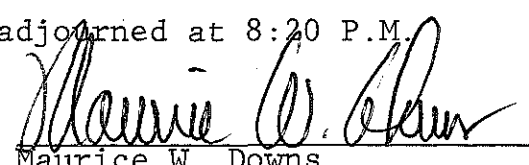
She then informed Council that Mayor Hobson of Spring Lake had contacted her and requested Council to meet with the Spring Lake Board of Aldermen to discuss all of the ramifications of the Ft. Bragg/Pope Air Force Base annexation and as to how next to proceed and to come to some conclusion and possibly draw some resolution.

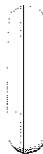
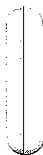
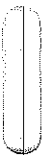
She stated further that Mayor Hobson informed her the Spring Lake Board is not pleased with Council's proposal to take the matter to the Governmental Association. He said that they think Fayetteville and Spring Lake should work the matter out together.

There was then some discussion of Mayor Hobson's request among the Councilmembers and a general agreement to meet with Spring Lake.

Following some further discussion, it was tentatively agreed by the Council to meet with Spring Lake at 7:30 P.M. Monday, July 31, 1978 in the Fayetteville City Hall, if agreeable. Alternate meeting dates were set for 12:00 Noon or 7:30 P.M. on Tuesday, August 1, 1978, at some mutually agreeable location.

Thereafter, this special meeting was adjourned at 8:20 P.M.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
AUGUST 14, 1978
7:00 P.M.

Present: Mayor Beth Finch

Council Members Present: George O. Markham, Bill Hurley, J.L. Dawkins,
Wayne Williams, Mildred Evans and Marion George.

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 the invocation was given by Rev. Denny Burnette, Associate Minister of the First Presbyterian Church. Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch welcomed former Police Chief Hervey Keator who was present in the audience tonight.

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

5 years service:

Carl Hall - I.D. Bureau
Inez West - City Buildings
Norman Hall - Fire Department
Robert Bundy - Fire Department
Lester Anderson - Fire Department
Dan Norris - Fire Department
William Rowles - Street & Sanitation
J.J. Armstrong - Sanitation

Ten years service:

James Reynolds - Fire Department
Carolyn Small - Recreation & Parks Department

Fifteen years service:

Herbert Starling - Fire Department
David Autry - Street & Sanitation Department

Twenty years service:

Melvin Bowden - Engineering

Twenty-five years service:

Gillette Horne - Fire Department

Thirty years service

David Elliott - Street & Sanitation Department

The first order of business was the approval of minutes and upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, the minutes of the regular meeting of July 24, 1978, were approved as submitted by the Clerk.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously the minutes of a special meeting of July 26, 1978, were approved as submitted by the Clerk.

Public hearings:

Council then reconsidered the resolutions confirming the assessment rolls and levying of assessments for drainage systems and other improvements in Scotty Hills Subdivision.

This public hearing was continued from the July 24, 1978 meeting pending an on-site tour of the area by the City Council. There were many property owners present who were not opposing the assessment but felt the project had not been completed to their satisfaction.

Mayor Finch asked for proponents and there were none.

Mayor Finch then asked for opponents and they were as follows: Al Campbell, Joel Allen, Dwayne Joyce, Charles W. Strickland, Ronald Thompson, all area property owners, who stated that they still felt the project had not been completed.

Mrs. Sylvia Allen stated that she understood if they gave the easement at no cost to the city they would not be subject to the assessment and asked if the minutes had been researched to determine this.

Mr. Cogswell answered that they had not.

Mayor Finch then asked to delay this action and instructed Mr. Cogswell to reasearch the minutes for Mrs. Allen's answer, and the meeting would continue in the meantime.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously the following public hearings were set:

For August 28, 1978:

Consideration of a Flood Damage Prevention Ordinance.

September 25, 1978:

Consideration of a petition for the paving of Brainard Ave. from Ramsey Street to the eastern margin of Lot 23, Block 6, Page 44, by adoption of a resolution. The resolution title appears below:

PRELIMINARY RESOLUTION REQUIRING THE PAVING, PURSUANT TO PETITION, OF BRAINARD AVENUE. RESOLUTION NO. R 1978-25A.

A copy of this resolution is on file in the Clerk's office in Resolutions Book R1978.

Public Works Commission matters:

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, the low bid by Sumter Builders was approved for the relocation of electric transmission lines along U.S. 401 By-pass in the amount of \$777,625.99.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, the low bid of Union Timber Corporation for the purchase of 315 Utility poles was approved in the amount of \$16, 269.96.

Upon motion by Mr. Hurley, seconded by Mr. Williams and carried unanimously the low bid of Pyco Supply for the purchase of sixty fire hydrants was approved in the amount of \$19,968.21.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, the low bid of Maddux Supply Company for the purchase of twelve 60 KW station class lightning arrestors was approved in the amount of \$12,624.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, an application for one 4-inch sanitary sewer connection to an existing main to serve a residence at Warrenwood Estate was approved subject to Mr. Pritchett's petitioning for annexation into the city.

This concluded PWC matters.

At this time, the Scotty Hills Drainage Project discussion was continued.

Mr. Cogswell read the portion of the minutes of the September 27/¹⁹⁷⁶meeting concerning the drainage and there were no exceptions to the assessment.

Council had made an onsite inspection of the area and felt that the project had been completed according to the specifications. There was a need for reseeding of grass and clean up yet to be done.

Mrs. Evans offered motion to adopt the resolutions confirming the assessment rolls and levying of assessments for drainage systems and other improvements in Scotty Hills Subdivision Projects Number I and II, seconded by Mr. Dawkins and carried unanimously at 8:10 P.M. The Resolution titles appear below:

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING OF ASSESSMENTS FOR DRAINAGE SYSTEMS AND OTHER IMPROVEMENTS IN SCOTTY HILLS SUBDIVISION PROJECT I. RESOLUTION NO. R1978-24.

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING OF ASSESSMENTS FOR DRAINAGE SYSTEMS AND OTHER IMPROVEMENTS IN SCOTTY HILLS SUBDIVISION, PROJECT NO. II. RESOLUTION NO. R1978-25.

Copies of the foregoing Resolutions are on file in the Clerk's office in Resolutions Book R1978.

The next item was the consideration of an ordinance requiring the Building Inspector to correct conditions at 1018 Ellis Street owned by Mr. Edward Baldwin. (This item continued from the July 24th meeting.)

Mr. Cogswell presented this matter and stated that Mr. Baldwin could obtain a permit to correct conditions as long as he did not expand the structure. He recommended an extension of 30 - 60 days to correct conditions.

Mr. George offered motion that Mr. Baldwin be given a reasonable amount of time to secure a permit to correct conditions at 1018 Ellis Street, seconded by Mrs. Evans.

There was some discussion on the time limit and there was none specified. Mr. George suggested that Mr. Maccy bring the matter back to Council if no progress had been made within 15 to 30 days.

Mayor Finch called for a vote on the motion and it carried unanimously.

Mr. Thomas then gave a report on the Policy Committee. He stated that the committee recommended a change in the zoning policy. As it stands now in paragraph 2, once a public hearing has been advertised for a zoning request before City Council such requests may not be withdrawn and will be considered by the City Council. The Policy Committee recommended this change: Once a public hearing on a zoning request has been heard by the Joint Planning Board, such requests may not be withdrawn and will be considered by the City Council.

Mr. Williams offered motion to adopt the policy as rewritten and presented, seconded by Mrs. Evans and carried unanimously.

Mr. Thomas stated that the Policy Committee recommended the following regarding the boards and commissions:

1. Any Council Member desiring to nominate a person for vacancy on a City Commission Board or Committee must submit a resume on the individual to be nominated prior to the regular meeting of City Council at which a person (s) is to be nominated. Consideration to reappointment of an incumbent will not require a resume.
2. City Council will vote on a person (s) nominated to fill a vacancy on a City Commission, Board, etc., at the next regular meeting following the nomination.

Mr. Hurley offered motion to adopt the policy as presented by Mr. Thomas, seconded by Mr. Dawkins.

Following some lengthy discussion concerning the resume, Section I was deleted. Mrs. Evans offered substitute motion that City Council will vote on the person (s) nominated to fill a vacancy on a City Commission, Board, Committee, etc. at the next regular meeting following the nomination (s), seconded by Mr. Dawkins and carried: Mr. Williams voting no.

Mr. Williams then gave a report on the Buildings Committee. He stated that they had directed their attention to two major areas, the Prince Charles Hotel and the city owned property throughout the city. The Prince Charles Hotel is being considered for private enterprise, there had been some outside interest. In regards for the city owned property throughout the city that is of no further use to the city, a list should be made of these properties and be disposed of by the City and will place this property back on the tax list to give us tax revenue as well as some revenue from the sale of it. More information concerning the two, will be brought back to council at a later date.

Mrs. Evans gave a report on the Personnel Committee. She stated that they had met whenever necessary and thanked the staff for their hard work on the Affirmative Action Program and an employees handbook was in the making. They had met on the Multi-purpose Service Center for the Senior Citizens and would have a recommendation ready to present at the next information meeting.

The next item was the consideration of extending City Contract #201, "Resurfacing various streets" to resurface Franklin Street from Gillespie Street to Person Street and Dick Street from Russell Street to Franklin Street.

Mr. Milton Bluhm of the City Engineering Department presented this matter and stated that at the time of construction two years ago the street was constructed in a temporary manner curving around the Public Defender's office. This building has been removed and the street can be completed in the final form. The estimated cost from accomplishing the remaining construction of these two streets is \$12,200. The original contract based on estimated quantities was for \$107,898.75, therefore, this would be an 11% extension. The City Engineering Department recommended extending the contract for this work and a time extension of one month for the work to be done.

Mr. Williams offered motion to follow the recommendation of the Engineering Department and extend the City Contract #201, seconded by Mr. Dawkins and carried unanimously.

The next item for consideration was an agreement with N.C. Department of Transportation for improvements at the intersection of Branson Street and Broadfoot Avenue, and paving Broadfoot Avenue from Branson Street to Simpson Street.

Mr. Bluhm presented this matter and stated that we have an agreement with NCDOT to upgrade signalization at the intersection of Branson and Broadfoot Avenue and also would like to have Council approval to go ahead and pave from Simpson up to Branson Street. Simpson Street is already funded for paving and the work will be accomplished as soon as the right-of-way is acquired.

Mrs. Evans offered motion to set a public hearing for September 25 by adoption of a resolution to order Broadfoot paved from Branson Street to Simpson Street,

seconded by Mr. George and carried unanimously. The resolution title appears below:

PRELIMINARY RESOLUTION ORDERING THE PAVING, WITHOUT A PETITION, OF
BROADFOOT AVENUE FROM BRANSON STREET TO SIMPSON STREET. RESOLUTION
NO. R1978-26.

A copy of this resolution is on file in the Clerk's office in Resolutions Book R1978.

Council then considered revising a traffic ordinance prohibiting parking on the south side of Russell Street between Cross Creek Street and Cool Spring Street.

Mr. Bluhm of the City Engineering Department presented this matter and stated the reason for this request is that the on-street parking sometimes congests the driveways into businesses and partially block the view of the drivers attempting to enter Russell Street from the off-street parking areas. A petition for this request had been submitted by the property owners. The City Engineering Department recommended approval of the request and adoption of the ordinance.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106
OF THE CITY CODE TRAFFIC SCHEDULE NO. 11, "PARKING PROHIBITED" ORDINANCE
NUMBER NS1978-65. Russell Street (SOUTH SIDE) CROSS CREEK STREET TO COOL SPRING
STREET)

Mr. Williams introduced the foregoing ordinance and moved 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 NS1978.

Council then considered the award of bids.

Mr. Thomas presented this matter and stated that it is recommended that each item be awarded to the following low bidder meeting specifications for outdoor recreation equipment for the Savoy Heights Park:

Miracle Equipment Company for item 1 through 8; Game Time Inc., c/o Cunningham Associates, Inc. for item 9, Item 10 and 12; and Stadiums Unlimited, Inc. for item 11.

Mrs. Evans offered motion to follow the recommendation of the City Manager and accept the low bid of Stadiums Unlimited in the amount of \$1,120, Miracle Equipment Co. in the amount of \$20,579., and Game Time, Inc. in the amount of \$2574., motion seconded by Mr. Dawkins and carried unanimously.

Mr. Thomas then recommended the bid of Motorola, Inc. for the purchase of twenty four (24) portable hand held radios including service for one year for the Police Department in the amount of \$27, 350.40.

Mr. Dawkins offered motion to follow the recommendation of the City Manager and approve the bid as presented, seconded by Mrs. Evans and carried unanimously.

Mr. Thomas then presented to Council the following applications for Taxi driver permits recommended for approval by the Chief of Police, the Taxi Inspector and himself:

Robert Lee Wilson, Joseph Carl Smith, Eddie Lee West, Gary Joiner, Harold Ricardo Wardlaw, James Washington, Jr, and James Ernest McDuffie.

Mr. Dawkins offered motion to approve the applications as recommended, seconded by Mr. Williams and carried unanimously.

Appointments:

Mr. Williams nominated Mr. F. Paul McGuire to serve on the Board of Appeals. An appointment will be made at the next regular meeting.

Delegations:

Mayor Finch recognized Mr. Bill Bowser and welcomed him back. Mr. Bowser has been in the hospital and ill for several weeks.

Mayor Finch then recognized Mr. Clinton Harris, who spoke of the pressing need for sidewalks in the city.

City Manager's report:

Mr. Thomas requested approval of the following schedule of joint meetings between the City Council and the Spring Lake Board of Aldermen concerning the Ft. Bragg Annexation, to be held in the Joint Planning Board conference room:

Thursday, August 31, 1978 - 7:00 P.M.
Thursday, September 7, 1978 - 7:00 P.M.
Thursday, September 21, 1978 - 7:00 P.M.

Mr. Thomas stated it is believed that the above meetings are the minimum necessary to work out a compromise prior to the September 26 Governmental

Association Meeting in Falcon, and requested approval of this schedule.

Mrs. Evans offered motion to approved the schedule as submitted, seconded by Mr. Williams and carried unanimously.

Mr. Thomas then presented to Council a request for a Planner Position for Community Development. The Planner would perform intermediate and long range planning for the City's Community Development Department. The cost of the position, including salary and fringe benefits would be \$14, 973. per year. The position could be financed by the City utilizing the authorized administrative cost funds available in the annual Community development Grant.

Mrs. Evans offered motion to approve the Planner position for the Community Development Department as requested, seconded by Mr. Dawkins and carried unanimously.

Mr. Thomas then presented a recommendation for the hiring of a Personnel Analyst to the Personnel Department. Mr. Thomas stated that if we are to achieve our goals in Affirmative Action and develop and implement personnel procedures in accordance with the new Personnel Ordinance as well as perform the day-to-day requirements of a Personnel Department, the addition of a Personnel Analyst as a full-time City Employee is a necessity. The additional FY 78/79 cost to the Executive Department salary budget would be approximately \$8,750.

Mr. Hurley offered motion to authorize the hiring of the Personnel Analyst, Grade 17, seconded by Mr. Dawkins and carried; Mr. George opposed.

Mr. Thomas presented to Council a bid from Motorola, Inc. for an extensive communication system to be placed inside the new buses and completely replace the system we have now. We took UMTA'S specification and put out the bids, they were opened and read on June 2, 1978. There was only one bid received, Motorola, Inc. It is our belief that only one bid was received because only Motorola, Inc. manufactures a dispatcher's display which can indicate more than one unit identification number simultaneously. Other manufacturers would have to procure displays from other sources and therefore chose not to bid. UMTA concurs with the award of the bid to Motorola, Inc. for the purchase of the communications system in the amount of \$74,497. We recommend approval of the bid also.

Mrs. Evans offered motion to accept the bid of Motorola, Inc. in the amount of \$ 74,497. for the communications system for the Transit Department, seconded by Mr. Markham and carried unanimously.

Mr. Thomas then stated at the meeting of May 8, 1978, Council approved the raising of the speed limit on Dunn Road from 35 mph to 45 mph. It was voted 5 to 1 to adopt it, but an ordinance was not passed. Now NCDOT is asking for a quote for the Ordinance number. I recommend that Council amend the minutes of May 8, 1978 meeting to include the ordinance. The ordinance title appears below:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 8 " SPEED CONTROL" RESCINDING THE 35 MPH SPEED LIMIT ALONG DUNN ROAD FROM GROVE STREET EXTENSION TO THE EAST CITY LIMIT AND DECLARING A 45 MPH SPEED LIMIT ALONG THE SAME SEGMENT. ORDINANCE NO. NS1978-66.

Mr. Hurley moved the May 8, 1978 minutes be amended as recommended, introduced the foregoing ordinance and moved its adoption, seconded by Mr. Dawkins and carried; Mrs. Evans voting no.

A copy of this ordinance is on file in the Clerk's office in Ordinance Book NS1978.

Mayor Finch then welcomed Mr. Percy Warren, Assistant Principal of Terry Sanford High School who recently retired. She thanked him and his wife, Cleo, for their contributions to the City and to the students, many of whom are running the City tonight.

Council then recognized Mr. Milton Bluhm of the City Engineering Department. He stated that Mrs. Evans had contacted him and discussed the possibility of extending Kirkland Drive which is under contract for paving, to include the intersection of Sherrerd Street and Kirkland Drive. It is requested due to the drain off that causes trenches and gullies. The property owners of the area have presented a petition for the paving.

Mrs. Evans offered motion to begin the action to pave the intersection of Kirkland Drive and Sherrerd Street and consider it as an agenda item as a preliminary resolution at the next regular meeting, seconded by Mr. Dawkins and carried unanimously.

Mr. Thomas then presented a request from the Chief of Police that approval be given for the Fayetteville Police Club to sponsor a Gospel Sing on November 5, 1978 in Reeves Auditorium at Methodist College.

Mr. Williams offered motion that approval be given as requested, seconded by Mr. Hurley and carried unanimously.

Mr. Thomas then presented two requests for marathon runs. The first was by the Cross Creek Merchants Association to be held on Sunday, November 19 from 2:00 to 4:00. This would be a fund raising project for Christmas gifts for the foster children of Cumberland County.

Mr. Hurley offered motion to permit the Cross Creek Merchants Association to conduct the Christmas Run, so long as it is not conducted contrary to local or state law, seconded by Mr. George and carried unanimously.

The second is the Fayetteville Fun Run sponsored by the Recreation & Parks Department and Clark Sporting Goods to be held Sunday, September 17 at 6:00 P.M.

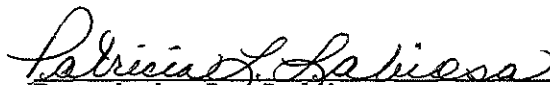
Mr. Williams offered motion that the request for the Fun Run be granted with conditions, upon approval of a waiver by the City Attorney, seconded by Mr. Hurley and carried unanimously.

Mrs. Evans commented the marathon regulation was obsolete and should be done away with.

Mayor Finch reminded everyone of the information meeting next Monday night.

Mayor Finch said that concerning the Scotty Hills matter there was a breakdown in communications due to lack of information. We must try somehow all the way through a project to keep the people informed so everyone would understand what is being done.

Thereafter, all matters of business having been discussed, this meeting was adjourned at 9:55 upon motion made and duly seconded.


Patricia L. Labiosa
Acting City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
AUGUST 28, 1978
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 Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and the invocation was offered by The Reverend Robert Ladehoff of St. John's Episcopal Church. Following the invocation, the Mayor led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch recognized Fayetteville Youth Council representatives, Linda Windley, Sean Alvarez and Bobby Bosworth present in the audience to observe Council proceedings.

First order of business was the approval of minutes and upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, Council minutes of the regular meeting of August 14, 1978, were approved as submitted by the Acting City Clerk.

Mayor Finch then announced that the City Attorney had requested an executive session following the end of this meeting to discuss land acquisition and litigation.

Public Hearings:

A public hearing had been published for this date and hour on the rezoning from R10 Residential District to M2 Heavy Industrial District or to a more restrictive zoning classification an area located between Old Dunn Road (Old U.S. 301) and Middle Road southwest of the service road to I-95. The Planning Board recommended denial of M2 Heavy Industrial District and approval of M1 Light Industrial District for the area.

Mr. Charles T. Haigh, representing himself and his family were present in favor of the rezoning.

Mr. Harry Tatum, a resident property owner was present in favor of this rezoning.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R10 RESIDENTIAL DISTRICT TO M1 LIGHT INDUSTRIAL DISTRICT AN AREA LOCATED BETWEEN OLD DUNN ROAD (OLD U.S. 301) AND MIDDLE ROAD SOUTHWEST OF THE SERVICE ROAD TO I-95. ORDINANCE NO. NS1978-67.

Following some discussion of the request, Mr. Dawkins introduced the foregoing ordinance and moved its adoption as recommended by the Planning Board, seconded by Mr. Williams and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1978.

A public hearing had been published for this date and hour on the rezoning from R6 Residential District to P2 Professional District or to a more restrictive zoning classification of an area located at 404 Barrington Cross. Planning Board recommended denial and Planner Mitchell stated that a letter had been mailed by Mr. Bill West, the petitioner, requesting withdrawal of petition at this time.

There were no proponents nor opponents present in the audience at this time.

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

A public hearing had been published for this date and hour on a request for a special use permit to operate a day care center in an R6 Residential District as provided for in Section 32-24 (3) of the Fayetteville Zoning Ordinance for an area located at 1000 Ivey Road. Planning Board recommended approval.

Mrs. Patricia McKinney, the petitioner, was recognized with this request to operate a day care center for 30 children in this R6 Residential District.

The following individuals, all residents of the area and Cumberland Heights were among some 75 persons present in the audience opposed to the granting of this special use permit: Mr. Richard McArthur, Mr. Mike McReynolds, Mr. Steven McKnight, Mr. George Hooks, Mr. A.D. Smith, Mrs. Patricia Smith, Mr. Jack L. Almendarez, Mr. Raymond Bullard, Mrs. Mulholland and a Leslie Young.

Following these presentations and some discussion by the Council, Mrs. Evans offered motion that the request for the special use permit be denied, seconded

by Mr. Williams 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 716 Athens Avenue. Planning Board recommended denial.

There were no proponents present. Mr. Reginald Barton, Jr. was recognized in opposition.

Following some brief discussion, Mr. Williams offered motion, seconded by Mr. Dawkins to follow the recommendation of the Planning Board and deny this rezoning request. The motion carried unanimously.

A public hearing had been published for this date and hour on a request for an amendment to Section 32-22 (1) accessory uses of the City of Fayetteville Zoning ordinance providing for the use of accessory structures in home occupations. Planning Board recommended denial, based, as Planner Mitchell stated, on the following: 1) that the effect of the amendment would be to expand the non-residential activities of home occupations outside of the principal dwelling which is inconsistent with the concept of the home occupation.

2.) That to permit such non-residential activities in accessory structures could lead to additional hazards to adjoining properties due to reduced set back requirements for such accessory structures.

3.) That it would become difficult to enforce compliance due to the involvement of additional structures.

4.) That expanding the home occupation uses outside of the principal dwelling would tend to change the residential character of the properties to the possible detriment of adjoining residential properties which is contrary to the basic intent of the residential zoning districts.

Mr. Salvatore LaRocco, the petitioner, was recognized for the request and stated he wished to use the structure on his residential lot for business purposes. There was no opposition present.

The City Attorney read the proposed amendment to the zoning ordinance to the Council and stated he could see problems with the enforcement if it was enacted and stated that he was opposed to the amendment.

Following some lengthy discussion of this matter, Mr. Dawkins offered motion to follow the recommendation of the Planning Board and deny the request for the amendment to the zoning ordinance, seconded by Mrs. Evans and carried unanimously.

A public hearing had been published for this date and hour on the consideration of a resolution and notice of intent to close Cole Street and Driver Street as public accesses. The City Attorney presented this matter and stated the purpose of the street closings was for the construction of the City Transfer site. There were no proponents nor opponents present.

RESOLUTION AND ORDER CLOSING COLE STREET AND DRIVER STREET. RESOLUTION NO. R1978-27.

Mr. Williams introduced the foregoing resolution and moved its adoption, on condition that the PWC and City Engineer coordinate water and sanitary sewer easements in the area, seconded by Mr. Dawkins and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1978.

A public hearing had been published for this date and hour on the consideration of a flood damage prevention ordinance. Planner Al Mitchell presented this matter and Mr. Bernard Ingram of the Corp. of Engineers was present to answer any questions about it.

Mayor Finch asked if there were any proponents or opponents in the audience since this was a public hearing.

Mr. Walter Moorman, a local consulting engineer was recognized with comments concerning the proposed ordinance and made two requests. 1) that section F, Sub-paragraph 2, on page 7 be deleted in its entirety. 2) that article 4, section a, paragraph 1 on page 8 be reworded to add "all new construction and substantial improvements in which the lower floor is below the base flood elevation shall be anchored to prevent flotation, collapse or lateral movement of the structure".

In response to question from the Council, Mr. Ingram stated that he agreed with Mr. Moorman on the second request and Mr. Lamar, the City Zoning Administrator, stated he agreed with Mr. Moorman on both requests.

Following some discussion, the City Attorney requested continuance of this matter to September 11, 1978, in order for him to contact the Atlanta Office of the Federal Insurance Administration on the foregoing request and changes inasmuch as the deadline for adoption of this ordinance is October, 1978.

Following some further discussion, Mr. Williams offered motion to continue this item to September 11, 1978, meeting and authorize the City Attorney to check out the request of Mr. Moorman with the Federal Insurance Administration Office in Atlanta, seconded by Mr. Dawkins and carried unanimously.

This concluded the public hearings.

Upon motion by Mr. Dawkins, seconded by Mr. Hurley and carried unanimously, public hearings were set for Monday, September 25, 1978 on the following matters:

- A. Consideration of the rezoning from R6 Residential District to C1 Local Business District or to a more restrictive zoning classification an area located at 104 Circle Court.
- B. Consideration of the rezoning from R6 Residential District to C1 Local Business District or to a more restrictive zoning classification an area located at 1912 Ramsey Street.
- C. Consideration of the rezoning from C1P Shopping Center District to R5A Residential District or to a more restrictive zoning classification an area located 200 feet west of Rosehill Road about 600 feet south of Autumn Drive.
- D. Consideration of the rezoning from R6 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification an area located at 1813 Pamalee Drive.
- E. Consideration of a preliminary resolution requiring the paving of Sherrerd Avenue from a point 20 feet south of the southern margin of Kirkland Drive to a point 20 feet north of the northern margin of Kirkland Drive.

On another public hearing matter, the paving of a portion of Sherrerd Avenue, as requested by some of the property owners, the City Attorney presented this matter and the City Engineer displayed a map of the area. The property owners had requested the paving only of a 20 foot length section of Sherrerd Avenue where it intersects with Kirkland Avenue due to a drainage problem. The City Engineer recommended however, the paving of the entire street between Brainard Avenue and Codran Street for the entire length. However, there were not sufficient names on the petition to accomplish this.

Mrs. Evans stated that the request she received was for the paving of only that section of Sherrerd at Kirkland Drive to alleviate the immediate problem. The City Attorney informed Council that this could be done by Council order without a petition. However, it would still require the Council going through the assessment procedure, public hearing and notification of the owners of the property abutting the area.

Following some discussion, Mrs. Evans offered motion for the adoption of the Resolution to pave Sherrerd Drive at its intersection with Kirkland Drive 20 feet south and 20 feet north without petition from the property owners and to set a public hearing on this matter for September 25, 1978. Motion seconded by Mr. Williams and carried unanimously. The resolution title appears below:

PRELIMINARY RESOLUTION REQUIRING THE PAVING WITHOUT A PETITION OF SHERRERD AVENUE FROM A POINT 20 FEET SOUTH OF THE SOUTHERN MARGIN OF KIRKLAND DRIVE TO A POINT 20 FEET NORTH OF THE NORTHERN MARGIN OF KIRKLAND DRIVE. RESOLUTION NO. 1978-28.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1978.

Planning Board matters:

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously approval was given to Village Gate West Apartments addition preliminary and final group development review located off Village Drive on Turtlepoint Drive as recommended conditionally by the Planning Board.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, the Anne C. Butler Subdivision preliminary and final review located on Mayview Street at Camden Road was given conditional approval as recommended by the Planning Board.

Upon motion by Mr. Dawkins, seconded by Mr. Hurley and carried unanimously, the Clark & Clark Brothers Subdivision preliminary and final review located on Cain Road was given conditional approval as recommended by the Planning Board.

Public Works Commission matters:

PWC Manager Muench, informed Council that an invitation had been extended by the president of Carolina Power and Light Company (Mr. Sherwood Smith) to the Mayor, members of the City Council and Public Works Commissioners along with the City Manager and PWC Management to Drive to the site of the Sharon Harris Nuclear Plant in the Raleigh area on Friday, September 15, in time for lunch on the site at 12:30 and then a guided bus tour of the site with a simplified technical explanation of the nuclear generating plant. Mr. Muench stated to

Council that he needs to know who will attend not later that 10:00 A.M., August 29 for appropriate advice to CP&L.

On other PWC matters, upon motion by Mr. Dawkins, seconded by Mr. Hurley and carried unanimously an application by Ernest Y. Huff, III for one 1-inch water connection to an existing main to serve the residence at Lot 11, Raynor Drive outside the City was approved.

Mr. Muench stated annexation agreement will be completed.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, an application was approved for Pearce's Mill Volunteer Fire Department for one 1-inch water connection and one 4-inch sanitary sewer connection to existing main to serve the proposed Pierce's Mill Volunteer Fire Department Building on Black and Decker Road outside the City. Mr. Muench stated an annexation agreement will be executed.

Inspection Department matters:

Council next gave consideration to an ordinance requiring the City Building Inspector to correct conditions at 1908 Murchison Road owned by Mrs. Ossie Harvey. (This matter continued from the July 24 meeting as directed by the City Council.)

The City Attorney presented this matter and stated that he had received a memorandum from Mr. Tony Maccy, the Chief Housing Inspector informing him that the foregoing structure had been demolished and action was not required. Council took no action on this matter.

Council next gave consideration to an ordinance requiring the City Building Inspector to correct conditions at a substandard structure located at 302 Oakridge Avenue owned by Williams, Bell and Fitzgerald. The City Attorney presented this matter and informed Council that it had been through the normal procedures required by the code.

Mr. Leon G. Williams, the owner of the building, was recognized and requested a thirty day extension to finish the work required.

Following a brief discussion, Mrs. Evans offered motion to grant a thirty day extension on this matter, seconded by Mr. Dawkins and carried unanimously.

On a final Inspection Department matter, Council gave consideration to a proposed ordinance repealing Section 15-8 of the City Code "Location of Cut-offs, etc." The City Attorney presented this matter and stated this request came from Mr. Al Albritton, the City Inspection Superintendant who stated this section of the City Code does not comply with sections of the North Carolina Stated Building Code. He stated further that the prime source of gas leaks are at these shut-off valves that the cost of installing and maintaining these valves is high and must be paid for by the gas consumer and the Fire Department has always used the gas meter valve to shut-off gas during an emergency.

AN ORDINANCE REPEALING SECTION 15-8 "LOCATION OF CUT OFFS, ETC." OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. S 1978-14.

Following a brief discussion, Mrs. Evans offered motion for adoption of the foregoing 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 S1978.

Council next gave consideration to a recommendation for the preservation for historical purposes of the Old Thornton House located on Maiden Lane. The City Manager presented this matter and recommended to Council that he be authorized to publish an invitation for bids for the destruction of the two brick dwellings at this site and to give the committee an opportunity to locate a buyer for the Thornton House and that Council take no further action until the second meeting in November, and further that the Council appoint a Councilmember to serve on this committee.

Mrs. Finch appointed Councilman Williams to serve on this committee as requested.

Mr. Dawkins then offered motion, seconded by Mr. Williams and carried unanimously to approve the City Manager's request to advertise for bids for the destruction of the two brick buildings and to take no further action until November.

Council next gave consideration to the creation of a Senior Citizens Service Center Commission as discussed at the August 21 information meeting.

This matter was discussed for some minutes with Mr. Dawkins suggesting that the Council delay any action and allow additional time to secure information from other cities who have established Senior Citizen's Service Centers.

Mrs. Evans suggested that Council take action now in view of the length of time since this matter first began.

Mr. Williams also suggested a delay for the purpose of securing additional information.

Mrs. Evans then offered motion to adopt the plan that was presented at the informational meeting on August 21. The motion was lost for lack of a second.

Mr. Dawkins reiterated the suggestion for the deferral and requested additional input and information.

Mr. Williams then offered motion that the City Manager appoint a staff person to secure additional information on this matter for presentation at the September 11 meeting along with several recommendations, motion seconded by Mr. Markham and carried unanimously.

Council next heard a report by the Chairman of the Historic and Scenic Sites Commission in regard to Cross Creek Park and other related matters.

Mr. Harry F. Shaw, Chairman of the Historic and Scenic Sites Committee, was recognized.

Mr. Shaw stated to Council that he was bringing a recommendation from the Committee to the Council that a request be made to the Country of France for the donation of a statue of the Marquis De LaFayette be placed in Cross Creek Park to honor General LaFayette for his service to this country during the revolutionary war with an appropriate ceremony in 1979. Mr. Shaw introduced Mr. Glenn Jernigan, who explained further that this act would be similiar to the donation by the Country of France of the Statue of Liberty in New York Harbor. He stated the ceremony could be held on July 4, 1979, and an appropriate section of Cross Creek Park could be named LaFayette Park in his honor. Mr. Jernigan requested Council support and endorsement of this idea.

Mayor Finch and the Council extended thanks to Mr. Jernigan and Mr. Shaw and the Commission and Mr. Williams offered motion that the Council be and hereby does go on record as being 100% in favor of the proposition, motion seconded by Mr. Dawkins and carried unanimously.

Mr. Shaw was again recognized on a related matter and informed Council that the Old Barge's Tavern on Grove Street had been donated to the City as a gift. The committee recommends moving the Tavern from the Grove Street location to the Horne House Site on Ramsey Street from Historic preservation. Mr. Shaw then introduced Mr. Reggie Barton.

Mr. Barton, President of the Historical Fayetteville Foundation, presented additional details concerning the Barge's Tavern and stated that their foundation had received a sizeable contribution for the relocation, and that the relocation can be accomplished for \$1300. He stated it was their recommendation that the Council authorize the Historic and Scenic Sites Commission to receive funds from the Historical Fayetteville Foundation for the relocation of Barge's Tavern and requested Council support and endorsement of the project.

Mayor Finch and the Council extended thanks to Mr. Barton and the Foundation for their efforts and Mr. Dawkins offered motion that Council authorize the funds for the relocation of the Barge's Tavern and authorize the relocation to the Horne House Site on Ramsey Street as recommended, motion seconded by Mr. Williams and carried unanimously.

Council next gave consideration to the sale of certain City property. This matter was presented by the City Attorney who stated that this action was not quite ready and requested deferral until a later date. The request was approved by Council.

Engineering Department matters:

Council next gave consideration to a request from the Fayetteville Airport Commission for the reduction of speed limits on Airport Road (city property). The City Attorney and City Engineer presented the proposed ordinance.

Mr. Charles Clark, of the Airport Commission presented details of the matter and stated the Airport Commission had always thought the city's speed limits applied to the public roads on Airport property. However, recently, an Airport policeman issued a citation for speeding on Airport property and the case was dismissed in Court with a statement from the Judge that the speed limit on Airport Road was 55 mph, the same as any other road. The Airport Commission requested the City Council to adopt an ordinance setting the speed limit at 35mph on Airport Road from it's intersection with Doc Bennett Road to the Loop Road going into the terminal, 25 mph along the Airport service road and the control tower road and 15 mph on the terminal road and loop road at the Airport Road at the terminal.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 8, " SPEED CONTROL", DECLARING LOWERED SPEED LIMITS AS INDICATED ABOVE ALONG ALL ROAD IN THE AIRPORT PROPERTY. ORDINANCE NO. NS1978-68.

Mr. Hurley introduced the foregoing ordinance and moved its adoption as recommended by the Airport Commission, motion seconded by Mr. Williams and carried: Mr. George and Mrs. Evans voting against.

Council next gave consideration to a request from Mr. W.M. Bell, owner and operator of Bell Hardware Store at 230 East Russell Street to prohibit parking

abutting his property on the east side of Cross Creek Street.

The City Manager presented this matter and stated that Mr. Bell has requested parking be prohibited abutting his property at the above location. The City Manager stated Mr. Bell owns an area for off-street parking and the cars parking along the street block access to the off-street parking area. The street is constructed only two lanes wide and any parking along the east side of the street causes traffic congestion. The City Manager and City Engineer concur with this request.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE NO. 11, "PARKING PROHIBITED", ALONG CROSS CREEK ST., THE EAST SIDE, FROM SOUTHERN CURB LINE OF RUSSELL STREET FOR A DISTANCE OF 335 FEET SOUTHWARDLY (102.11 METERS) ORDINANCE NO. NS1978-69.

Mrs. Evans introduced the foregoing Ordinance and moved its adoption as recommended, seconded by Mr. Dawkins and carried unanimously.

Copies of both of the foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1978.

Council next gave consideration to the authorization of two resolutions of condemnation for two utility easements needed for construction of drainage necessary to pave Pelt Drive. The City Engineer presented this matter and stated that two resolutions had been prepared for adoption. One for parcel No. 1 and another for Parcel No. 8 which is owned by a Mr. Stewart. Mr. Stewart was opposed to the action and had been present in the audience until moments before when he was called away temporarily for an urgent phone call.

Mayor Finch announced that during the interim when Mr. Stewart returns, Council would consider the next agenda item.

Council next gave consideration to a drainage problem on Providence Street.

The City Engineer presented this matter and stated that Providence Street is now unpaved and is not funded for paving or drainage as with all unpaved streets the travelway is crowned up in the middle with side ditches for drainage. The grade of Providence Street south of Pelt Drive is almost flat which causes a drainage problem. Pelt Drive has been funded for paving and is now under contract to Crowell Constructors, Inc. Pelt Drive paving will magnify the drainage problem of Providence Street by the elimination of a side ditch running from Providence Street to Murchison Road and this is the concern of McDonald Grading Co. which has its shop location on Providence Street.

City Contract #199, provides for an extension by the City if desired. An underground drainage system along Providence Street which would cross Pelt Drive and solve the drainage problem is estimated to cost \$16,000. The original contract was for \$459,140. therefore, this would be an extension of 3.5%. The drainage to eliminate this problem would be necessary if and when Providence Street is paved and would eliminate a future cut of the pavement of Pelt Drive.

He recommended the extension of City Contract #199 with Crowell Constructors, Inc., for the installation of the Providence Street drainage system.

Following a brief discussion, Mrs. Evans offered motion to follow the foregoing recommendation of the City Engineer and extend the contract, seconded by Mr. Williams and carried unanimously.

Mr. Stewart, having returned to the Council Chamber, Mayor Finch then returned to Item 11 c, the utility condemnation matter.

Mr. Stewart was recognized in opposition to the condemnation of his parcel "Parcel No. 8" and requested additional compensation. The City Engineer displayed a map of the area and informed the Council that the City only needed a twenty foot wide easement and that other property owners in the area had granted their easements at no cost to the city for the improvement of Pelt Drive.

Following some discussion, Mr. Williams offered motion to follow the foregoing recommendation of the City Engineer and approve the condemnation of Parcel No. 8, seconded by Mrs. Evans.

Following some further discussion, Mr. George offered substitute motion to continue this matter to the next meeting on September 11, and authorize the City Attorney to negotiate further with Mr. Stewart, motion seconded by Mr. Dawkins and carried ; Mrs. Evans voting no.

The City Engineer then presented the condemnation action on Parcel No. 1 for the Pelt Drive drainage and requested approval.

RESOLUTION AUTHORIZING THE CONDEMNATION OF PARCEL "NO. 1" FOR PELT DRIVE DRAINAGE. RESOLUTION NO. R1978-29.

Mr. Williams introduced the foregoing Resolution and moved its adoption and approval, motion seconded by Mr. Markham and carried unanimously.

A copy of the foregoing Resolution is on file in the Clerk's office in Resolutions Book R1978.

Purchasing matters:

Council then gave consideration to the award of bids for the runway extension at the Fayetteville Municipal Airport. Mr. Charles Clark of the Airport Commission presented this matter. Councilman Dawkins requested permission to abstain from voting on this matter, due to a conflict of interest, and permission was granted by the Council.

Upon motion by Mrs. Evans, seconded by Mr. Hurley and carried unanimously with Mr. Dawkins abstaining to vote, the bid of Cumberland Paving Co. in the amount of \$580,540. as general contractor for the runway extension and the bid of Rockwell Radio and Electric Co. in the amount of \$16,926.38 for runway lighting were approved as recommended.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously the low bid by Hunter Brothers, Inc. in the amount of \$23,088. for twenty six (26) transit type high security fare boxes for the Transit Department was approved as recommended.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously the low bid of Central Mack Sales, Inc. in the amount of \$153,521.84 for two pumpers for the Fire Department was approved as recommended.

Upon motion by Mrs. Evans, seconded by Mr. George and carried unanimously the low bid by Royal Dodge in the amount of \$52,312.32 for ten in-stock 1978 model automobiles for the Police Department was approved as recommended.

This completed the Purchasing matters.

Council next gave consideration to taxi driver permits and upon motion by Mr. Williams, seconded by Mr. Markham and carried unanimously taxi driver permits were approved for the following named as recommended by the Taxi Inspector, the Chief of Police and the City Manager: Henry Lee McDowell, William James Denningham, Jr., Rebecca Jane Gray, Neil Archie McNair, Dennis J. Petrinic, Robert Guy Rowan, Diane P. Fairley, Johnny Hillis, Terry Neal Dickens, McKinley L. Moyer, Edward Best, Marcia H. Young, Mark Anthony, Grady L. Rouse.

Council next gave consideration to one appointment to the Board of Appeals.

Mr. Williams nominated Mr. F. Paul McGwier.

Mr. Dawkins then offered motion that nominations be closed and that Mr. McGwier be appointed by acclamation to the Board of Appeals to serve the balance of the term of Mr. William S. Geimer who resigned in July, said term to run to May 1979, motion seconded by Mr. Hurley and carried unanimously.

Delegations:

Mr. Clinton Harris, a local citizen, suggested to Council that it place Senior Citizen matters higher up on the agenda in the future.

Mr. Bill Bowser, another local citizen, commented on City Council's zoning practices and accused them of not zoning on the basis of regulations or land use, but rather on the number of people who showed up at the Council meetings in opposition to such zonings. Councilmembers Dawkins and Williams reputed Mr. Bowser's allegations and gently reminded him that he was a member of the Joint Planning Board from whence all zoning recommendations come to City Council.

City Manager reports:

The City Manager reminded Council that the North Carolina League of Municipalities annual meeting in Asheville falls this year on October 23, a regular Council meeting date and suggested to Council that it reschedule this meeting to Monday, October 30.

Mr. Williams offered motion, seconded by Mr. Dawkins and carried unanimously that the regular City Council meeting of October 23 be and the same is rescheduled to Monday, October, 30 at 7:00 P.M. in the City Hall Council Chamber.

The City Manager informed Council that he had received a request from the YMCA for permission to hold a road race on Sunday, October 29, at 2:30 P.M. to begin at Cross Creek Mall, thence along Morganton Road to Olive Road, thence to Ft. Bragg Road and along Ft. Bragg Road westwardly to the YMCA building.

Mr. Hurley offered motion to honor the foregoing request, seconded by Mr. Williams and carried unanimously.

The City Manager informed Council that it was desired the Fire Department provide the emergency service for one day at the State Fair in Raleigh on October 20. Council gave tacit approval to the request.

The City Manager informed Council that he intended by letter to mail to them

a position paper prepared by Jim Gray and the Transit Department concerning the DOT proposed regulation for full accessibilities on all transportation vehicles for the handicapped. A public hearing is proposed for September 14, at Cape Fear Valley Hospital for the handicapped to hear the regulation. Council noted the information.

This concluded the City Manager reports.

Matters of interest to the City Council:

Mr. Hurley, as Chairman of the City/County Liaison Committee, gave a report on his committee's activities. He stated the committee in the weeks past had considered such items as the library site, emergency medical services, the Maiden Lane issue, trash compactor, the merger of the tax department, joint government office buildings and also the rejection by DOT of the 25 mph proposed speed limit along Morganton Road.

Following a brief discussion, Mr. Hurley offered motion, seconded by Mr. Williams to request the DOT to reconsider Council's previous request on this matter.

Following some discussion, Mr. George offered substitute motion to continue this matter until the next regular meeting on September 11, and study the DOT memorandum and decide what action to take at that meeting, motion seconded by Mr. Dawkins and carried unanimously.

Mr. Williams requested the figures on the paving of Hay Street. Mr. Williams also mentioned the efforts by the Chief of Police and the Police Department toward cleaning the downtown Fayetteville area and expressed his personal appreciation and thanks for their work.

Mayor Finch reminded Council that this Thursday evening, August 31, there were two meetings which Council could elect to attend. The joint meeting with Spring Lake at 7:00 p.m. on the Ft. Bragg Annexation issue and the Region "M" meeting in Lillington which needed Council representation.

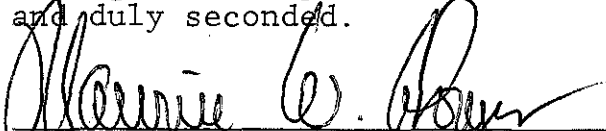
Council then adjourned itself into executive session at 10:30 P.M. to consider litigation and property acquisition matters.

Mayor Finch reconvened the Council back into regular session at 10.55 P.M.

Mr. Williams then offered motion that Council give the City Attorney the authority to appeal to completion the Cambridge Arms Apartments annexation court decision and retain Mr. Jim McRae as co-counsel for the City, motion seconded by Mrs. Evans and carried; Mr. George voting no.

Mr. Dawkins then offered motion that the Council authorize the City Manager to purchase a certain lot or tract of land on Maiden Lane for a price of up to \$25,000., motion seconded by Mr. Markham and carried unanimously.

Thereafter, all matters of business having been completed this meeting was adjourned at 11:00 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

SPECIAL MEETING
KYLE HOUSE
THURSDAY, SEPTEMBER 7, 1978
12:00 NOON

Present: Mayor Beth Finch

Councilmembers: George Markham, Bill Hurley, J.L. Dawkins and Wayne Williams

Councilmembers Absent: Mildred Evans and Marion George

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

Mayor Finch called this meeting to order and called on Mr. Thomas for the presentation of proposals concerning the annexation of Fort Bragg and Pope Air Force Base. Mr. Thomas informed Council that Mr. Muench, PWC Manager would also present some information concerning utilities.

Mr. Thomas displayed a map showing a proposed annexation line running north of the line proposed by Spring Lake and running eastwardly from Andrews Church Road, along the Spring Lake Town limits to Butner Road and along the Pope Air Force Base boundary. The map also displayed Spring Lake's proposed boundary which ran south of the above eastwardly from Honeycutt Road to Randolph Street to Longstreet Road.

Mr. Thomas stated that according to Spring Lake's proposal revenues from sales tax, Powell Bill and CP&L point of delivery would amount to \$764,584. for Fayetteville and \$361,558. for Spring Lake and a per capita gain of \$12.04 for Fayetteville and \$54.86 for Spring Lake.

Mr. Thomas then presented Proposal A-1 which would figure a more equitable per capita gain of \$15.98 for Fayetteville and \$16.89 for Spring Lake with sales tax and using the proposed new boundaries above.

Mr. Thomas then presented Proposal A-2 which would also figure a more equitable capital gain of \$8.37 for Fayetteville and \$7.03 for Spring Lake without sales tax, and using the proposed new boundaries above. Concerning the sales tax, he proposed the City support a local grant action, if possible, thorough the general assembly.

Mr. Muench then informed Council that there could be a distinct advantage for Fort Bragg if the CP&L point of delivery at Fort Bragg is annexed to the City of Fayetteville inasmuch as it would then be a third point of delivery for the City and could result in lower wholesale-retail rates for electricity for Fort Bragg as well as conjunctive metering, and the City could generate some of the peak electricity load for Ft. Bragg and Pope AFB. Also a PWC 24" water main is within 1½ miles of the post boundary now, and could be used to serve them. This could not be done by Spring Lake, he stated.

Mr. Thomas then presented to Council Proposal B without sales tax which would generate revenue of \$517,692. for Fayetteville and \$60,110. for Spring Lake and a per capita gain of \$8.15 and \$9.12 respectively.

Mr. Thomas stated that Administration recommended proposal A-2 or B.

Mr. Dawkins stated that he favored proposal A-2.

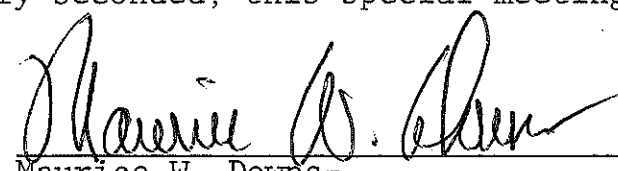
Mr. Williams stated that he was in favor of Fayetteville annexing Fort Bragg and Spring Lake annexing Pope AFB and asked for a breakdown of figures based on this.

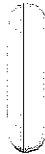
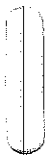
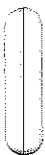
Then Mr. Dawkins offered a motion at 12:20 p.m. that Council enter into official session to act on the recommendations. Motion seconded by Mr. Williams and carried unanimously.

Mr. Williams then suggested that a copy of each proposal furnished, plus figures on his suggestion that the City annex Fort Bragg and Spring Lake annex Pope AFB, be provided to the Spring Lake governing body.

Following brief discussion, Mr. Williams offered motion that Mr. Thomas contact the Spring Lake officials and cancel tonight's meeting and inform them that we met today and had a discussion of several proposals and possibilities of annexation and that we have not had ample time to agree on a specific proposal, and we will present our proposal to them two weeks from tonight (Thursday, September 21) at our regularly scheduled meeting. Motion seconded by Mr. Dawkins and upon being put to vote carried unanimously.

Thereafter, upon motion made and duly seconded, this special meeting was adjourned at 12:35 p.m.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
SEPTEMBER 11, 1978
7:00 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 Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and the invocation was offered by Elder Oscar Sherrod of Abney Chapel Seventh Day Adventist Church. Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance.

Mayor Finch recognized the following Youth Council representatives present in the audience to observe Council proceedings: Dee Dee Rogers, Robert Leath and Angie Tucker.

An executive session of the Council was approved for the end of this meeting on three matters of litigation, as requested by the City Attorney.

Mayor Finch stated to Council that if there were no objections, the administration progress report concerning the Senior Service Center to be presented at the end of the meeting by the City Manager, would be moved up on the agenda to be heard after Item 2 since there are a number of persons present in the room tonight interested in this matter. There were no objections.

The First order of business was the approval of minutes and upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, minutes of the regular meeting of August 28 were approved as submitted by the Clerk.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, minutes of a special Council meeting of September 7 were also approved as submitted by the Clerk.

A public hearing was held as continued from the August 28 meeting on the consideration of a flood damage prevention ordinance. Mr. Al Mitchell of the Planning Department presented this proposed ordinance, stated that it is in the proper format and amended as requested last meeting and approved through the Federal Insurance Administration Office. The purpose of this ordinance is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas.

There were no proponents or opponents present in the audience.

Ordinance title:

FLOOD DAMAGE PREVENTION ORDINANCE. ORDINANCE NO. NS1978-70.

Following a brief discussion, Mr. Dawkins introduced the foregoing ordinance and moved its adoption as amended, seconded by Mr. Williams and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1978.

Council then received a report from the City Manager on the Administration progress concerning the Senior Service Center.

The City Manager informed Council that the staff had met several times and discussed this proposed Senior Service Center. He displayed a projection on the construction phase showing the dates of the various actions to be taken, beginning with September 1, the selection of the architect to completion by July 1, 1980. The City Manager also showed a projection on the funding cycle for the fiscal year 1980, as well as the dates of action. He informed Council that they had checked various cities operations of Senior Service Centers including Tarboro, North Carolina. He concluded by stating this is the progress to date and would present an organization at a later date for Council consideration. He stated he had no specific recommendation this evening.

Mrs. Finch and other members of the Council extended thanks to the City Manager for his progress report, but with no recommendation, the City Council will take no action tonight but will discuss it further at the information meeting next Monday, September 18. There were approximately 60 Senior Citizens present in the audience tonight and Mayor Finch informed them that since this is not a public hearing their comments would be received at the information meeting on September 18.

Thereafter, Mr. Williams offered motion to accept the information presented tonight by the City Manager as information and to make this matter an agenda item for the information meeting on September 18, motion seconded by Mr. Hurley and carried; Mrs. Evans voting no.

Under public hearings to be set, Mr. Williams offered motion, seconded by

Mr. Dawkins, that public hearings be set for September 25, 1978, on the paving of Lucerne Street and on a request from a property owner on McKimmon Road to install drainage on an assessment basis. (The second matter being Item 12 on tonight's agenda). The public hearings were set by adoption of preliminary resolutions and the resolution titles appear below:

PRELIMINARY RESOLUTION REQUIRING THE PAVING, PURSUANT TO PETITION, OF LUCERNE STREET FROM THE EXISTING PAVEMENT TO THE DEAD END. RESOLUTION NUMBER R1978-30.

PRELIMINARY RESOLUTION REQUIRING THE CONSTRUCTION OF A STORM SEWER AND DRAINAGE SYSTEM IN A PORTION OF CUMBERLAND HEIGHTS SUBDIVISION. RESOLUTION NO. R1978-31.

Copies of the foregoing resolutions are on file in the Clerk's office in Resolutions Book R1978.

PWC Matters:

Upon motion by Mr. Dawkins, seconded by Mrs. Evans and carried unanimously an application by Barber-Smith Construction Company for one sanitary sewer connection to serve Lot #94, Glenwick Drive, Evergreen Estates, was approved as recommended.

Upon motion by Mrs. Evans, seconded by Mr. George and carried unanimously, an application by Mr. Phillip J. Semel for one 1-inch water connection to serve 1019 Owen Drive outside the City was approved subject to the submission of an annexation agreement and petition.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, an application by Mr. Jesse James Turner for one 1-inch water connection on Legion Road outside the City was approved as recommended.

Upon motion by Mr. Dawkins, seconded by Mr. Hurley and carried unanimously, an application by Mrs. Helen Jones for one 1-inch water connection on Legion Road was approved as recommended.

Council next gave consideration to the sale of City property. (This matter continued from the August 28 meeting at the request of the City Attorney).

The City Attorney presented this matter and informed Council that a request had been received by the person interested in purchasing the property for additional time and recommended that this item be deferred for an additional two weeks.

Mr. Dawkins offered motion to defer the foregoing matter for two weeks to September 25 meeting, seconded by Mr. Williams and carried unanimously.

Council next gave consideration of authorization of condemnation for one utility easement needed for construction of drainage necessary to pave Pelt Drive. (This matter continued from the August 28 meeting at the request of the City Attorney).

The City Attorney presented this matter and stated that he had conferred with the property owner, Mr. Stewart, who had informed him he was not satisfied with the price offer. The City Attorney informed Council that the property is now being reappraised and requested a deferral of this matter, pending the receipt of the new appraisal figure.

Mr. Hurley offered motion, seconded by Mr. Dawkins and carried unanimously to defer the foregoing matter to the September 25 meeting or until such time as the new appraisal figure is received.

Council next gave consideration to a recommendation to increase the Community Development Rehabilitation grant amount from \$4,500 to \$6000. Mr. Richard Herrera, of the Community Development Department was recognized and presented this matter and stated that the present rehabilitation grant figure of \$4,500. was authorized and approved by City Council approximately two and one half years ago in March, 1976. Due to the economy however, structures cannot be rehabilitated with the current grant. Based on this and other facts, he stated, they respectfully request an increase of the maximum allowable rehabilitation grant amount to \$6,000. for all Community Development Rehabilitation areas. The cost of the increase in the grant amount will be borne by the Community Development Department and will not necessitate a reprogramming of funds.

Following a brief discussion, Mrs. Evans offered motion that City Council increase the present rehabilitation grant from \$4,500. up to \$6,000, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to the developing of a community park within Eccles Park Community.

The City Manager presented this matter and stated that at a neighborhood meeting earlier this year, residents of the Eccles Park Community requested a neighborhood park be established in their community. In response to this request, the Recreation and Parks Department and the Human Relations Department conducted

a public meeting with the residents of the area on August 17, at Park Chapel. The purpose of the meeting was to discuss the positive and negative aspects of purchasing Lot #20, Eccles Park, and developing it into a community park. At the conclusion of the meeting, it was the consensus of the residents present that they wanted the city to purchase Lot #20, Eccles Park, and develop it into a community park. The asking price for the lot is \$4,000. which is below the appraised value. If the City Council desires to purchase the lot, the funds have to be derived from the City Council contingency fund as there are no funds budgeted for this purpose in the Recreation and Parks budget for fiscal year 78/79.

The City Manager suggested that Council may wish to consider the possibility of a public hearing on this matter since the persons next to the proposed park might not have been present at the public hearing by the Human Relations and Recreation and Park Department and they may have some objection to the location of such a park next to their residential location.

Following a brief discussion, Mr. George offered motion that we attempt to develop the park using Lot #20, and any other property in the area desired by Council and to hold a public hearing on the matter, seconded by Mrs. Evans and carried unanimously.

Council next gave consideration to authorizing an approach to the Hope Mills Town Government for financial assistance in matching funds for continuing the Transit service to Hope Mills. The City Manager presented this matter and stated that a recent review of the City's Transit system had been made by the Department of Transportation, and they recommend that bus routes, 11A and 11B which run from the Fayetteville Market Square to Hope Mills be consolidated to one route designated Route 11, and a schedule of six trips per day from Monday thru Friday to Hope Mills. The City Manager informed Council that the net weekly deficit on this run amounted to \$11,150; one half of this net deficit is \$5,575.

The City Manager then requested authorization for Mayor Finch to write a letter to Mayor Fulton West of Hope Mills to ask if they wished to continue bus service and if so to request participation in the cost in this amount of \$5,575.

Following some discussion Mrs. Evans offered motion to authorize the letter to be written and the request made as recommended, seconded by Mr. Dawkins and carried unanimously.

In addition to the foregoing, the City Manager stated that he was in receipt of a 250 signature petition, said petition bearing a large number of Hope Mills residents signatures requesting better Hope Mills-Fayetteville bus service be forwarded to Mayor West with this letter. This was approved by Council.

Council next gave consideration to a proposed ordinance revising the speed limits along Ramsey Street.

The City Engineer presented this matter and stated that the proposed speed limit change for Ramsey Street establishes a 25 mph speed limit during school hours only at Edgewood Middle School. The proposed ordinance also adopts a concurring ordinance with the North Carolina Department of Transportation of 55 mph for the section of Raleigh Road (Ramsey Street) that is within the City near Methodist College. The ordinance also consolidates previously adopted ordinances into one ordinance.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE NUMBER 8, "SPEED CONTROL", RAMSEY STREET (U.S. 401 NORTH BUSINESS) ESTABLISHING 25 MPH FROM COCHRAN AVENUE TO EASTWOOD AVENUE AND 55 MPH FOR THAT SECTION OF RALEIGH ROAD THAT IS WITHIN THE CITY NEAR METHODIST COLLEGE. ORDINANCE NO. NS 1978-71.

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 NS1978.

Council next gave consideration to the award of contracts for construction work at Savoy Heights Park using Community Development funds.

The City Engineer presented this matter and stated that bids had been opened on Friday, for this construction work off Rochester Drive to construct a tennis court and a multi-purpose ballfield and parking lot. Triple A Construction Company was the low bidder at \$38,346.70. He recommended approval of this bid on a unit price basis stating that the final price may vary a small degree. Community Development funds would be used.

Mr. Williams then offered motion, seconded by Mr. Markham to approve the foregoing low bidder as recommended, motion carried unanimously.

The next item was Item 12 on the agenda, a request from a property owner on McKimmon Road to install drainage on an assessment basis. This matter had already been considered by Council as a public hearing to be set earlier in the meeting.

Council next gave consideration to bids.

The City Manager presented this matter and stated that bids had been received for Police and Fire Department uniforms. A tabulation had been provided Council. The City Manager recommended that Item A, Police Department summer and winter uniforms, be postponed to the next meeting because American Uniforms Sales, Inc. representative was out of the country during the bid opening and the company protests the statement that their bid does not meet specifications and they wish to be heard on the matter.

Following a brief discussion, Mr. Williams offered motion to follow the recommendation of the City Manager as contained in the last paragraph of the City Manager's memorandum that each contract be awarded to the low bidder meeting specifications-for Police Department uniforms to Castle Uniforms for their bid of \$34,359.78 and for Fire Department uniforms to American Uniform Sales, Inc. for their bid of \$11,297.50 and for Fire Department shoes to Castle Uniforms for their bid of \$3,234, motion seconded by Mr. Dawkins.

Following a brief discussion, Mr. George offered substitute motion to continue this matter to the next regular meeting as recommended by the City Manager, motion seconded by Mrs. Evans.

Following some further discussion, Mr. Williams requested that his motion be withdrawn. Mayor Finch asked if there were objections to the withdrawal of the main motion and Mr. Dawkins so objected.

Mayor Finch then called for a vote on the substitute motion to continue and the vote was as follows: For; Mr. George. Against: Councilmembers Evans, Williams, Dawkins, Hurley and Markham.

Mayor Finch declared the substitute motion lost.

Mayor Finch then called for a vote on the original motion to approve the bids as recommended by the City Manager and the vote was as follows: For; Councilmembers Evans, Williams, Dawkins, Hurley and Markham. Against: Councilmember George.

Mayor Finch declared the original motion carried.

Council next gave consideration to a bid for exercise equipment for the Police Department.

The City Manager presented this matter and stated that bids for furnishing exercise equipment for the Police Department were opened and read on September 5. The low bid was submitted by Clark Sporting Goods Company, Inc. in the amount of \$4,112. and was the bid recommended.

Mr. Dawkins offered motion, seconded by Mr. Hurley and carried unanimously to accept the low bid of Clark Sporting Goods in the amount of \$4,112. as recommended.

Council next gave consideration to a request by Mr. William C. Johnson, Senior Investigator, Intelligence Unit, Fayetteville Police Department, for representation by the City Attorney of a civil action arising out of his employment.

The City Attorney presented this matter and recommended approval.

Following some discussion, Mr. Williams offered motion that the City Attorney be and he hereby is, authorized and directed to represent Mr. Johnson in the Civil action as requested with the reservation that it does not indicate in any way that the city is liable, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to four appointments to the Education Development Council.

Mrs. Evans nominated Mrs. Malcolm Fleishman. There were no other nominations and Mayor Finch declared that this nomination would be held until the next regular meeting of the Council.

Delegations:

Mayor Finch recognized Mr. Bill Bowser from the audience, who presented a letter to Council for their consideration at a later date. Mr. Bowser also informed the Council that the City may be sued on any matter.

Mayor Finch thanked Mr. Bowser for his remarks.

City Manager reports:

The City Manager informed Council he had received a request from the Colonel Robert Rowan Chapter, of the National Society of the Daughters of the American Revolution that in recognition of constitution week, September 17 to September 23 that Fayetteville fly the American Flag on all government buildings and along all streets in the downtown area. The City Manager informed Council that the City is prepared to do this.

Mr. Dawkins offered motion, seconded by Mr. Hurley and carried unanimously that the foregoing request of the DAR be approved.

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The City Manager informed Council that the Civil Service Commission had certified to him the names of fourteen applicants for hire as Police Officers. The City Manager stated the Chief of Police and himself recommended approval.

Upon motion by Mr. Williams, seconded by Mrs. Evans and carried unanimously, the following named were approved to the Police Department as Police Officers: Gary Porter, Willie Simon, Ronald McDougald, Markutter Joiner, Robert Gonzales, Orlando Bustamante, Albert Esteban, Richard Bryant, Gary Parham, Barry Fisher, Jurgen White, James Shupe, Richard Stevens and Ruben Ornelas.

Council next heard a request from the City Manager for authorization to file with the North Carolina Department of Natural and Economic Resources, Law and Order Section, an application for a subgrant in the amount of \$23,283. under the Law Enforcement Assistance Administration Program for Crime Prevention. Under the provisions of the program, the City would be required to make a local cash matching contribution in the amount of \$1,294. as required by the current guidelines.

Following a brief discussion, Mr. George offered motion for the adoption of a resolution authorizing the filing of the application and authorizing the City Manager to do so in behalf of the City, motion seconded by Mr. Williams and carried unanimously.

There then followed a brief discussion of the Community Watch Programs in the City and Mr. Hurley suggested an annual meeting of all community watches and requested the City Manager to contact the Chief of Police to organize such a conference.

The City Manager informed the Council that it is the plan to relocate the Old Barge's Tavern from Grove Street to its new location at Ramsey Street at the Horne House Site on Sunday, September 17, at 9:00 a.m.

The City Manager informed the Council that there are Senior Citizens who wish to participate in a Senior Citizens Day with the local government similar to the program conducted with the high school youth. The date selected has been Monday, October 9, as the meeting date from the Senior Citizens will assemble at the Kyle House with the Mayor and City Council and all City Department heads. A luncheon is also planned. The City Manager stated that he would provide additional information later this week concerning this.

Council recognized Mr. Earl Dennis, the Airport Manager, who presented an application for an FAA grant offer in the amount of \$749,755. for runway extensions at the airport. The airport share of the cost will be \$53,222. The Airport commission recommends approval of the grant, Mr. Dennis stated, and requested Council to approve the submission and the execution of the grant by the Mayor and the City Clerk in behalf of the city.

Mr. Dawkins offered motion to follow the foregoing recommendation of the Airport Commission and authorize the filing of the grant and directing the Mayor and Clerk to sign said grant in behalf of the city, seconded by Mr. Williams and carried unanimously.

Matters of interest to the Council:

Mrs. Evans informed Council that County Commissioner, Virginia Thompson had contacted her regarding the recent resignation of the Police Legal Advisor and suggested that since the Police Department had no attorney serving as legal advisor at the present time & that the Sheriff's Department did suggested that one attorney be retained for both the Police and Sheriff Departments.

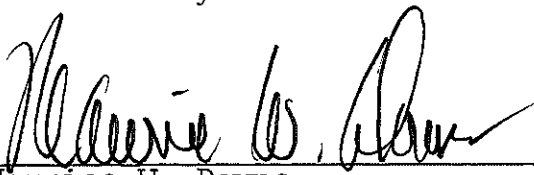
Mrs. Evans suggested that the City Manager be requested to investigate this possibility.

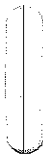
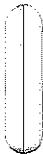
The City Manager informed Council that he was already working on this matter.

Council then adjourned into executive session at 8:50 p.m.

Council reconvened into regular session at 9:05 p.m. Mr. Dawkins then offered motion that the City Council authorize the City Attorney to accept settlement in the D.R. Allen case and proceed to trial with the Burgess case and also the lot at the corner of Arsenal Avenue and Davis Street-910 Arsenal Avenue, motion seconded by Mr. Williams and carried unanimously.

Thereafter, all matters of business having been completed, this regular meeting was adjourned at 9:08 p.m. upon motion made and duly seconded.


Maurice W. Downs
City Clerk



SPECIAL MEETING
 MONDAY
 SEPTEMBER 18, 1978
 8:30 P.M.
 COUNCIL CHAMBER

Present: Mayor Beth Finch

Council Members: George Markham, Bill Hurley, J.L. Dawkins, Wayne Williams and Mildred Evans.

Council Member Absent: Marion C. George

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

Upon motion by Mr. Dawkins, seconded by Mr. Hurley and carried unanimously this special session was called to order, the required notice having been given to Council Members, for the purpose of discussion and action on the annexation of Fort Bragg and Pope Air Force Base.

Mayor Finch called on the City Manager for presentation.

Mr. Thomas reminded Council that at the meeting on September 7, proposals had been submitted concerning this annexation and that Council had received the proposals for study, requested that the Spring Lake officials be notified, and cancelled the meeting scheduled for that evening. He further reminded Council that at the September 7 meeting he had been instructed to draw a Proposal C, showing the impact resulting if Fayetteville annexed Fort Bragg and Spring Lake annexed Pope AFB. This had been done, he stated.

Mr. Thomas then displayed a map showing the proposed boundary originally advertised by Spring Lake two years ago. The map also indicated the proposed boundaries suggested by the various recent proposals present on September 7.

Mr. Thomas then reviewed for Council's benefit the various proposals presented at the September 7 meeting as well as new Proposal C. Following this presentation, Mr. Thomas stated to Council that Administration recommends the approval of proposal A-2, which is without sales tax and the local government act, and Fayetteville annexing the CP&L substation.

Discussion followed with Mr. Williams stating he still favored the Fayetteville-Fort Bragg and Spring Lake-Pope AFB annexation.

Following some further discussion, Mrs. Evans offered motion that we stand firm with Proposal B. Motion lost for lack of a second.

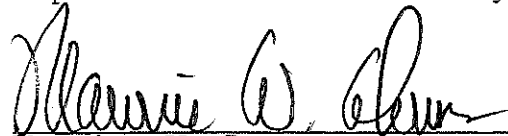
Mr. Markham then offered motion that Council go with Proposal C as the first choice and Proposal A-2 as a compromise. Motion lost for lack of a second.

Mr. Williams offered motion that the City Manager be given authorization to offer as a compromise Proposal C and that this is indeed a compromise.

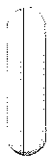
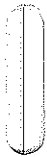
This motion also lost for lack of a second.

Mr. Hurley then offered motion that the City Council propose to Spring Lake Proposal A-2 as presented by the City Manager at the scheduled meeting with Spring Lake officials on Thursday, September 21. Motion seconded by Mr. Dawkins. Mrs. Finch then called for a vote and it was as follows: For the motion; Council Members Dawkins, Hurley and Markham. Against the motion: Council Members Williams and Evans. Mayor Finch declared the motion carried.

Meeting then adjourned at 8:55 p.m. upon motion made and duly seconded.



Maurice W. Downs
 City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
SEPTEMBER 25, 1978
7:00 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 Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and Councilman Dawkins offered the invocation. The Pledge of Allegiance was led by Mayor Finch.

Mayor Finch recognized Fayetteville Youth Council representatives, Angie Tucker, Gail Griffin and Dee Dee Rogers in the audience to observe Council proceedings.

Councilman Williams requested permission to abstain from discussing and voting on public hearing Item 2B. (3) due to a possible conflict of interest. Permission was granted.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously minutes of the regular meeting of September 11 were approved as submitted by the Clerk.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously minutes of a special meeting of the Council of September 18 were approved as submitted by the Clerk.

The City Manager requested an executive session of the Council at the end of this meeting this evening to discuss land acquisition matters. Council approved the request.

Public Hearings:

A public hearing had been published for this date and hour on the rezoning from R6 Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located at 104 Circle Court. Planning Board recommended denial. There were neither proponents nor opponents present.

Mr. Williams then offered motion to follow the foregoing recommendation of the Planning Board and deny the rezoning, seconded by Mr. Dawkins and carried unanimously.

A public hearing had been published for this date and hour on a petition for the rezoning from R6 Residential District to C1 Local Business District or to a more restrictive zoning classification an area located at 1912 Ramsey Street. Planning Board recommended denial.

A Mr. Kenneth Matthews was recognized for the petitioner and requested approval of the rezoning. Mr. Clinton Harris was also present in favor of the rezoning. There was no opposition present.

Following a brief discussion, Mr. Dawkins offered motion to follow the recommendation of the Planning Board and deny the petition for rezoning, motion seconded by Mr. Hurley.

Following some discussion, Mr. George offered substitute motion to rezone the area to P2, motion seconded by Mr. Williams.

Mayor Finch called for a vote on the substitute motion and it was as follows: For the motion: Councilmembers George and Williams. Against the motion: Councilmembers Evans, Dawkins, Hurley and Markham. Mayor Finch declared the substitute motion lost and called for a vote on the original motion and the vote was as follows: For the motion: Councilmembers George, Evans, Dawkins, Hurley and Markham. Against the motion: Councilmember Williams. Mayor Finch declared the original motion to deny, carried.

A public hearing had been published for this date and hour on the rezoning from C1P Shopping Center District to R5A Residential District or to a more restrictive zoning classification of an area located 200 feet west of Rosehill Road about 600 feet south of Autumn Drive. Planning Board recommended approval.

Mr. Ken Kuszpit of the Edwards Rhodes Building Company was recognized for the rezoning. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM C1P SHOPPING CENTER DISTRICT TO R5A RESIDENTIAL DISTRICT AN AREA LOCATED 200 FEET WEST OF ROSEHILL ROAD ABOUT 600 FEET SOUTH OF AUTUMN DRIVE. ORDINANCE NO. NS1978-72.

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

A public hearing had been published for this date and hour for the rezoning from R6 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification of an area located at 1813 Pamalee Drive. Planning Board recommended approval. 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 1813 PAMALEE DRIVE. ORDINANCE NO NS1978-73.

Mr. Williams introduced the foregoing ordinance and moved its adoption, seconded by Mr. Hurley and carried unanimously.

Copies of the two foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1978.

A public hearing had been published for this date and hour on the paving, without a petition of Sherrerd Avenue from a point 20 feet south of the southern Margin of Kirkland Drive to a point 20 feet north of the northern margin of Kirkland Drive.

The Clerk certified that all property owners had been mailed notice of this public hearing. The City Engineer presented this matter and displayed a map showing the proposed intersection improvement.

Mr. Percy Warren, a resident property owner was recognized in favor of the paving. There was no opposition present.

FINAL RESOLUTION REQUIRING THE PAVING, WITHOUT A PETITION OF SHERRERD AVENUE FROM A POINT 20 FEET SOUTH OF THE SOUTHERN MARGIN OF KIRKLAND DRIVE TO A POINT 20 FEET NORTH OF THE NORTHERN MARGIN OF KIRKLAND DRIVE. RESOLUTION NO. R1978-32.

Mr. Williams 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 R1978.

Council next gave consideration to an agreement with the North Carolina Department of Transportation for improvements at the intersection of Branson Street and Broadfoot Avenue. The City Engineer presented this matter and suggested that this item was dependent upon Council's approval of the next item appearing on the agenda-Final approval of the paving of a section of Broadfoot Avenue from Branson Street to Simpson Street that Council may want to give consideration to the next item prior to this one. Council agreed and moved to the next item on the agenda, which was consideration of a final resolution requiring the paving of a section of Broadfoot Avenue from Branson Street to Simpson Street.

A public hearing had been published for this time and date on this matter which was the paving without a petition, of Broadfoot Avenue from Branson Street to Simpson Street. The Clerk certified that all property owners had been mailed notice of this public hearing.

The City Engineer presented this item and stated that this matter was before Council at the request of the Department of Transportation because the traffic signal equipment at this intersection is quite old and obsolete and the intersection has become eligible for upgrading under the 1976 Federal Aid Highway Act. The DOT administers this program. The portion of Broadfoot Avenue south of Branson Street is needed for the signal activation equipment. Mr. Bennett stated it was more expedient to pave the entire block from Branson Street to Simpson Street rather than just a portion of the block. This was also tied into Community Development at a later date.

Mr. Glenola Williams of 303 Valley Road was recognized in favor of the paving.

Mr. & Mrs. Lawrence Blackwood of 305 Valley Road were present; not in opposition to the paving but any proposed assessment against their property.

FINAL RESOLUTION REQUIRING THE PAVING WITHOUT A PETITION OF BROADFOOT AVENUE FROM BRANSON STREET TO SIMPSON STREET. R 1978-33.

Following some discussion, Mr. Dawkins introduced the foregoing resolution and moved its adoption, seconded by Mrs. Evans and carried; Mr. Williams abstaining in the discussion and voting.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1978.

Council then considered the proposed agreement with the North Carolina Department of Transportation for the improvements at the intersection of Branson Street and Broadfoot Avenue. The City Engineer presented this matter and reiterated that it was desired to improve the traffic signal equipment at this intersection under the DOT program. He informed Council that the City would be required to adjust the utilities as needed to acquire any right-of-way which would be only triangular corners at the intersection and the south side of Branson Street, design and prepare the plans, pave Broadfoot Avenue to accommodate the vehicle detectors, pay DOT for new traffic signal equipment at an estimated cost of \$8,000., install the new traffic signal equipment by the end of 1978 if possible. DOT would review and approve the construction plans and reimburse the city 70% (up to \$5,600.) of the signal equipment cost after the project is completed. The City Engineer recommended approval of the municipal agreement.

There were no proponents nor opponents to this matter.

Mr. Dawkins then offered motion for approval of DOT Municipal Agreement State Project 8.2327101 as recommended by the City Engineer and that the Mayor and Clerk be and they hereby are authorized and directed to sign said agreement in behalf of the City, seconded by Mr. Williams and carried unanimously. (A copy of the Municipal Agreement will be placed on file in the Clerk's office.)

A public hearing had been published for this date and hour on the paving pursuant to petition of Lucerne Street from the existing pavement to the dead end. The City Clerk certified that all property owners had been mailed written notice of this Public hearing. The City Engineer presented this matter and displayed a map showing the proposed paving. There were neither proponents nor opponents present.

FINAL RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION OF LUCERNE STREET FROM THE EXISTING PAVEMENT TO THE DEAD END. RESOLUTION NO. R1978-34.

Mr. Hurley introduced the foregoing resolution and moved its adoption, seconded by Mr. Williams and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1978.

A public hearing had been published for this date and hour on the paving pursuant to petition of Brainerd Avenue from Ramsey Street to the eastern margin of Lot #23, Block 6, Plat Book 11, Page 44. The Clerk certified that all property owners had been mailed notices of this public hearing. The City Engineer presented this matter and displayed a map showing the proposed paving project.

Mr. Ray Odom and Mr. Will Murray, Brainerd Avenue property owners were recognized in favor of the paving project. There was no opposition present.

FINAL RESOLUTION REQUIRING THE PAVING, PURSUANT TO PETITION OF BRAINARD AVENUE FROM RAMSEY STREET TO THE EASTERN MARGIN OF LOT #23, BLOCK 6, PLAT BOOK 11, PAGE 44. RESOLUTION NO. R1978-35.

Mr. Dawkins introduced the foregoing resolution and moved its adoption, seconded by Mr. Williams and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1978.

A public hearing had been published for this date and hour on the construction of a storm sewer and drainage system in a portion of Cumberland Heights subdivision (McKimmon Road) pursuant to petition. The Clerk certified that notices of the public hearing had been mailed to the resident property owners. The City Engineer presented this matter and stated that this request was by petition from Mr. & Mrs. Michael Insley of 1022 McKimmon Road. The City Engineer displayed a map of the proposed project and informed Council that a very deep ditch ran through Mr. Insley's property and was creating a serious erosion and storm drainage problem, not only for Mr. Insley but for the property immediately to the rear which faces on Lyon Road. The City Engineer stated further that the installation of a storm sewer drainage system would alleviate the problem and that the water deflector would be constructed at the rear of Mr. Insley's lot in order to prevent further erosion of the vacant lot to the rear of Mr. Insley's lot.

Mr. Insley was present and recognized and requested the improvements and acknowledged and agreed to the payment of one half of the total construction cost as contained in the petition. Mr. Insley did make a specific point of requesting the City to cover the storm sewer pipe in such a manner as to prevent further erosion of his property. The City Engineer acknowledged that this would be done, according to specifications. There was no opposition present.

FINAL RESOLUTION REQUIRING THE CONSTRUCTION OF A STORM SEWER AND DRAINAGE SYSTEM IN A PORTION OF CUMBERLAND HEIGHTS SUBDIVISION. (MCKIMMON ROAD). RESOLUTION NO. R1978-36.

Mr. Williams 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 R1978.

On a final public hearing matter, the consideration of developing a community park within Eccles Park Community (continued from the September 11 meeting). The City Manager, by way of review, stated that at a neighborhood meeting earlier this year, residents of Eccles Park Community had requested a neighborhood park be established in their community. A hearing had been held by a Recreation and Parks Department and Human Relations Department on August 17 to discuss the positive and negative aspects of purchasing Lot #20 for the development into the park. At the conclusion of the meeting, it was a consensus of the residents that they wanted the city to purchase Lot #20 and develop it into a community park. The asking price for the lot was \$4,000. The City Manager stated he had suggested to council at the last meeting that they discuss this matter further in a public hearing in order to give the adjoining property owners an opportunity to express any objection they may have to the establishment of a park adjacent to their properties.

There were no proponents present, however, Mr. James Everett of Lake Avenue, Mr. & Mrs. Kirkland of Lake Avenue and Mr. David Rush, an area resident, were recognized in opposition to the establishment of such a park adjacent to their properties due to the cars and noise which would be involved should such a park be established. Mr. Kirkland suggested consideration of another location at the lake at the far end of the street.

Following some brief discussion of this matter, Mrs. Evans offered motion that the City not purchase lot #20 in Eccles Park community, seconded by Mr. Williams and carried unanimously.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, public hearings were set for October 30, 1978 on the following:

A special use permit for the construction of a convalescent home in an R5 Residential District located on the west side of Murchison Road south of the intersection of Cross Creek.

The rezoning from R10 Residential District to P2 Professional District or to a more restrictive zoning classification of an area located on both sides of McPherson Church Road between Morganton Road and Cliffdale Road.

Planning Board Matters:

Upon motion by Mrs. Evans, seconded by Mr. George and carried unanimously, Hickory Hill Housing for the Elderly, Phase I, preliminary and final group development review located on Rosehill Road south of Country Club Drive was given conditional approval as recommended by the Planning Board in their September 25 memo.

Council next considered preliminary and final ClP review for Shoneys Big Boy Restaurant located in Westwood Shopping Center. Planning Board recommended conditional approval. Planner Mitchell stated that Planning Board had imposed several conditions to the approval of this plat. Among those were item 5 that the proposed drive off the main entrance to the shopping center not be allowed and item 7, that the developer provide sidewalks along Morganton Road with the usual city participation as per previous approval for Westwood Shopping Center.

Mr. Henry Player of Tri-Player Investments and developer of Westwood Shopping Center was recognized in opposition to the two foregoing conditions. He stated he desired to amend his proposal for the driveway off the main entrance to the shopping center for a curved entrance only. He stated his objections to the sidewalk were that originally they had agreed to provide sidewalks along Morganton Road when the original plan for the shopping center was approved, but since this time this requirement had proved to be a big burden. One reason was due to a lack of cooperation among those involved. (State and PWC) Mr. Player further stated that the policy should specify what was required of the developers in this matter. Mr. Player stated further that grass sidewalk had been constructed and also mentioned the pole obstructions to a paved sidewalk. He requested that the city install paved sidewalks at the intersection at its expense.

Planner Mitchell informed Council that he was not aware of the amended proposal concerning the entrance from Morganton Road and suggested that this be taken back before the Planning Board. He indicated on a map that such an amended entrance would require that the parking spaces be slanted rather than straight in to the curb.

Following some discussion of this matter, Mr. Dawkins offered motion for deferral of this item and referral back to the Planning Board for review and recommendation at the October 30 meeting, motion seconded by Mr. Hurley and carried unanimously.

On a final Planning Board matter Mr. Williams offered motion, seconded by Mr. Hurley and carried unanimously for approval of a request for water and sewer extension to serve Lake's Edge Subdivision located McArthur Road east of College Lakes Subdivision.

Public Works Commission Matters:

PWC Manager Muench presented these items.

Upon motion by Mr. Williams, seconded by Mrs. Evans and carried unanimously a resolution was adopted authorizing and directing the acquisition by condemnation of an easement for electric lines in, upon and over certain land owned by Claude Little and wife, Lillie Mae Little, R.W. Pope Trustee and Cross Creek Savings and Loan Association located on U.S. 401 South. (Raeford Road)

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously one 1-inch water connection on Legion Road outside the city by Jane Horne was approved as recommended by PWC.

Upon motion by Mr. Williams, seconded by Mr. Hurley and carried unanimously an application for one 1-inch water connection on Johnson Street outside the city by Richard G. Knight was approved as recommended by PWC.

Council next gave reconsideration to the sale of certain city property. (This matter continued from the September 11 meeting) The City Attorney presented this matter and stated that Reverend Calvin McLaughlin desired to purchase Lot #46 property of the City Of Fayetteville and had submitted a bid in the amount of \$284.60. Sale of this property was also desired by Community Development. The City Attorney recommended approval and requested the Council adopt a resolution to sell all of City's interest in Lot 46 in the T.R. Bullard Estate Annex.

Mrs. Evans offered motion for adoption of such resolution as recommended by the City Attorney and approve the sale of Lot #46 to Rev. Calvin McLaughlin for \$284.60, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to an ordinance requiring the Building Inspector to correct conditions of property located at 1018 Ellis Street owned by Mr. Edward Baldwin. This matter continued from the August 14 meeting. Mr. Bob Pebernatt of the Inspection Dept. was present and stated that as of this date, Mr. Baldwin has been in the process of doing some minor repairs and rehabilitating the store and recommended that Mr. Baldwin be given an additional 90 days.

Following a brief discussion, Mr. Dawkins offered motion, seconded by Mr. Williams and carried unanimously that Mr. Baldwin be granted a 90 day extension as recommended, motion carried unanimously.

Council next gave consideration to a complaint from Mr. Lee Warren and Mr. M.J. Taylor, Co-owners of the Barbecue Lodge located at the corner of Grove and North-eastern Boulevard concerning the sewage treatment plant odor.

Council recognized Mr. Taylor first who stated the odor emanating from the sewage treatment plant is now and has been causing a problem for their restaurant patrons. He stated he had contacted PWC on numerous occasions to correct the problem. He stated further he was of the opinion that the odor was coming from the sewage treatment plant inasmuch as they were not bothered except when the wind was blowing from the north. He stated the problem was hurting their business and he requested Council to have PWC correct the matter. Mr. Lee Warren was also recognized with essentially the same complaint and request.

Council asked PWC Manager, Ray Muench to comment on the situation. He stated that PWC has had engineers in on several occasions to study and attempt to correct the problem and that they had spent hundreds of thousands of dollars in an attempt to alleviate the odor. He stated he did not deny that the problem is with the sewage treatment plant and that the steps and measures they had taken had alleviated it somewhat. He stated that PWC is working continuously on the problem and doing everything possible, but reminded Council that the sewage treatment plant is still just that and that as with a rose which smells like a rose, a sewage treatment plant will always in some respect smell like a sewage treatment plant. Mr. Muench stated further that the \$1.3 million dollar sludge and incineration oven which was purchased recently will be in operation in approximately two weeks and that as well as the covering over the drying beds would alleviate to a great extent the odor emanating from the plant. Mr. Muench stated further that they were continuing the deodorizing and spraying process also. Mr. Muench reminded Council that while PWC was accepting the blame for a part of the problem, that other manufacturing plants in the area were contributing to the problem.

Following some further discussion, Mr. Williams offered motion that at the December 11, meeting, Council have another briefing with PWC on this matter, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to the forwarding to the City/County Liaison Committee, a charter creating a joint Fayetteville-Cumberland County Senior Citizens Advisory Commission. The City Manager presented this matter and stated that the staff had concluded its analysis and determination of the organization best suited to serve the needs of the senior citizens in the city and county.

The principal conclusions reached by the staff were: 1) There is a definite need for some sort of advisory council on aging to advise the city and county governments on the needs and aspirations of senior citizens and the national and state resources and programs available to meet those needs and aspirations.

2) The advice and assistance to city governments should not be limited to just the operation of the senior citizens center or centers but should cover all aspects of senior citizens affairs.

3) Whatever advisory body is created should be a joint in nature and reflect in its composition the almost equal senior citizen population in the city and the county.

He recommended that the charter prepared for a joint Fayetteville/Cumberland County Senior Citizens Advisory Commission be forwarded to the Liaison Committee for consideration. He stated the proposed charter incorporates the following features:

- a. A ten member commission.
- b. Five members to be appointed by the City Council and five to be appointed by the County Commissioners.
- c. Overlapping two year terms of office. Terms limited to two terms and no further reappointments to office without a two year interval.
- d. Members may be removed for cause by appointing authority. Absence from three consecutive meetings would be considered as cause for removal.

The City Manager read the following from the proposed charter:

II. Purpose.

The purpose of the commission shall be to recommend policies and programs to aid the city and the county in meeting the needs and aspirations of senior citizens.

III. Duties.

The duties of the Commission shall be:

- a. To keep informed of the needs and aspirations of senior citizens in the city and the county.
- b. To keep informed of developments of state and national programs and resources available to serve senior citizens needs and to advise the local governments concerned and see to advise the local governments concerned relative to the design, location and program policies of senior citizens service centers.

Mrs. Evans stated to Council that her committee is in agreement with the foregoing.

Mr. Williams then offered motion, seconded by Mr. Hurley and carried unanimously that the foregoing be forwarded to the Liaison Committee for consideration.

Council next gave consideration to a proposed ordinance concerning notice of meeting. The City Attorney presented this matter and stated that the proposed ordinance presented tonight had been drawn at Council's request and pursuant to NCGS 143-318.1. The City Attorney informed Council that the proposed ordinance would require all public bodies under the jurisdiction of the Council to send notices of their regular, special or emergency meetings to the City Clerk for posting and notification to news media who have requested such. The ordinance also establishes a "sunshine list" of news media for special meetings and emergency meetings. The ordinance further designates that the news media on said sunshine list, shall specify as to which public bodies affected by this ordinance the requestor desires to receive notice of either special or emergency meetings and further, the ordinance provides for the establishment of a fee for such notification to the news media.

Following some discussion of the ordinance, Mrs. Evans offered motion for adoption of the ordinance with no fee for the first year and delete the last part of Section 2-16 (small d) pertaining to such fee, motion seconded by Mr. Dawkins and carried unanimously.

AN ORDINANCE CREATING A NEW SECTION 2-16 "NOTICE OF MEETINGS" OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S1978-15.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S 1978.

Council next gave consideration to a proposed ordinance prohibiting smoking on city buses. The City Attorney presented this matter and stated the proposed ordinance had been received from Mr. James Gray, Director of the City Transit Dept. and pursuant to an 80 signature petition requesting the passage of this ordinance. This matter was discussed at some length and following such discussion, Mrs. Evans offered motion for adoption of the ordinance as presented, motion seconded by Mr. Hurley.

Mayor Finch called for a vote and it was as follows: For the motion; Councilmembers Evans, Hurley and Williams. Against; Councilmembers Markham, Dawkins and George. Mayor Finch declared a tie vote and cast her vote against the motion and declared it defeated.

Mr. Williams then offered motion that the last five rows in busses be designated as smoking areas. Motion was lost for lack of a second.

Mayor Finch then suggested that that signs be placed in the busses stating "thanks for not smoking". The suggestion received tacit agreement by the Council.

The next item for consideration on the agenda was that of a resolution of condemnation for Parcel N-5 for the Maiden Lane improvements. The City Manager informed Council that this would be a matter for discussion at the executive session. This item was then passed over and Council moved to item 15 which was consideration of awarding a contract for the demolition of two masonry apartment buildings and one masonry garage (formally the Burgess property) located at the corner of Maiden Lane and Anderson Street.

The City Engineer presented this matter and stated that bids had been received on September 18 for the demolition of the above buildings and that Blue Contracting Company, the low bidder in the amount of \$6,400. was recommended.

Mr. Williams then offered motion, seconded by Mrs. Evans for awarding the contract to the low bidder, Blue Contracting Company for \$6,400. as recommended, motion carried unanimously.

Council next gave consideration to several ordinances requiring the Building Inspector to correct conditions of substandard structures at various locations throughout the city.

Mr. Bob Pebernat from the Inspection Dept. presented these matters and requested approval.

There were seven ordinances presented and Council considered each separately.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 107 UNIVERSITY AVENUE(B-5,6,10 & 11,) AND OWNED BY SANDERS AND THOMAS CORPORATION. ORDINANCE NO. NS1978-74.

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

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 105 MURCHISON ROAD (APARTMENTS 2,3,4 &5) AND OWNED BY SANDERS AND THOMAS CORPORATION. ORDINANCE NO. NS1978-75.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 2209 MURCHISON ROAD AND OWNED BY SANDERS AND THOMAS CORPORATION. ORDINANCE NO. NS1878-76.

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

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 2910 MURCHISON ROAD AND OWNED BY MR. JOHN DROSE. ORDINANCE NO. NS1978-77.

Mr. Dawkins introduced the foregoing ordinance and moved its adoption, seconded by Mr. Williams and 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 2910½ MURCHISON ROAD AND OWNED BY MR. JOHN DROSE. ORDINANCE NO. NS1978-78.

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

On the next ordinance, Council recognized Mr. Dennis B. Nathalie of 5405 Cassidy Court, owner of the structure located at 208 Myrover Street and the rear garage, who informed them that some repairs had been completed on the structure and then valdalism and major surgery had caused the temporary cessation of such repairs. Mr. Nathalie informed Council that he needed more time to make the completions and requested an additional 6 months.

Mr. Bob Pebernat of the Inspection Dept. informed Council that permits were issued in November and December of 1977 to Mr. Nathalie to make the necessary repairs and that the only thing done to date was the cutting of the grass. He recommended approval of the demolition ordinance.

Following some discussion, Mrs. Evans offered motion to allow Mr. Nathalie an additional 6 months to bring the property up to standards, seconded by Mr. George and carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 109 ENOCH AVE.

AND OWNED BY DAVID A. BUTLER AND WIFE, DIANE S. BUTLER AND CHAUNCEY C. STOKES, III.
ORDINANCE NO. NS 1978-79.

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

All of the foregoing ordinance are on file in the Clerk's office in Ordinance Book NS1978.

Council next gave consideration to the 4 year implementation plan for improving downtown vehicular and pedestrian circulation and parking. Council recognized Mr. Robert Henry, head of Downtown Revitalization. Mr. Henry in turn called on Mr. Horace Thompson, Chairman of the Downtown Revitalization Commission who requested permission of the Council to read the following statement for the record:

Madam Mayor and Members of the Council...I am here to represent the Fayetteville Revitalization Commission and would like to read a prepared statement.

The objective of the Fayetteville Revitalization Commission has been to identify an acceptable, feasible, and workable program for improving downtown vehicular and pedestrian circulation and parking. We feel that the Four Year Implementation Plan being presented tonight has taken into consideration a divergence of views, opinions, and concerns and that the resulting plan is one that our community can and will support.

The concept of developing a Four Year Implementation Plan was developed by members of the Revitalization Commission in discussions with the City Manager and his staff last February. An outline of the Plan was first discussed with the council at your March information meeting. The plan at that point was referred back to the Revitalization Commission for further refinement.

Since that point, the Commission has conducted six meetings, concentrating on finding an acceptable set of objectives on which this council could take action. The Plan has received the endorsement of the Joint Planning Board; the Commission has conducted a Public Hearing and considered a great many public concerns ranging from environmental and aesthetic to economic, engineering and business; we have searched long and hard for a broad consensus upon which this Council could base its decisions. We feel that this Plan is acceptable, feasible, and workable; that it is a balanced approach to solving the problems of downtown, and once adopted, that it will have the broad support of both the public and private sector. There is strong community consensus from both the public and private sector that now is time for action to be taken, and implementation to begin.

Your opportunity, as elected representatives of our community, to make a decision that has a significant impact on the future of our city is unique. You can be remembered in this community as the City Council that had the foresight and courage to make a commitment for the future of your downtown. You all remember what downtown Fayetteville was, you've all had the opportunity to watch it decline; now you have an extraordinary opportunity to make decisions that will eventually lead downtown back to its central importance...that of being a metropolitan center, a good place for business, a good place for government, and a good place for people.

With your permission I would like for Mr. Henry to present our final recommendation for your consideration.

Fayetteville Revitalization Commission
Horace Thompson, Chairman

Following Mr. Thompson's remarks, Mr. Henry presented the Four Year Implementation Plan and addendum accompanied by a visual display in the form of a map showing what was proposed.

Mr. Henry stated that the Revitalization Commission's objective was to aid the City Council in finding acceptable solutions to downtown circulation problems upon which they can act. The problems of downtown streets, pedestrian areas and parking are complex. There are no simple answers and no single approach that will solve these problems. We have tried to put together a comprehensive package that gives our city direction in the downtown circulation improvements needed to revitalize downtown Fayetteville's economy. Many issues have been successfully negotiated to an acceptable solution. A few remain as obstacles to a decision. However, a consensus is that the importance of having an implementation program that begins the recovery of our downtown far outweighs the individual points of view that continue to be expressed. The future of our city depends on the ability to find an acceptable set of improvement priorities and taking action to implement these established objectives within a set time frame.

Your opportunity to make a decision that can have significant impact on the future of our city is unique. The time is right, he said, and the public will support you in your efforts to revitalize our downtown. A wise decision can act to unite our community and build confidence that our city is off on the road to recovery. In conclusion, he stated that working together we can build downtown Fayetteville into a metropolitan center, a good place for business and a good place for people and a place that we and our children can be proud of.

Mr. Henry then continued his presentation with the following addendum items to the Four Year Implementation Plan as follows:

- Item 1. Ray Avenue improvement-Rowan Street to Maiden Lane.
- Item 2. Purchase of railroad property.
- Item 3. Conceptual design for Cross Creek Linier Park and Hay Street and environs.
- Item 4. Removal of railroad spur line.
- Item 5. Purchase and construction of three parking lots.
- Item 6. Bow Street improvements-Liberty Point to Green Street.
- Item 7. Right-of-way purchase.
- Item 8. Linier Park construction.
- Item 9. Parking deck construction-northeast corner of Anderson and Old Streets.
- Item 10. Maiden Lane connector to Bow Street.
- Item 11. Ray Avenue Extension.
- Item 12. Railroad crossing-Maiden Lane to link with Davie Street.
- Item 13. Program timing to be identified.

This concluded Mr. Henry's presentation.

Mayor Finch and the Council extended thanks to Mr. Henry for the presentation this evening and requested the City Manager to place this on the agenda for the meeting of October 9.

Council recognized Mr. Dan MacMillan, of MacMillan and MacMillan Architects with remarks on the proposed Ray Avenue modification. Mr. MacMillan stated that he spoke for himself and other businesses on this street and that they were opposed to the 80 foot right-of-way.

Mr. Williams then offered motion that the Four/^{Year}Implementation Plan be placed on the agenda for public hearing on October 9, seconded by Mr. Dawkins and carried unanimously.

Council next considered bids for trucks for various city departments.

The City Manager presented this matter and recommended that all bids be awarded to the low bidder as follows:

One six thousand GVW pick up truck for the Recreation and Parks Department to LaFayette Ford for \$4,923., one five thousand one hundred fifty GVW van for the Recreation and Parks Department to LaFayette Ford for \$5,328., one five thousand five hundred GVW pick up truck for the Cemetery Department to Patrick Ford, Inc. for \$4,580.73., one compact pick up truck for the Engineering Department to LaFayette Ford for \$4,482., one four thousand two hundred GVW pick up truck for the Police Department to LaFayette Ford for \$5,543., two twenty five thousand five hundred GVW trucks with diesel engines and dump bodies for the Street Department to Smith International Truck Center for \$39,056.80 and two fifty six thousand GVW trucks, cab and chassis only with diesel engines for the Street and Sanitation Department to Smith International Truck Center for \$63,738.24.

Mr. Williams then offered motion that the foregoing bids be awarded as recommended, seconded by Mrs. Evans and carried unanimously.

Council next considered bids for tires, tubes and recapping, and the City Manager recommended that bids be awarded to the respective low bidders for the first seven items and to the only bidder for the last two items as follows:

Regular tread passenger tires and tubes to Firestone Store for \$10,081.97. Regular tread radial passenger car tires to Corder Vossler Co, Inc., \$1,502.42. Regular tread police special radial tires and tubes to Firestone Store for \$1,693.98. Mud and snow passenger tread passenger tires to Firestone Store for \$2,946.59. For small truck tires-regular tread and mud and snow tread and tubes to Firestone Store for \$4,869.29. For large truck tires regular tread and mud and snow tread and tubes to Firestone Store for \$24,195.65. Tractor tires and tubes to Corder Vossler, Co., Inc. for \$1,369.39. To Corder Vossler Co., Inc. the only bidder, for motor grader tires, Corder Vossler Co., Inc. for \$937.47. For recapping truck tires, Corder Vossler Co., Inc. for \$13,485.64.

Mr. Williams offered motion to award the foregoing bids as recommended by the City Manager, seconded by Mrs. Evans and carried unanimously.

Council next considered bids on the Central Fire Station remodeling. The City Manager introduced this matter and called upon the architect who received the bids,

Mr. John J. Rose, AIA. Mr. Rose informed Council that the low bids were as follows:

General contractors- Jackson Construction-\$49,445.
 Plumbing Contractors-Haire Plumbing-\$2,200.
 Heating and air conditioning- Bass Air Conditioning-\$6,200.
 Electrical Contractors- Cain Electric, Inc.-\$6,696.

These were the low bidders and the ones recommended he stated. Summing the bids the base bid for the complete project is \$64,541. with an add alternate of \$3,332. for carpeting the office areas.

Since we began the project a year ago, construction costs have risen about 10%, therefore, I recommend the City Council approve these bids for the base bid. I do not recommend acceptance of the carpet bid and suggest the City contract for that separately.

Mrs. Evans offered motion to accept the foregoing low bids as recommended by the architect, seconded by Mr. Dawkins and carried unanimously.

Council then considered appointments to the Education Development Council.

Mrs. Evans nominated Mrs. Malcolm Fleishman at the last meeting.

Mrs. Evans then offered motion that Mrs. Malcolm Fleishman be appointed to the Education Development Council by acclamation vote, seconded by Mr. Dawkins and carried unanimously.

There were no delegations present.

City Manager reports:

The City Manager informed Council the following named persons had been certified by the Civil Service Commission for appointment to the Police Department, and were also recommended by Chief Dixon and the City Manager: Roy Batton, Jr., Thomas Burgamine, Gareth Lushis, Ronald Snider and James Taylor.

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

The City Manager informed Council that it was recommended by Fire Chief Bishop and himself that Lt. Winston C. Matthews be promoted to the rank of Captain and that Fireman Charles Williams be promoted to the rank of Lieutenant on the Fire Department.

Mr. Dawkins offered motion, seconded by Mr. Hurley and carried unanimously that the foregoing promotions be effective as recommended.

The City Manager informed Council that the Spring Lake Board of Aldermen wished to meet with the Council on October 5 and October 19 for further discussion of Ft. Bragg annexation. These dates were agreeable with the Council.

The City Manager informed Council that a charitable fund raising event is planned for Bordeaux Shopping Center for the benefit of the Myrover-Reece Fellowship Home and that it was planned that four skydivers would jump into the undeveloped northern portion of the Bordeaux Shopping Center on Saturday, September 30 at 2:00 P.M. This action requires Council approval.

Mr. Williams offered motion, seconded by Mr. Hurley that the foregoing be approved as requested, motion carried unanimously.

The City Manager reminded Council that Monday, October 9, was the Senior Citizen Day with the Local Government and that he would inform Council further with a memorandum.

The City Manager distributed the schedules of the new bus routes recently formed to cut down on deficits.

Matters of interest to City Council:

Mr. Williams asked the City Manager if Hope Mills had responded to Council's request for their participation in the cost of serving that city with bus service. The City Manager replied that he had not as yet received an official reply from their Mayor, but it was his understanding that the offer was being declined.

Mayor Finch reminded the Council of the Governmental Association meeting at 7:30 Tuesday night at Falcon.

Also the DOT public hearing on the Airport connector on Wednesday Evening.

Also the Region "M" Meeting on Thursday.

Council then adjourned into executive session at 11:10 P.M. for the purpose of discussing land acquisition.

Mayor Finch reconvened the Council into regular session following the executive session at 11:20 P.M.

The City Manager recommended the City Council authorize the purchase of a tract of land designated N-1 for an amount up to \$72,000.

Mr. Williams offered motion, seconded by Mr. Dawkins for approval of the foregoing as requested, motion carried unanimously.

The City Manager recommended that City Council authorize the purchase of a tract of land designated N-2 for an amount up to \$17,950.

Mr. Williams offered motion, seconded by Mr. Hurley and carried unanimously for approval of the foregoing as requested.

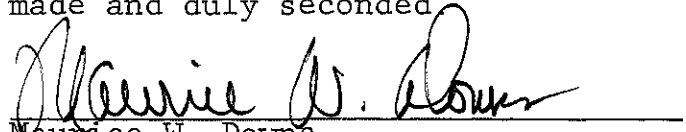
The City Manager then recommended to the Council that the City Attorney take condemnation action on a tract of land designated as N-5 by the adoption of a resolution.

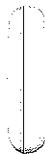
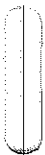
RESOLUTION AUTHORIZING CONDEMNATION OF PARCEL ON MAIDEN LANE DESIGNATED AS N-5. RESOLUTION NO. R1978-37..

Mr. Markham then introduced the foregoing resolution and moved its adoption, seconded by Mrs. Evans and carried unanimously.

A copy of this resolution is on file in the Clerk's office in Resolutions Book R1978.

Thereafter, all matters of business having been concluded, this regular session was adjourned at 11:23 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
OCTOBER 9, 1978
7:00 P.M.

Present: Mayor Beth Finch

Council Members: George Markham, Bill Hurley, J.L. Dawkins, Wayne T. Williams and Marion George.

Council Member absent: Mildred Evans

Others Present: Mr. William G. Thomas, III, City Manager
Mr. Robert Cogswell, City Attorney
Mr. Joe Stowe, PWC

Mayor Finch called the meeting to order and the invocation was given by Cpt. Doris Jones of the Salvation Army. Following the invocation, Mayor Finch led the audience in the Pledge of Allegiance to the Flag.

The first item on the agenda was the approval of minutes of the September 25, 1978 meeting. Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously the minutes of the meeting of September 25, 1978 were approved as submitted by the Clerk.

Mr. Thomas asked for an executive session at the end of the meeting and there were no objection voiced.

A public hearing had been published for this date and hour on the consideration of the Four Year Implementation Plan for improving downtown vehicular and pedestrian circulation and parking. Mr. Robert Henry, Director of the Downtown Revitalization Commission presented this matter and stated that this had been presented at the last Council meeting for consideration. Mr. Henry stated that the commission strongly recommends that affirmative action be taken tonight by the adoption of the implementation plan.

Mayor Finch asked for comments from those in favor of the plan.

Council recognized a Mrs. Saunders who requested that an overpass be built on Russell Street rather than Maiden Lane. Since there is already one on Rowan Street it would be more feasible to have one on Russell Street.

Council recognized Mrs. Lorena Watson, a 24 year resident of Cool Spring Street who asked Council to please include their area in the plan.

Council recognized Mr. John Shaw, representing the ConStan Car Wash on Rowan Street and requested that Council delay the proposed widening of Ray Avenue until a need is shown. If the City takes the 5 foot right-of-way on Rowan, the business will not be able to operate.

Council recognized Mr. Henry Anderson, representing the Atlantic Tobacco Company, who requested also that widening of Ray Avenue be delayed until the need is shown. Mr. Anderson stated that his client's building was 15 feet from the existing right-of-way which would mean that it would go to the building and put Atlantic Tobacco out of business.

Council then recognized Mr. Matthew Smith of M.M. Smith Warehouse and Commercial Merchandise, who was opposed to the closing of the railroad spur crossing Maiden Lane and the removal of the "Y" running into Russell Street. Mr. Smith stated that the removal of the spur will severely hurt the operation of the "Piggy back ramp" located on Hillsboro Street.

Mr. Dawkins offered motion to follow the recommendation of the Downtown Revitalization Commission and adopt its concept, the Four Year Implementation Plan, seconded by Mr. Hurley.

Following a lengthy discussion, Council assured the public that they were to work with the individuals whose business is in danger and would try to work out a satisfactory solution and that each project would be subject to the approval of Council once the plan is executed.

Mayor Finch called for a vote on the motion and it was as follows: For the motion; Hurley, Dawkins, Williams and George. Against: Councilmember Markham.

Mayor Finch declared the motion carried.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously the following public hearings were set:

For November 27, 1978:

- A. The consideration of the annexation of property located on the south side of Eastern Blvd. The Ray & Ammons property.
- B. Consideration of the annexation of property located along the west side of Owen Drive between the City Boundary and Blounts Creek.

For October 30, 1978:

- A. The consideration of the annexation of property known as Country Club North, Section Four.

B. Consideration of the annexation of property known as Huntington Park, Section four.

C. Consideration of a resolution requiring the paving, by petition, of Melba Drive from Wisconsin Drive to a point 100 feet northwardly from Wisconsin Drive. The resolution title appears below:

PRELIMINARY RESOLUTION REQUIRING THE PAVING, PURSUANT TO PETITION, OF MELBA DRIVE. RESOLUTION NO. R1978-38.

A copy of this resolution is on file in the Clerk's office in Resolutions Book R1978.

Mr. Cogswell, City Attorney, then presented a resolution of intent to close Holt Williamson Street as a public hearing for November 13, 1978. The resolution title appears below:

PRELIMINARY RESOLUTION AND NOTICE OF INTENT TO CLOSE HOLT-WILLIAMSON STREET. RESOLUTION NO. R1978-39.

Mr. Dawkins introduced the foregoing resolution and moved its adoption and set a public hearing for November 13, 1978, seconded by Mr. Hurley and carried unanimously.

A copy of this resolution is on file in the Clerk's office in Resolutions Book R1978.

Planning Board Matters:

The next item was the consideration of a resolution containing local comments and recommendations concerning Section 504, Proposed Regulations, United States Department of Transportation.

Mr. Mitchell presented this report from the Chairman of the Transportation Advisory Commission and stated that they requested adoption of this resolution indicating their views toward the 504 Regulation for providing transportation for the handicapped and the elderly. They recommend adoption of this resolution based on the studies of the Technical Advisory Commission and the public hearing.

RESOLUTION TO THE UNITED STATES DEPARTMENT OF TRANSPORTATION CONCERNING THE PROPOSED SECTION 504 REGULATION. RESOLUTION NO. R1978-40.

Mr. Williams introduced the foregoing resolution and moved its adoption as presented, seconded by Mr. Dawkins and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1978.

Public Works Commission Matters:

Upon motion by Mr. Williams, seconded by Mr. George and carried unanimously an application by the Church of the Open Door for water and sanitary sewer connections to existing mains to serve a new church building located on Cliffdale Road was approved subject to the conditions of PWC.

Upon motion by Mr. Hurley, seconded by Mr. Williams and carried unanimously the bid of Baker Equipment Co. for the purchase of one 34,000 pound truck with rear mounted derrick and line construction body, hydraulic boom, digger and other equipment with trade in the amount of \$63,276. was approved as recommended by PWC.

The next item was the consideration of an ordinance requiring the City Building Inspector to correct conditions at 302 Oakridge Avenue and owned by Williams, Bell and Fitzgerald. (Continued from the August 28 meeting.)

Mr. Cogswell presented this matter and stated that on August 28 the property owner was given thirty days to correct the conditions and the property was re-inspected on October 4 and found not in compliance with the requirements of the City Code.

Mr. G.C. Williams was recognized and stated that he had completed the work required and requested the Inspection Department to reinspect the building.

There was a lengthy discussion on this matter.

Councilman Williams offered motion to adopt the ordinance requiring the Building Inspector to correct conditions at 302 Oakridge Avenue owned by Williams, Bell and Fitzgerald, seconded by Mr. Dawkins and carried unanimously.

There was a lengthy discussion as to whether or not the conditions had been corrected in compliance with the requirements of the City Code. Councilman Williams explained to Mr. G.C. Williams that if in fact the conditions had been corrected the house would remain as is, but if they were not made then it is up to the Inspection Department to correct the conditions.

Mayor Finch called for a vote on the motion and it carried unanimously.

Mr. Dawkins asked everyone to work to the fullest extent they can with Mr. Williams on this fine old home of Fayetteville.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE REQUIRING THE BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 302 OAKRIDGE AVENUE AND OWNED BY WILLIAMS, BELL AND FITZGERALD. ORDINANCE NO. NS1978-80.

A copy of this ordinance is on file in the Clerk's office in Ordinance Book NS1978.

The next item was the consideration of the City/County Liaison Committee recommendations. This was presented by Mr. Bill Hurley.

Mr. Hurley stated that at the request of Council two weeks ago, Council decided to refer the proposed charter of the Joint Fayetteville/Cumberland County Senior Citizens Committee to the City/County Liaison Committee. The consensus of opinion of this meeting was that the commission would bring favorable recommendation of passage to the county and he and Mr. Dawkins recommended adoption of the proposed charter as presented by Mr. Thomas two weeks ago.

Mr. Dawkins offered motion, seconded by Mr. Williams and carried unanimously to adopt the agreement for Interlocal Undertaking for the establishment of a joint Fayetteville/Cumberland County Senior Citizens Advisory Commission.

The next item presented by Mr. Hurley was a Memorandum of Agreement between the City of Fayetteville and the County of Cumberland concerning the City providing parking for the new Social Services Department office building (former Sears Roebuck and Company building on Hay Street.)

Mr. Williams offered motion, seconded by Mr. Markham and carried unanimously to approved the Memorandum of Understanding as presented.

The next item, the consideration of a request for a privilege license from "Dooleys" located at 336 Ray Avenue was presented by Mr. Cogswell, City Attorney.

Mr. Cogswell stated that he had begun looking into this matter this spring after the prior owner obtained an ABC permit. Subsequent to that, I had made a determination that the operation of Dooleys under that particular zoning classification is an illegal non-conforming use. State law requires that we issue a privilege license. Under the circumstances, I cannot justify issuing a privilege license when it is illegal non-conforming use. Therefore, I recommend that council refer this to the ABC Board and request them to consider revocation of the license. I feel that this is the appropriate and fair thing to do at this point.

Council recognized Attorney Dever, representing Mr. Jim Morrison, leasee of this property. He felt that exploration of Chapter 18A needed to be made as to what basis a permit can be revoked once it has been issued. Under General Statute 105-113.82, once a permit has been issued it makes the issuance of a privilege license mandatory. The application was made in August 78 and Mr. Morrison applied for a privilege license and was denied. He then filed a written request for a license and there has been continuous denial and threats of prosecution. He requested that before any action be taken by the City that a review be made of the meeting of February 1977, of the City Council that considered a rezoning request and at that time stated that Mr. Morrison could continue under his lease agreement regardless of the rezoning.

There was considerable discussion on this matter.

Mr. Cogswell asked for this matter to be deferred until October 30 meeting to give him time to look into it further.

Mr. Hurley offered motion to defer this matter until the October 30 meeting, seconded by Mr. Williams and carried unanimously.

Mr. Thomas then presented to Council award of various bids.

Upon motion by Mr. Williams, seconded by Mr. Hurley and carried unanimously, the low bid of McCain Sales of Florida in the amount of \$4,713.96 for sign posts for the Transit Department was approved as recommended.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, the low bid of Castle Uniforms in the amount of \$4,706.94 for uniforms for the Transit Department was approved as recommended.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, the low bid of Castle Uniforms in the amount of \$2,138. for uniforms for the I.D. Bureau was approved as recommended.

Upon motion by Mr. Williams, seconded by Mr. Hurley and carried unanimously the low bid of Edmac Truck Sales and Service at a negotiated price of \$7,728.59 for a twelve passenger van for the Transit Department was approved as recommended.

The next item on the agenda presented by the City Manager was the approval of Taxi Driver permits. The following filed application and were recommended:

Joseph Stephen Cameron, George Edward Herring, Nicky N. Vereen, Wayne Eric Hess, Eleanor Smith, Patricia Demetor, Margot Schad Williams, Frank Scott, Jr., Phil S. Jones, Danny Ray Jones, Carl Hyson, Jr., and Louie Rene Wardlaw.

Mr. Hurley offered motion, seconded by Mr. Williams and carried unanimously to approve the applications as recommended.

The next item was four appointments to the Advisory Recreation and Parks Commission and three appointments to the Educational Development Council for information only.

Mayor Finch stated that Ritchie Smith, Louise Jenkins and George Armstrong of the Recreation and Parks Advisory Commission had agreed to serve again if appointed.

Mr. George nominated Mr. Ritchie Smith, Mrs. Louise Jenkins and Mr. George Armstrong to the Recreation and Parks Advisory Commission, seconded by Mr. Williams.

Mayor Finch said that they would be held in abeyance until the next Council meeting.

There were no nominations to the Educational Development Council.

Delegations:

Council recognized Mr. C.C. Stokes, III, who asked for a 120 day extension to make repairs at 109 Enoch Street. He stated he was not living in Fayetteville and for some reason did not receive the previous notices. He had made arrangements for repairs on the house.

Mr. George offered motion to rescind the action ordering the building demolished and give Mr. Stokes 120 days in which to bring the building up to standards providing he obtain a building permit within 48 hours, seconded by Mr. Hurley and carried unanimously.

Mayor Finch then recognized Ms. Joan Allen, representing the area residents. Ms. Allen spoke of the problems of the billboard signs newly erected in Fayetteville, particularly the one on Hay Street at the foot of the hill. She stated that they respectfully request the authorization of a new sign ordinance and pursue all possible means of removing these signs. She asked citizens present who support her statement to please stand. Approximately 20 people stood.

Mayor Finch recognized Mr. Carl Bogle of the Bagley (Lamar Dean) Advertising Company who spoke of these billboards. He stated that this single structure billboard had been designed to improve the environment and had been extremely well received by other cities in North Carolina and other states.

Mr. Hurley offered motion that a committee be appointed to review the sign ordinance and make recommendations to Council, seconded by Mr. Dawkins.

After some discussion of this matter, Mr. Hurley changed his motion to read, that Council review the sign ordinance. The motion carried unanimously.

It was decided to review the sign ordinance at the information meeting on Monday night and Mayor Finch asked that a representative from the Inspection Department be present and everyone concerned.

City Manager's report:

Mr. Thomas reported there was one resignation from the Fire Department, Mr. John Engle.

Council noted the resignation.

Mr. Thomas also reported that in the past, the older city vehicles had been used as trade in's for the new vehicles purchased. Mr. John Monaghan, Purchasing Agent, had been in contact with other cities and the county and they had discovered that they do much better at a public auction, rather than as a trade in. On this basis we have accumulated a vast quantity of old equipment and are ready for a one time auction sale. Mr. Thomas requested permission to conduct this sale on October 28, 1978, at the City Garage. He stated that North Carolina law requires the City Council, at a regular meeting to adopt a resolution or order authorizing an appropriate city official to dispose of property at a public auction. The resolution or order must describe the property to be sold and must set the date, time, place and terms of sale. A notice of the resolution or order must be published not less than ten (10) days before the date of the auction. In order to meet the ten day requirement, it is recommended that City Council adopt an order at tonight's regular meeting authorizing the City Manager to dispose of the vehicles and equipment listed at a public auction at 11:00 A.M. on October 28, 1978, at the City Garage, at the terms of sale listed herein.

Mr. Williams offered motion to authorize the City Manager to hold a public auction by the adoption of a resolution, seconded by Mr. Markham and carried unanimously.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL AUTHORIZING THE SALE OF
SURPLUS PERSONAL PROPERTY. RESOLUTION NO. R1978-41.

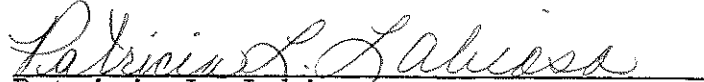
A copy of this resolution is on file in the Clerk's office in Resolutions
Book R1978.

At this time, 10:00 Council convened into executive session.

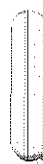
At 10:36, Council reconvened into regular session.

Mr. Williams offered motion that the City Attorney be authorized to negotiate
condemnation action on a piece of property located at Bow and Person Street,
adjacent to the Fire Station, seconded by Mr. Dawkins and carried unanimously.

Thereafter, all matters of business having been discussed, this meeting was
adjourned at 10:40 upon motion made and duly seconded.


Patricia L. Labiosa
Acting City Clerk

748



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
OCTOBER 30, 1978
7:00 P.M.

Present: Mayor Beth Finch

Council Members: George Markham, Bill Hurley, J.L. Dawkins, Wayne Williams
and Marion George.

Council Member Absent: Mildred Evans

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 the Reverend James Gray of First Baptist Church, Moore Street, offered the invocation. Mayor Finch led the audience in the Pledge of Allegiance to the Flag.

The following Fayetteville Youth Council representatives were present in the audience to observe Council proceedings: John Harris, Ann Yeago and Harvette Jenkins.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously the minutes of the regular meeting of the City Council of October 9 were approved as submitted by the Acting City Clerk.

Mayor Finch informed Council that the City Manager and the City Attorney had requested an executive session at the end of this meeting, also, Mr. Cliff Strassenburg, of the Joint Planning Board had requested time to give Council a report on the sign ordinance. This was designated as item 4d under Planning Board matters.

Mr. Hurley requested permission of the Council to abstain from voting on the first public hearing matter. Permission was granted.

Public hearings:

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 on both sides of McPherson Church Road between Morganton Road and Cliffdale Road. Planning Board recommended denial. There were no proponents present.

Mr. Les Young of Whitney Drive was recognized representing residents in the area opposed to this rezoning. Approximately 50 persons stood in opposition.

Mr. Williams then offered motion, seconded by Mr. Dawkins to follow the foregoing recommendation of the Planning Department and deny this rezoning request, motion carried unanimously, Mr. Hurley abstaining to vote.

A public hearing had been published for this date and hour on the request for a Special Use Permit for the construction of a convalescent home in an R5 Residential District as provided for in Seciton 32-24 (3) of the Fayetteville zoning ordinance for an area located on the west side of Murchison Road south of the intersection with Cross Creek. Planning Board recommended conditional approval per their memorandum of October 30. There was no opposition present.

Mr. Dawkins then offered motion for approval of the foregoing Special Use Permit as recommended, seconded by Mr. Williams and carried unanimously.

A public hearing had been published for this date and hour on the annexation of property known as Country Club North Section 4. The Annexation Technical Review Committee recommended approval. There was no opposition present.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE COUNTRY CLUB NORTH, SECTION 4. ANNEXATION NO. 215.

Mr. Williams introduced the foregoing ordinance and moved its adoption, seconded by Mr. Hurley and carried unanimously.

A public hearing had been published for this date and hour on the annexation of property known as Huntington Park, Section 4. The Annexation Technical Review Committee recommended approval. There was no opposition present.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE HUNTINGTON PARK, SECTION 4. ANNEXATION NO. 216.

Mr. Williams introduced the foregoi n g ordinance and moved its adoption, seconded by Mr. Dawkins and carried unanimously.

Copies of both annexation ordinances are on file in the Clerk's office in Annexation Book 1978.

A public hearing had been published for this date and hour on the paving, pursuant to petition of Melba Drive from Wisconsin Drive to a point 100 feet northwardly from Wisconsin Drive. The City Clerk certified that all property owners had been notified in writing, by first class mail for this public hearing.

The City Engineer presented this matter and stated that a valid petition had been submitted and the paving project was recommended. There was no opposition present.

FINAL RESOLUTION REQUIRING THE PAVING, PURSUANT TO PETITION. OF MELBA DRIVE FROM WISCONSIN DRIVE TO A POINT 100 FEET NORTHWARDLY FROM WISCONSIN DRIVE. RESOLUTION NO. R1978-42.

Mr. Dawkins introduced the foregoing resolution and moved its adoption, seconded by Mr. Williams and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolution Book R1978.

Council then moved to set public hearings on several matters. Council recognized the City Manager who reminded them that November 26 thru November 30 was the meeting of the National League of Cities at St. Louis, Missouri and Council Members would be in attendance at this meeting. Monday, November 27 is the date for the second regular meeting of the Council in November. In view of this conflict, the City Manager offered the following proposal: That the regular meeting on November 13 be held as scheduled. That the information meeting on November 20 be held as scheduled. Reschedule the regular meeting of November 27 to December 4, Council hold its regular meeting on December 11 and the information meeting on December 18, if desired, and cancelled the regular meeting of December 25.

Mr. Williams then offered motion that Council follow the foregoing proposal of the City Manager and hold the regular November 13 meeting as scheduled, the information meeting of November 20, cancel the November 27 meeting and hold regular meeting on December 4, hold regular meeting on December 11, hold December 18 information meeting open, cancel the December 25 regular meeting, set public hearings originally scheduled for November 27 to December 4 on the following items, motion seconded by Mr. Dawkins and carried unanimously.

- A. Consideration of the rezoning from R10 Residential District and R6 Residential District to C1 Local Business District or to a more restrictive zoning classification an area located at 2807 Ramsey Street.
- B. Consideration of the rezoning from R10 Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located at 1015 and 1017 Pamalee Drive.
- C. Consideration of the proposed name change of West Hudson Street to Owen Drive from Cumberland Road to U.S. 301 South.
- D. Consideration of the proposed name change of Sunnybrook Drive to Randinita Drive.

Planning Board Matters:

Council next gave reconsideration to Shoney's Restaurant (Westwood Shopping Center Addition) preliminary and final CIP revision review located on Morganton Road. Planning Board recommended conditional approval. (This item continued from the September 25, 1978 meeting)

Planner Mitchell projected a slide which showed the modified driveway entrance and sidewalk plans and stated that Planning Board recommends approval of this item subject to the following conditions:

1. That PWC approve water and sewer plans.
2. That the City Engineer approves street and drainage plans.
3. That all state and local sedimentation and erosion control ordinances be complied with during construction.
4. That no occupancy electrical permits be issued until the zoning administrator inspects the site and certifies that the site is developed in accordance with the approved plans.
5. That all sign codes be adhered to prior to the issuance of any occupancy permits.
6. That the developer provide sidewalks along Morganton Road with the usual city participation as per previous approval for Westwood Shopping Center and in accordance with the letter from Tri-Player Investments attached to this memo.
7. That a ten foot variance to the fifteen foot parking setback requirement from a right-of-way line be approved.

Following some discussion, Mr. Dawkins offered motion to follow the foregoing recommendation of the Planning Board with the seven stipulations and give preliminary and final ClP revision review approval to Shoney's Restaurant, seconded by Mr. Williams and carried unanimously.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously conditional approval as recommended by the Planning Board in their memo of October 30 was given Windtree Subdivision revision and addition preliminary and final review located on Cliffdale Road.

Upon motion by Mr. Dawkins, seconded by Mr. George and carried unanimously Superior Motor Sales preliminary ClP review located at 532 McPherson Church Road was given conditional approval as recommended by the Planning Board in their memorandum of October 30.

Council then recognized Mr. Cliff Strassenburg, Executive Director of the Joint City/County Planning Department, who gave the following report from the committee appointed by Mayor Finch to study the City sign ordinance:

Mr. Strassenburg stated that in the approximately a week and one half since appointment of the committee, it had met two times.

The committee plans a two phase approach to dealing with the weaknesses in the present City sign ordinance.

The first phase will involve development of recommendations to existing sign regulations dealing with billboards. This will be a short range time frame approach. Included in this first phase is the intent to consider modifications to the ordinance.

An on-sight investigation has been conducted of all billboards. To date, measurement has been made of approximately 82 such signs which represents about two thirds of the total. This investigation is continuing, he stated.

The second phase is a comprehensive study of all city sign regulations. This will take approximately 6 months to complete and it is proposed to get public guidelines on all phases.

The committee will make monthly reports and recommendations to the City Council.

Mayor Finch thanked Mr. Strassenburg and the committee for the foregoing report and commended them for their thoroughness.

Public Works Commission matters:

Mr. Muench presented the PWC matters.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously approval was given as recommended by PWC to an outside city water extension and connection request from Mr. Lenwood Rosser located on Raleigh Road.

Mr. Muench requested Council's consideration of a passage of a resolution authorizing condemnation of electric easement on Highway 59, the Frances M. Geddie property. An offer of \$316.00 in settlement had been refused.

RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR ELECTRIC LINES IN, UPON AND OVER CERTAIN LAND OWNED BY FRANCES M. GEDDIE.

Mr. Williams introduced the foregoing resolution and moved its adoption, seconded by Mr. Hurley and carried unanimously.

Council heard further request from PWC Manager Muench for consideration of a resolution authorizing the condemnation of an electric easement on Highway 59, the Albert O. Chance and wife property.

RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR ELECTRIC LINES IN, UPON AND OVER CERTAIN LAND OWNED BY ALFRED O. CHANCE AND WIFE, EDITH B. CHANCE.

Mr. Williams 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 PWC office.

Engineering matters:

Council next considered a request from Snyder Memorial Baptist Church for drainage improvements to eliminate an open ditch and reroute storm water from one existing building and a proposed new building.

The City Engineer presented this matter and stated that some years ago, the

church, which is situated on Westmont Drive, extended a pipe from near Rockledge Avenue to conduct water across the western portion of the church property at their own expense. The church now proposes a new building that requires a change in the drainage system and would also like to abandon the old line due to problems.

The proposed correction is for a new drainage line to be installed from the eastern margin of Westmont Drive to the southern portion of the church property and thence westwardly to an existing drain age outfall near Greenland Drive. The estimated cost of the entire project is \$45,000. The City Engineer stated he believes this project fits the city's drainage policy for the city to participate one half of the cost and that funds could be used from unallocated street construction money. He further stated the church should grant an easement for the new line as well as an easement for the existing drainage line that parallels Rockledge Avenue.

Councilman Williams and Dawkins requested permission to abstain from discussion and voting in this matter, due to a conflict of interest.

Following a brief discussion, Mr. Markham offered motion for approval of the foregoing request and that city participate 50% in the \$45,000. cost as recommended by the City Engineer, motion seconded by Mr. George and carried; Mr. Dawkins and Mr. Williams abstaining to vote.

Council next gave consideration to three ordinances establishing a loading zone and prohibiting parking on Cross Creek Street and a portion of East Russell Street in the vicinity of the Salvation Army building.

The City Engineer presented this matter and stated that the Salvation Army has complained about parking along the margin of Cross Creek Street which sometimes encroaches onto the sidewalk and also about the parking along the south side of Russell Street near the intersection of Cross Creek Street. The parking in this area, they state causes congestion and sometimes blocks the view of vehicles attempting to enter Russell Street from Cross Creek Street. They request an ordinance prohibiting parking abutting their property along Russell Street and Cross Creek Street and also like to establish a loading/unloading zone in front of their building on Cross Creek Street. The City Engineer stated that he concurred in their request inasmuch as Cross Creek Street is very narrow and congested.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE NO. 11, "PARKING PROHIBITED", CROSS CREEK STREET AND RUSSELL STREET. ORDINANCE NO. NS1978-81.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE NO. 10, "LOADING AND UNLOADING", CROSS CREEK STREET. ORDINANCE NO. NS1978-82.

Following a brief discussion of this request, Mr. Williams introduced the foregoing two ordinances and moved their adoption, seconded by Mr. Dawkins and carried unanimously.

Copies of the foregoing two ordinances are on file in the Clerk's office in Ordinance Book NS1978.

On a third ordinance matter, the City Engineer stated that Enterprise Avenue is a divided street with a wide median. It was laid out in this fashion to accommodate an electric transmission line and the past operation is one way traffic on each side of the median. Some traffic entering the eastern lane violates the signing and proceed in the wrong direction. To aid police enforcement in the proper operation an ordinance is needed making each section one way.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE NO. 7, "ONE WAY STREETS", ENTERPRISE AVENUE. ORDINANCE NO. NS1978-83.

Following a brief discussion, Mr. Williams 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 NS1978.

Council next gave consideration to several ordinances requiring the building inspector to correct conditions of several substandard structures at various locations in the city.

The first of these was located at 2414 Raeford Road and owned by Borg-Warner Acceptance Corporation. Council recognized Mr. Oliver Melvin for the owner, Mrs. Carrie McNeill. Mr. Melvin informed Council that Mrs. McNeill has spent approximately \$1600. for improvements on this structure and needed additional time.

Following some discussion, Mr. Williams offered motion to continue this matter to November 13, seconded by Mr. Dawkins and carried unanimously.

The next location was 1309 Ft. Bragg Road, owned by Mr. Marion D. Varnadoe, Jr., Trustee. Mr. Tony Maccy, Chief Housing Inspector was recognized and stated that the owner, Mr. Varnadoe, was ill in the hospital and could not be present

this evening.

Following a brief discussion, Mr. Williams offered motion for adoption of the ordinance as recommended, seconded by Mr. Hurley.

Following some further discussion, Mr. George offered substitute motion to continue this matter to November 13, that Mr. Varnadoe be so informed, seconded by Mr. Dawkins and carried unanimously.

The third location was 725 Athens Avenue, owned by Mr. James Babb. Mr. Babb was recognized and requested a 6 month extension in order to complete the improvements he had started.

Following a brief discussion, Mr. Williams offered motion to grant this 6 month extension as requested and that the owner secure a building permit within ten (10) days and if not, then this item be placed on the agenda for the next meeting on November 13, motion seconded by Mr. Dawkins and carried unanimously.

The next location was 321 Vanstory Street, owned by Scarborough Realty Company. Mr. Scarborough was not present.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS OR DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 321 VANSTORY STREET OWNED BY SCARBOROUGH REALTY COMPANY. ORDINANCE NO. NS1978-84.

Mr. Markham introduced the foregoing ordinance and moved its adoption, seconded by Mr. Hurley and carried unanimously.

Council next considered a location at 330 Lincoln Drive, owned by Quincy Scarborough, Jr. and wife, Betty T. Scarborough. The City Attorney was recognized and stated that the owner had attempted to get a permit on Friday, but inasmuch as this item was on the agenda for tonight's meeting, the Inspection Department had refused such permit. The City Attorney recommended time be given the owner to secure a permit.

Following a brief discussion, Mr. Williams offered motion for the adoption of the ordinance as recommended by the Inspection Department to be effective 60 days from date and that a building permit be purchased by the owner within ten days from this date, motion seconded by Mr. Dawkins and carried; Mr. Hurley voting no.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS OR TO DEMOLISH A STRUCTURE LOCATED AT 330 LINCOLN DRIVE AND OWNED BY QUINCY SCARBOROUGH, JR. AND WIFE BETTY T. SCARBOROUGH. ORDINANCE NO. NS1978-85.

The next location considered was 1901 Camden Road owned by the Bertha Person Heirs. They were not present.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS OR TO DEMOLISH A STRUCTURE LOCATED AT 1901 CAMDEN ROAD AND OWNED BY THE BERTHA PERSON HEIRS. ORDINANCE NO. 1978-86.

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

The next location considered was 319 Dick Street owned by Joseph H. Todd and Prudence T. Delap.

Mr. Todd was not present.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS OR TO DEMOLISH A STRUCTURE LOCATED AT 319 DICK STREET. (APARTMENTS) OWNED BY JOSEPH H. TODD AND PRUDENCE T. DELAP. ORDINANCE NO. NS1978-87.

Mr. Hurley introduced the foregoing ordinance and moved its adoption, seconded by Mr. George and carried unanimously.

The next location considered was 1009 Davis Court and owned by Annie Mae Tucker. Mrs. Tucker was not present.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS OR DEMOLISH A STRUCTURE LOCATED 1009 DAVIS COURT AND OWNED BY MRS. ANNIE MAE TUCKER. ORDINANCE NO. NS 1978-88.

Mr. George introduced the foregoing ordinance and moved its adoption, seconded by Mr. Williams and carried unanimously.

The next location considered was 607 Link Street owned by Mr. Lacy Chavis.

The City Attorney informed Council that this owner had suffered a heart attack today and was not able to be present this evening.

Following a brief discussion, Mr. Williams offered motion to defer this matter, seconded by Mr. Dawkins and carried unanimously.

The next location considered was 117½ B Street owned by Mrs. I.H. Riddle. Mrs. Riddle was not present in the audience.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS OR DEMOLISH A STRUCTURE LOCATED AT 117½ B STREET OWNED BY MRS. I.H. RIDDLE. ORDINANCE NO. NS1978-89.

Mr. Williams introduced the foregoing ordinance and moved its adoption, seconded by Mr. Hurley and carried unanimously.

Council next gave consideration to authorizing the Mayor to execute Statute requirement authorizing the Tax Collector to collect taxes. The City Manager presented this matter and informed council that this request came from the County and would authorize, empower and command the collection of taxes of the tax collector for the City of Fayetteville.

The authorization reads as follows: "State of North Carolina, County of Cumberland, to the Tax Collector of the City of Fayetteville:

You are hereby authorized, empowered and commanded to collect the taxes set forth in the tax records, filed in the office of Cumberland County and in the tax receipts herewith delivered to you in the amounts and from the tax payers likewise, therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the City of Fayetteville and this order shall be a full and sufficient authority to direct, require and enable you to levy on and sell any real or personal property of such taxpayers for and on account thereof, in accordance with the law. Witness my hand and official seal this 30th day of October, 1978. Chairman, Board of Commissioners, Cumberland County, Mayor, City of Fayetteville, attested by the Clerk of the Board of Commissioner and by the Clerk of the City of Fayetteville.

Mr. Dawkins then offered motion for approval of the foregoing order as recommended by the City Manager, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to a request from the City/County Bureau Identification for the imposition of a charge of \$1.00 for each record check made of the records of this department. The City Manager presented this item and recommended its approval. The City Manager informed Council that the Bureau is now imposing a .50 charge for each copy of each page of records requested and that the present request would impose a \$1.00 charge for a check of the records.

Following a brief discussion, Mr. Dawkins offered motion, seconded by Mr. Hurley and carried unanimously for approval of the foregoing request for the imposition of \$1.00 for the record check and .50 for each page copy, motion carried unanimously.

Council next gave consideration to the award of bids. The City Manager presented this matter and stated that bids had been received for furnishing automobiles for various departments on October 16. The bids were for one mid-sized sedan for the City/County Bureau of Identification and the low bid was submitted by M&O Chevrolet Company in the amount of \$5,497.24, and for two mid-sized sedans for the Engineering Department and the low bid was submitted by Bryan Pontiac Cadillac Company in the amount of \$10,097.92. The foregoing low bids are recommended.

Following some discussion, Mr. Williams offered motion to follow the foregoing recommendation of the City Manager and award the bids to the low bidders as indicated, but requested that consideration be given in the future, by department heads toward economizing toward vehicles proposed for purchase, motion seconded by Mr. Hurley and carried unanimously.

The City Manager informed Council that bids were received on October 18 for petroleum products as follows: automotive grease, Gulf Oil Company-\$1,504., automotive gear lube, Gulf Oil Company-\$1,476.72, hydraulic oil, Gulf Oil Company-\$6,750. The City Manager stated that Gulf Oil Company, U.S. was the low bidder for these three items and recommended acceptance.

The City Manager stated that bids were received as follows on the following items:

Diesel fuel: Gulf Oil Company, U.S. - \$49,875.
#2 Fuel oil: Fuller Oil Company- \$21,375.
Kerosene: Fuller Oil Company- \$3,237.50
Anti-freeze: Worth Chemical Corp.-\$4,600.

The City Manager recommended award of the bids as stated.

Following a brief discussion, Mr. Williams offered motion, seconded by Mr. Hurley and carried unanimously that all bids be awarded as shown foregoing and as recommended by the City Manager, motion carried unanimously.

Council next gave consideration to the approval of taxi driver permits, and upon motion by Mr. George and carried unanimously, taxicab driver permits were

approved for the following named: Cathy A. Everett, Vicki Roberta Hale, Glenda Jackson Johnson, William James Bell, Verne Corneltus Groves, Johnnie B. McGougan, James Loyd Elkins, Jr., Rollin Leroy Blackwolf and Tony Shaw.

Council next considered appointments to various boards and commissions.

Five appointments were considered to the Advisory Recreation and Parks Commission.

Mr. Hurley nominated Jesse Kirkland, nomination seconded by Mr. Williams.

Mr. George nominated Thomas Bacote, nomination seconded by Mr. Williams.

Mayor Finch stated that these two nominees will be considered at the next meeting.

At the last meeting, George Armstrong, Louise Jenkins and Ritchie Smith were nominated for re-election to the Recreation and Parks Commission, and upon motion by Mr. Williams, seconded by Mr. George and carried unanimously, George Armstrong, Louise Jenkins and Ritchie Smith were reappointed to the Recreation and Parks Commission to serve three year terms of office each, said terms expire in October 1981 by unanimous vote of the Council.

Three appointments were considered to the Education Development Advisory Commission. One appointment, that of Mrs. Malcomb Fleishman having been made at the last meeting of the Council.

Mr. Williams nominated Mr. Gordon Dixon subject to his relocation into the City of Fayetteville, nomination seconded by Mr. Dawkins.

Mr. George nominated Dr. Grace Black, nomination seconded by Mr. Williams.

Mayor Finch stated that these two nominations would be considered at the next meeting of the Council.

Five appointments were considered to the Joint Fayetteville/Cumberland County Senior Citizens Advisory Commission.

Mr. George nominated Mr. E.E. Miller. Mr. Hurley nominated Mr. Thad Cherry, Mr. Dawkins nominated Mrs. Louise Saunders. All nominations were seconded.

Mayor Finch stated that these three nominees would be considered for appointment at the next meeting of the Council.

Delegations:

Council recognized Mr. Bill Bowser, a local citizen who stated that to his own personal knowledge, a lady in Englewood Subdivision with a basketball goal located on her property, had been advised that she had two weeks to remove such goal from encroachment on city property. Mr. Bowser stated that he knew of many more such alleged infringements in the city and asked Council's investigation of the requirement that the lady remove the basketball goal on her property.

Mr. Bowser then informed Council that it was his intention to inform federal authorities on the use of federal funds whether City Council has favored certain businesses and businessmen. He cited Hillsboro Street as an exception and stated that the recent establishment of Hillsboro Street as a one way street with the imposition of no parking and other restrictions were hurting the businessmen and businesses along this street and charged Council with not giving these citizens consideration. He stated that to his knowledge, a number of them have invested large sums of money in their business and in one instance a lady had just paid off a long term mortgage only to find the street designated one way with no access to her business. Mr. Bowser requested City Council check these conditions out and correct them.

Mayor Finch thanked Mr. Bowser for his remarks.

City Manager reports:

The City Manager informed Council that he had talked with Mr. Ray Griffin, the Town Administrator of Spring Lake and that Mr. Griffin had proposed the next meeting with the Fayetteville City Council on the annexation of Ft. Bragg and Pope Air Force Base for November 9 at 7:00 P.M. in the Joint Planning Department Conference room. Mayor Finch and several other Councilmembers indicated this date would be in conflict with meetings already scheduled by them and suggested to the City Manager that he contact Spring Lake and suggest the meeting to be scheduled for Wednesday, November 8 or Thursday, November 16 and report back to Council on his findings.

Matters of interest to City Council:

Councilman Williams extended the congratulations of the Council to Mayor Finch upon her election as Second Vice-President of the North Carolina League of Municipalities during the conference meeting in Asheville on October 24. Mr. Williams also commended Mayor Finch on her appointment of members to the committee designated to study the city's sign ordinance.

Mrs. Finch informed Council that she was in receipt of a letter from Mr. Don Perkins, a local citizen who cited the incident of an injured animal, a dog, and of his inability to contact the City Animal Control Officer because there was none on duty at that particular time. Mayor Finch stated that she had discussed this matter with Chief of Police Dixon and this situation had been corrected so that there is an animal control warden on duty around the clock.

Council then adjourned into executive session at 9:20 P.M.

Council reconvened into regular session following the executive session at 10:30 P.M.

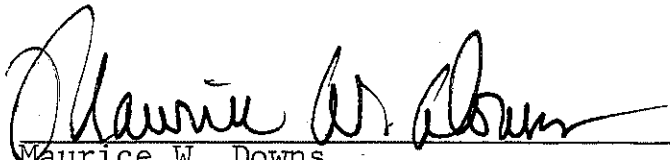
Mr. Dawkins then offered motion that the City Attorney be, and he hereby is, authorized and directed to settle a claim with the W.A. Holland estate in the amount of \$2,000., motion seconded by Mr. Williams and carried unanimously.

Council recognized Mr. Charles Billings who informed Council that he owned property on Raleigh Road and that in 1975, signed a contract with PWC to install utilities, water and sewer and a line that year and was in the county at that time. (Outside the corporate limits.)

The contract specified that if the property was annexed a refund would be made. Mr. Billings stated he had received checks of \$3,100. but the property was annexed approximately 2½ years ago. He stated that PWC is paying no interest on the money being refunded and this leaves a \$500. deficit over the past 2½ years. Mr. Billings stated further that he had contacted several city agencies concerning this but could not receive a definite answer and was being referred to other agencies.

Mayor Finch advised Mr. Billings to discuss the matter with the City Attorney who would secure the details and make a report and recommendation back to the City Council concerning the matter.

Thereafter, all matters of business having been completed, this regular session was adjourned at 10:40 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
NOVEMBER 13, 1978
7:00 P.M.

Present: Mayor Beth Finch

Council Members: George Markham, Bill Hurley, J.L. Dawkins, Wayne Williams and Marion C. George.

Council Member absent: Mildred Evans

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 the Reverend Lawrence A. Miller of Evans Metropolitan AME Zion Church offered the invocation. Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch recognized Fayetteville Youth Council Representatives Dee Dee Rodgers, Ronnie Davis and Jerry Cobb present in the audience to observe Council proceedings.

The first order of business was the approval of the minutes and upon motion by Mr. Williams, seconded by Mr. George and carried unanimously the minutes of the regular meeting of October 30 were approved as submitted by the Clerk.

Mayor Finch informed the Council Members that the City Manager and City Attorney had requested an executive session at the end of this meeting to discuss land matters and litigation. There was no objection.

Public hearings:

A public hearing had been published for this date and hour on the consideration of a resolution to close Holt Williamson Street from East Russell Street to the northern margin of Bell Street.

The City Attorney informed Council that the proper and legal notices had been published and mailed. The City Engineer presented this matter and stated that the closing of this street was needed for a Community Development in the area and that no person or persons would be deprived of reasonable means of ingress and egress to their property. The City Engineer informed Council that the city did need a drainage easement in the area and recommended approval subject to this easement being granted.

Attorney Richard Lewis was recognized for the Holt Williamson interests and Community Development. He stated they had no objections to the street closing and that his client will grant the requested easement.

Mr. Donald C. Fuller, an area property owner was recognized with questions as to why the street was being closed. The City Engineer explained again that it was primarily for Community Development purposes. Mr. Fuller asked how the closing of this street would affect property values of the property owners in the area. Mrs. Finch informed Mr. Fuller that this was not known and was not an issue before the Council at this time. Considerable general discussion then followed.

Mr. Williams then offered motion for the adoption of the resolution as presented closing Holt Williamson Street subject to the granting of the easement requested by the City Engineer, seconded by Mr. Markham.

Mr. George offered substitute motion to continue this matter to the next regular meeting and notify all of the residents in the area. The motion was lost for lack of a second.

Mayor Finch then called for a vote on the main motion and it carried; Mr. George voting no. The resolution title appears below:

RESOLUTION AND ORDER CLOSING HOLT WILLIAMSON STREET FROM RUSSELL STREET TO THE
NORTHERN MARGIN OF BELL STREET. RESOLUTION NO. R1978-43.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1978.

Upon motion by Mr. George, seconded by Mr. Dawkins and carried unanimously, public hearings were set on the following matters for the dates indicated:

For December 11, 1978:

- A. The annexation of property known as the Guy Circle area.
- B. The annexation of property in the Massey Hill area.
- C. The annexation of property known as the National Guard Armory.

For January 22, 1979:

- A. The annexation of property known as the Fiesta Cantina on U.S. 401 By-Pass.

PWC matters:

Mr. Muench informed Council that bids had been received for the construction of approximately 4,280 feet of 15 inch interceptor sewer along a portion of Buckhead Creek. (Between A&R Railroad and Cliffdale Road). The low bid was presented by Northstate Constructors Inc. in the amount of \$175,240. and was the bid recommended by PWC.

Mr. Dawkins offered motion for approval of the foregoing bid to Northstate Constructors as recommended by PWC, seconded by Mr. Williams and carried unanimously.

This being the only PWC matter, Mr. Muench was then excused from the meeting.

Council again considered three ordinances requiring the Building Inspector to correct conditions at certain locations in the City. (These matters continued from the October 13 meeting.)

The first location was 2414 Raeford Road owned by Borg-Warner Acceptance Corporation. The Chief Housing Inspector informed Council that in the memo dated November 7, that this property had been reinspected and the inspection revealed that the water and sewer system is now turned on and some minor repairs are still in progress. He requested that City Council take no further action at this time.

Mr. Williams then offered motion, seconded by Mr. Hurley and carried unanimously that no action be taken on the foregoing matter at this time.

The next location was 1309 Ft. Bragg Road owned by Mr. Marion D. Varnedoe, Jr., Trustee. The Chief Housing Inspector reported in a memo that he was unable to get in touch with Mr. Varnedoe due to his ill health and as of this date, no corrective action had been taken on this property. In a written communication to the Council, Mr. Varnedoe stated that he did not intend to make repairs to this residence and that he would be in accord with whatever Council decided.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 1309 FT. BRAGG ROAD AND OWNED BY MARION D. VARNEDOE, JR., TRUSTEE. ORDINANCE NO. NS. 1978-90.

Mr. Dawkins then 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 NS1978.

The third location considered was 607 Link Street owned by Mr. and Mrs. Lacy Chavis. The Chief Housing Inspector reported that he had talked with Mr. Chavis' son-in-law who stated that Mr. Chavis was still hospitalized at this time and was given a copy of the letter mailed to Mrs. Chavis which informs them that City Council would review this case this evening, however, as of this date, no corrective action has been taken on this property.

The property owner requested an additional extension of time.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously Mr. Chavis was given an additional 90 day extension to take corrective action on his property at 607 Link Street.

Council next gave consideration to a resolution authorizing the Mayor to sign a contract for Public Transportation Capital Improvement Grant agreement with the North Carolina Department of Transportation.

The City Manager presented this matter and stated that the proposed resolution is necessary in order for the City to enter into a new contract with the Department of Transportation for 50% of the non-federal share of the cost of the new city buses and other equipment.

The Department of Transportation had previously approved and the City Council had authorized a state grant contract based on the estimated cost of the project. Following receipt and approval of bids, UMTA increased the federal grant to 80% of the actual cost of the project. It is necessary now, therefore, to enter into a new state grant contract for \$278,715. which is 10% of the actual cost of the project. The local share of the project for the new state grant contract is \$278,715. Recap is as follows: Federal Grant (80%) \$2,229,722. State Grant (10%) \$278,715. City Share (10%) \$278,715. total - \$2,787,153.

RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION PUBLIC TRANSPORTATION CAPITAL IMPROVEMENT GRANT AGREEMENT FOR WORK ORDER 9.90627-PROJECT 78-C-01. RESOLUTION NO. R1978-44.

Mr. Williams then introduced the foregoing resolution and moved its adoption and authorized the Mayor and Clerk to sign said resolution and contract for the city, 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 R1978.

Council next gave consideration to a proposal from the Fayetteville Area Chamber of Commerce for the lease of the Horne House located on Ramsey Street. This matter was presented by Councilman Wayne Williams, Chairman of the Buildings and Property Committee.

Mr. Williams informed Council that his committee had met at 8:00 A.M. this morning in the Kyle House and had discussed this and related matters. Mr. Williams stated that the chamber desires to occupy the Horne House as its offices, will conduct historical tours of the Horne House as requested, will provide security and related necessities and the city will realize some additional revenue in the form of rent. He stated further that the committee recommends the Council approve the leasing of the Horne House to the Chamber of Commerce. He then called on City Attorney Cogswell to present the conditions of the lease.

Mr. Cogswell stated that the lease was a twenty year lease, that the Chamber would pay the city rent for the use of the house and that the County Attorney says the property is now tax exempt according to the present tax law but this could change and the city would be potentially liable for the taxes. He stated further that the city will maintain the property normally and that no repairs inside or outside would be permitted without prior Council approval.

Following some brief discussion, Mr. Williams offered motion to authorize the City Attorney to advertise the Chamber's offer to lease as required by law, motion seconded by Mr. Hurley and carried unanimously.

Council next considered the donation or sale of city property in the Massey Hill Recreation Center area to the Fayetteville Metropolitan Housing Authority. This matter was presented by Councilman Wayne Williams, Chairman of the Buildings and Property Committee. Mr. Williams informed Council that it was also discussed at the committee meeting this morning. He stated the committee seriously considered retaining the area for recreation as well as the serious need for housing. He informed Council that the committee recommends a public hearing on this matter.

Mr. Harry Jones, Director of the Housing Authority was recognized and concurred with the Committee's recommendation to have a public hearing as soon as possible. Mr. Jones stated that he would be present to answer questions concerning this matter at the Mayor's Community meeting in the Massey Hill meeting next week. Several persons were present in the audience in opposition to the loss of the recreation area in Massey Hill. They were informed that they would be given the opportunity to be heard at the public hearing.

Mr. Dawkins then offered motion that the Council advertise a public hearing on this matter for the next regular meeting on December 4, seconded by Mr. Williams and carried unanimously.

Councilman Williams then informed Council that his committee had also discussed all property owned by the city and at the present is attempting to review its present use. It would appear that some of it is of no use to the city and his committee is recommending that the council consider an auction in May of 1979 to dispose of unneeded property. This move, he stated would bring additional revenue to the city in the form of ad valorem taxes.

Following some discussion, the Council requested the City Manager to work with the City Engineer to prepare a list of these properties to be considered for disposal at public auction next spring.

Council next gave consideration to a proposed ordinance amending Chapter 14 "Garbage, Trash and Weeds". This matter was presented by Assistant City Manager, John Smith. Mr. Smith stated in a memorandum that the proposed ordinance would amend Chapter 14 by incorporating several changes requested by the City Sanitation Department and have been reviewed extensively by the staff of the Sanitation Dept., City Manager, the City Attorney and himself.

The objectives of the amendments are to simplify the language of the ordinance, standardize the service provision and fill in some of the gaps left in the existing ordinance. The major proposed changes are as follows:

1. Section 14.3 - elimination of "loadal" containers less than 8 cu. yards and requirement of locking devices on new containers.
2. Section 14.5 - requirement that containers be placed so it is to be available for pick up not blocked by cars or other structures.
3. Section 14.11 - elimination of Saturday service as a "free" service and simplification of language.
4. Section 14.14 - increase in fees for loadals and dumpster containers from \$4.00 and \$5.00 respectively to \$7.00.
5. Section 14.15 - addition of new paragraph "b" to insure collection of fees for extra service.
6. Section 14.10 - new section dealing with dangerous materials in accordance with state and federal regulations.

A brief discussion followed.

AN ORDINANCE AMENDING SECTIONS 14-3, 14-5, 14-11, 14-14 AND 14-15 AND CREATING A NEW SECTION 14-10 TO CHAPTER 14 "GARBAGE, TRASH AND WEEDS" OF THE CODE OF ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S1978-16.

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

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1978, as well as in the office of the Supt. of the Sanitation Department.

The next item on the agenda was the consideration of a request for City Police Officers for legal representation. The City Attorney requested that this matter be considered in the executive session after this regular meeting. Council concurred in the request.

Council next considered bids for communication equipment for the Fire Department. Mr. John Monaghan the Administrative Assistant to the City Manager presented this matter and stated that bids were received for furnishing communications equipment for the Fire Department and the low bids were received as follows:

For one portable radio with vehicular charger complete as specified installed, Motorola Inc. \$1,009.

For two mobile radios - 4 channel with digital dial and coder and channel scan installed - General Electric Co., \$3,084.

Mr. Dawkins offered motion, seconded by Mr. Williams and carried unanimously for acceptance of the foregoing low bids as recommended.

Mr. Monaghan next presented bids for fifteen interceptor vehicles and six mid-sized sedans for the Police Department. He stated that the low bids were substantially in excess of the budget allocation for the vehicles.

In consultation with the Chief of Police, certain changes have been made in the specifications for the interceptor vehicles which should reduce the cost of these vehicles. We will rebid the interceptor vehicles in the near future. The low bidder for the six sedans was Bryan Pontiac Cadillac Co. at \$5,188.48 each.

We feel that we can purchase two of the mid-sized sedans at this time, he stated, and still be assured of having sufficient funds for all of the interceptors. It is recommended that the purchase of two mid-sized sedans be awarded to Bryan Pontiac Cadillac at \$5,188.48 each and that Operation Crime Watch in the Police Department which was recently funded by LEAA, provides for the purchase of one sedan to be used for the project. It is recommended that the purchase of one additional mid-sized sedan be awarded to Bryan Pontiac Cadillac at \$5,188.48 under this grant.

There then followed considerable discussion among the Councilmembers about purchasing these 8 cylinder automobiles which are to be utilized for general use. Council had discussed at an earlier meeting, the possibility of talking with the department heads regarding economizing in the purchase of city vehicles and utilizing smaller sized, smaller engine automobiles.

Following this discussion, Mr. Williams offered motion that Council take no action on these bids as presented tonight and that the City Manager go back and look at higher EPA rating vehicles and that the staff bring information of this nature to the City Council at an information meeting as soon as possible, motion seconded by Mr. Hurley and carried unanimously.

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

Mr. Hurley then offered motion, seconded by Mr. Dawkins and carried unanimously that taxi cab driver permits be awarded to the following named persons as recommended by the Taxicab Inspector and the Chief of Police: Charles Lee Bobo, Willie James Thompson, Alfred L. Royal, Leon F. Royal, John Frances Moylan, James T. Carter, Jr., Joe Lee Price, Donald C. Gilcrest, Lawrence Ronald Effefson, Tanya Denise Carver and Ricky L. Fogleman.

Council next considered appointments to several boards and commissions. The first considered were two appointments to the Advisory of Recreation and Parks Commission. The Mayor informed Council that one of these vacancies was for a full three year term and one was for one expired term of a member who had resigned recently. Two nominations had been made at the last meeting for these positions.

Mr. George then offered motion that nominations be closed and that Mr. Jesse Kirkland be appointed to the Recreation and Parks Advisory Commission for a three year term of office said term running to October 1981 and that Mr. Thomas Bacote be appointed to the Recreation and Parks Advisory Commission to serve the unexpired term of Mr. Al Kuhlrig who resigned, said term running to October 1980, motion seconded by Mr. Williams and carried by acclamation.

Council next considered three appointments to the Educational Development Advisory Council. Two persons had been put in nomination at the last regular meeting that of Mr. Gordon Dixon and Dr. Grace Black.

Mr. George then offered motion for the appointment of Mr. Dixon and Dr. Black to the Educational Development Advisory Commission by acclamation vote, seconded by Mr. Williams and carried unanimously.

Mr. Dawkins then nominated Mrs. Mary Lynn Jordan to fill the third vacancy on the Educational Development Advisory Council. The nomination was seconded by Mr. Hurley. Mayor Finch stated that this matter would be considered at the next regular meeting of the Council.

Council then considered five appointments to the Joint Fayetteville/ Cumberland County Senior Citizen Advisory Commission. Appointments were to be considered three for two year terms and two for one year terms under the provisions of the charter.

Three persons had been nominated at the last regular meeting, that of Mr. E.E. Miller, Mr. Thad Cherry and Mrs. Louise Saunders.

Mr. Dawkins offered motion that Mr. Miller, Mr. Cherry and Mrs. Saunders be appointed to the Senior Citizens Advisory Commission for two year terms of office each, motion seconded by Mr. Williams and carried unanimously.

Mr. Dawkins then nominated Mrs. Thomas Iuliucci for a one year term of office and Mr. George nominated Dr. G. Wesley Allen for a one year term of office. Mayor Finch stated that the foregoing would be reconsidered at the next regular meeting.

Discussion then followed of the urgency of making the foregoing appointments in order for the Senior Citizen Advisory Commission to start functioning and Mr. George offered motion that the Council suspend the rules and appoint Mrs. Iuliucci and Dr. Allen this evening, motion seconded by Mr. Hurley and carried; Mr. Williams voting no.

Mr. George then offered motion that Mrs. Iuliucci and Dr. Allen be appointed to the Senior Citizens Advisory Commission for one year terms of office each, motion seconded by Mr. Dawkins and carried unanimously.

Mayor Finch then recognized delegations from the audience.

Mr. Bill Bowser, a local citizen was recognized and commended the Community Development Department for their implementation of the Community Development Program.

Mr. Clinton Harris, another local citizen was recognized and commented on Council's passage of the resolution and contract on the City Transit Dept. equipment and complained that it had taken a long time to get this far with it. Mr. Harris also censured the Council for giving no consideration to providing pedestrian rights-of-way in order for the citizens to have access to the new City buses.

Mrs. Fred Warrick of Country Club Drive was recognized with complaints and reminded Council that the Joint Planning Board and the Council had been responsible for approving the construction of a shopping center on Ramsey Street adjacent to her property on Country Club Drive. She read an excerpt from the Constitution which stated that no person should be deprived of their personal rights. Mrs. Warrick stated that construction of this shopping center encroaches on her property line and that she had had to leave home during construction due to the noise and that a newly constructed fence on her property had been pushed over by the construction crews. Mrs. Warrick informed Council that she was the widow of a World War II Veteran, who had due to the circumstance of having been injured in combat during WWII was 100% disabled and who had due to the nature of his injury died in 1971. Mrs. Warrick informed Council that she felt she was a citizen whose rights had been infringed upon and was before Council this evening seeking relief.

Mayor Finch thanked Mrs. Warrick for her appearance this evening, but informed her that the Council had no authority or jurisdiction in this matter and that Mrs. Warrick should contact the developer or property owner for relief and possibly through the courts. Mrs. Warrick replied to Mayor Finch that she was unable to determine who the owner is. Mayor Finch informed Mrs. Warrick that if she would contact Mr. McKinley Surles in the City Inspection Department he should be able to provide her with this information.

Council then recognized Mr. Donald C. Fuller who had appeared earlier in the evening and Mr. Fuller had a question on rules of order on the action of Holt Williamson Street closing. Mayor Finch and the Council replied to Mr. Fuller's inquiry.

City Manager reports:

The City Manager by agenda item, reminded the Council of the meeting with Spring Lake Board of Aldermen concerning Ft. Bragg annexation at 7:00 P. M. , November 16 at the Joint Planning Board and the information meeting at 7:00 P.M. on November 20 at City Hall.

The City Manager then presented a proposed resolution designating the Assistant City Manager and the Assistant Finance Director as Deputy authorized signers of City of Fayetteville fund checks. The City Manager stated that the resolution provides that

the Assistant City Manager and the Assistant Finance Director be designated as Deputy authorized signers of City of Fayetteville fund checks and that in the absence of one or more of the appointed authorized signers, "City Manager, Finance Director and City Clerk", they may co-sign with any one of the authorized signers.

Following a brief discussion, Mr. Williams offered motion for the adoption of the resolution, seconded by Mr. Hurley and carried unanimously. Resolution title:

RESOLUTION DESIGNATING THE ASSISTANT CITY MANAGER AND ASSISTANT FINANCE DIRECTOR AS DEPUTY AUTHORIZED SIGNERS OF CITY OF FAYETTEVILLE FUND CHECKS. RES. R1978-45.

A copy of the foregoing resolution is on file in the Clerk's office in Resolution Book R1978 and also in the office of the Director of Finance of the City of Fayetteville.

The City Manager then presented the matter of continued acquisition of right-of-way along Cain Road between Ft. Bragg Road and U.S. 401 By-pass.

The City Manager informed Council that several years ago, the City launched a project to improve Cain Road from Bragg Blvd. to U.S. 401 By-Pass. This street is on the City's adopted throughfare plan which calls for the improvements to be made by the City. Additional right-of-way is needed for the proposed improvements and originally involved 31 property owners. During the years 1974-76, right-of-way was acquired from 20 property owners and 1976 a few property owners or residents complained to the City about the proposed widening project and the Council voted "no action be taken on Cain Road at this time". Later in 1976, the Council approved resurfacing a particularly bad section of Cain Road from Stamper to U.S. 401 By-Pass which was accomplished.

One of the eleven property owners where rights-of-way are needed, is the former Union Oil Company property indicated at the corner of Cain and Bragg Blvd. Attorney Irvin Baer stated that a client of his, is acquiring this property and would like to have a settlement with the city on this proposed acquisition.

The City Manager stated that he and the City Engineer recommend that the City proceed with negotiating the settlement for the right-of-way needed for this tract. The City Manager was asked and replied that no final settlements would be made, as a matter of fact, could not be made except by Council and that all negotiations would be returned to Council for final approval.

Following some discussion, Mr. Williams offered motion that the City Manager be and he hereby is authorized to enter into negotiations for the purchasing of the remaining parcels needed for the increase of right-of-way on Cain Road as recommended, and as indicated, motion seconded by Mr. Dawkins and carried unanimously.

The City Manager next presented for Council's consideration, a proposed resolution authorizing the destruction of certain city records. The City Manager informed Council that these were records of the City Finance Department which have been recorded on microfilm. Said filming was performed in accordance with NCGS 160A-490 and in the manner prescribed in the municipal records manual of 1971.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, ORDERING THE DESTRUCTION OF CERTAIN RECORDS. RESOLUTION NO. R1978-46.

Mr. Williams introduced the foregoing resolution and moved its adoption as recommended by the City Manager, 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 R1978 and a copy is also on file in the office of the Finance Director.

Matters of interest to the City Council:

Mayor Finch asked if the charter committee is working and Mr. Dawkins replied that it is.

Mr. Dawkins then offered motion that the Council enter into executive session to consider the land transaction and litigation, motion seconded by Mr. Williams and carried unanimously at 9:30 P.M.

Council reconvened into regular session at 10:00 P.M.

The City Manager then recommended that the City Council authorize the City Attorney to advertise the offer by Heritage Place, Inc. to purchase the property on Ann Street known as the Recreation and Parks property according to the following terms:

The purchase price is \$100,000.

The Recreation and Parks Department be subject to the following terms: The Recreation and Parks Department will be allowed to stay in for a period of one year from the effective date of the sale contract. Upon sixty days written notice from Heritage Place, Inc., City agrees to vacate the premises prior to the one year occupancy with the understanding that Heritage Place, Inc. will pay the City \$1000 per month or pro rata fraction thereof for periods of less than one month for an early departure, also Heritage Place, Inc. will deposit \$5,000. with the City Clerk which is 5% of the purchase price.

Mr. Williams offered motion, seconded by Mr. Hurley for approval of the foregoing recommendation, motion carried unanimously.

The City Manager then recommended that the City purchase 8½ feet of right-of-way from the First Presbyterian Church on the north side of Bow Street subject to the following conditions:

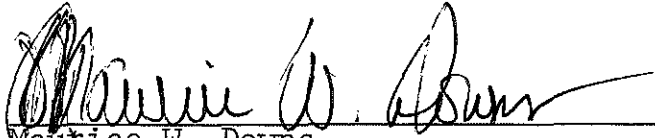
Purchase price will be \$22,100. and when Bow Street is widened, the City agrees to replace the existing brick wall in its new location; that the City will pay for the concrete sidewalk but that any brick sidewalk added on top of the cement sidewalk will be paid for by the First Presbyterian Church and the First Presbyterian Church will also be afforded the right of selecting the brick for the walk as well as for the wall. Also, that the City "PWC" will install underground electric facilities on Bow Street at no expense to the First Presbyterian Church when Bow Street is widened.

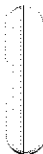
Mr. Williams then offered motion, seconded by Mr. Dawkins to approved the foregoing recommendation as outlined, motion carried unanimously.

The City Attorney then recommended that in the case of Sanders vs the City of Fayetteville and others, that City Council authorize Mr. Bill Burwell, the Police Legal Advisor, to represent Chief of Police Dixon and Officers Alsup, Chapman, Hyde and Moore for legal representation and not for any other reason.

Mr. Hurley offered motion to follow the foregoing recommendation of the City Attorney, seconded by Mr. Williams and carried unanimously.

Thereafter all matters of business having been completed, this regular session was adjourned at 10:05 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk



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REGULAR MEETING
CITY HALL COUNCIL CHAMBER
DECEMBER 4, 1978
7:00 P.M.

Present: Mayor Beth Finch

Council Members Present: George Markham, Bill Hurley, Wayne Williams, Mildred Evans, and Marion George.

Absent: Councilmember J.L. Dawkins

Others present: Mr. William G. Thomas, III, City Manager
Mr. Robert Cogswell, City Attorney
Mr. Joe Stowe, PWC

Mayor Finch called the meeting to order and the Reverend Tom Spence of Peace Presbyterian Church offered the invocation. Mayor Finch then led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch then recognized the following City employees and presented them with service pins:

Five Year pins:

Hardy Batchelor, Finance Department
W.B. Hall, Fire Department
Russell Humphries, Fire Department

Ten year pins:

Johnny McLean, Recreation Department
Charles Singleton, Inspection Department

Thirty year pin

Captain James H. Hart, Fayetteville Police Department

Fayetteville Youth Council representatives were not present this evening.

Mayor Finch informed Council that the City Attorney had requested an executive session at the end of this regular meeting to discuss litigation matters. There was no opposition.

Upon motion by Mr. Williams, seconded by Mr. Hurley and carried unanimously, minutes of the regular meeting of November 13 were approved as submitted by the Clerk.

Public Hearings:

A public hearing had been published for this date and hour on the consideration of the donation or sale of City property in the Massey Hill recreation center area to the Fayetteville Metropolitan Housing Authority.

Mayor Finch read the following letter addressed to the City Manager and dated December 1.

Dear Mr. Thomas, the Metropolitan Housing Authority does herewith withdraw its request of the City to donate or sell approximately 7 acres of recreational land located in Massey Hill. Thank you for your consideration. Harry L. Jones, Executive Director.

Mayor Finch asked if there were proponents to this matter and there were none.

Mayor Finch asked if there were opponents and Mr. Bill Bowser, a local citizen was recognized in opposition to the use of public funds for public housing. He suggested Council seek another solution and stated that public housing becomes ghettos. Finally he suggested that these matters be placed under the Community Development program by City Council.

Mr. Hubert Sellers, A Massey Hill resident was also recognized in opposition to the use of recreation land for public housing as well as to the establishment of public housing in the Massey Hill area.

Mr. Williams then offered motion that the City Council honor the request of the Fayetteville Housing Authority and that the request be withdrawn, seconded by Mr. Hurley and carried unanimously.

Mayor Finch then directed the Clerk to let the records show that Councilman Dawkins had found it necessary to excuse himself and be absent from this meeting due to illness.

A public hearing had been published for this date and hour on the consideration of the rezoning from R10 Residential District and R6 Residential District to C1 Local Business District or to a more restrictive zoning classification of an area

located at 2807- Ramsey Street. Planning Board recommended denial of C1 zoning and approval of P2 zoning.

Council recognized Attorney Gardner Altman representing the petitioner who requested a continuance of this matter to a later meeting.

There were no proponents present. Council recognized Mr. Clinton Harris, a private citizen in opposition to this rezoning who stated that he was opposed to it on the occasion of the several times it had come before the Council previously as well as now.

Mr. Hurley then offered motion to continue this matter to the December 11 meeting, seconded by Mr. Williams and carried unanimously.

A public hearing had been published for this date and hour on the consideration of rezoning from R10 Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located at 1015 and 1017 Pamalee Drive. Planning Board recommended approval.

Mr. John Beasley, the petitioner was recognized and requested a few minutes until his attorney arrives at the meeting.

The Mayor informed him they would move on through the balance of the public hearings and then hear from Mr. Beasley or his attorney.

A public hearing had been published for this date and hour on the proposed name change of West Hudson Street to Owen Drive from Cumberland Road to U.S. 301 South. Planning Board recommended approval.

There were neither proponents nor opponents present.

Mrs. Evans then offered motion that City Council change the name of West Hudson Street to Owen Drive as recommended, seconded by Mr. Williams and carried unanimously.

A public hearing had been published for this date and hour on consideration of the proposed name change of Sunnybrook Drive to Randanita Drive. Planning Board recommended approval.

There were neither proponents nor opponents present.

Mr. Williams then offered motion for approval of the foregoing change of Sunnybrook Drive to Randanita Drive as recommended, motion seconded by Mr. Markham and carried unanimously.

A public hearing had been published for this date and hour on the consideration of the annexation of property located on the south side of Eastern Boulevard-Ray and Ammons property. Annexation Technical Review Committee recommended approval. There were neither proponents nor opponents present.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE PROPERTY LOCATED ON THE SOUTH SIDE OF EASTERN BOULEVARD-RAY AND AMMONS PROPERTY. ANNEXATION ORDINANCE NO. 217.

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 Ordinance Book 1978.

A public hearing had been published for this date and hour on the consideration of the annexation of property located on the west side of Owen Drive between the City boundary and Blounts Creek-Phillip Semel property. The Annexation Technical Review Committee recommended approval.

There were neither proponents nor opponents present.

Mr. Buck Meecham, an area resident was recognized with a question on utilities and PWC Assistant Manager Stowe informed him that PWC would have utilities under contract within one year.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE PROPERTY LOCATED ON THE WEST SIDE OF OWEN DRIVE BETWEEN THE CITY BOUNDARY AND BLOUNTS CREEK-PHILLIP SEMEL PROPERTY. ANNEXATION ORDINANCE NO. 218.

Mrs. Evans 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 Annexation Ordinance Book 1978.

Council then returned to the proposed rezoning at 1015 and 1017 Pamalee Drive. Mr. Beasley stated that his attorney, Mr. Willis Brown was now present. Mr. Brown was recognized in behalf of Mr. Beasley and requested the proposed rezoning.

Mr. Remus E. Adams, an area property owner was also recognized in favor.

Mrs. Wilhemena Jones and Mrs. Barbara Kessling, area property owners were recognized in opposition to the proposed rezoning.

Following considerable discussion of the matter, Mrs. Evans offered motion to deny the request for rezoning, seconded by Mr. Markham. Mayor Finch called for a vote on the motion and it was as follows: For; Councilmembers Markham and Evans. Against; Councilmembers George, Williams and Hurley.

Mayor Finch declared the motion lost.

Following some further discussion, Mr. Williams offered motion for approval of the rezoning, motion seconded by Mr. Hurley.

Following some further discussion, Mr. George offered a friendly amendment and suggested an establishment of a reasonable buffer zone.

Mr. George then offered a substitute motion to continue this matter to the January 8 meeting and that the planning staff check on a procedure to protect the neighborhood and rezone in such a way that it will develop, motion seconded by Mr. Hurley.

Mayor Finch then called for a vote on the substitute motion and it was as follows: For; Mr. George and Mr. Hurley. Against; Councilmembers Evans, Williams and Markham.

Mayor Finch declared the substitute motion lost and called for a vote on the motion to approve.

The vote was as follows: For; Councilmembers Williams and Hurley. Against: Councilmembers George, Evans and Markham.

Mayor Finch declared the motion for approval of the rezoning lost.

Public hearings to be set:

Upon motion by Mrs. Evans, seconded by Mr. Hurley and carried unanimously, a special meeting was set for 12:00 noon on December 27 in the City Hall Council room to hold a public hearing on the rezoning from C1P Shopping Center District to R5 Residential District or to a more restrictive zoning classification of an area located at 600 Executive Place.

Upon motion by Mr. Williams, seconded by Mrs. Evans and carried unanimously public hearings were ordered advertised for January 22, 1979, on the following items:

- A. The rezoning from R5 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification an area located at 1033 Bragg Boulevard.
- B. The initial zoning to R10 Residential District or to a more restrictive zoning classification an area located on both sides of Southview Circle and Hilliard Drive.
- C. The initial zoning from R5A Residential District and R10 Residential District or to a more restrictive zoning classification an area located north of Huntington Park on both sides of Sugar Cane Circle.
- D. The paving by order of City Council of that portion of Valencia Drive from the end of the existing pavement northwardly to 401 By-pass by the adoption of the following resolution.

PRELIMINARY RESOLUTION REQUIRING THE PAVING WITHOUT A PETITION OF VALENCIA DRIVE FROM END OF EXISTING PAVEMENT NORTHWARDLY TO 401 BY-PASS. RESOLUTION NO. R 1978-47.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1978.

Planning Board matters:

Upon motion by Mr. Hurley, seconded by Mr. Williams and carried unanimously Hickman Subdivision Preliminary and final review located on Owen Drive at the Owen Drive Expressway intersection was given conditional approval as recommended by the Planning Board.

Upon motion by Mr. Williams, seconded by Mr. Markham and carried unanimously Cashwell Appliance Warehouse addition preliminary and final C1P review located on Sycamore Dairy Road was given conditional approval as recommended by the Planning Board.

PWC matters:

PWC matters were presented by Assistant Manager Joe Stowe.

Upon motion by Mr. Williams, seconded by Mr. Hurley and carried unanimously, an application for water and sewer utilities to serve the Fiesta Cantina Restaurant located on 401 By-pass was approved as recommended by PWC.

Upon motion by Mr. Williams, seconded by Mr. Hurley and carried unanimously an application for a one inch water connection to serve the Church of God of Prophecy located on Legion Road outside the City was approved as recommended by PWC.

This completed PWC matters and Mr. Stowe was excused from the meeting.

Council next gave consideration to the preservation of the Thornton House on Maiden Lane. Mr. Reginald Barton, Jr. was recognized and reminded Council that they had acted several meetings ago to have this structure demolished, but had upon request, appointed a committee to study ways to preserve this structure due to its age and historical significance. Mr. Barton stated that their committee had been approached by two organizations and two individuals interested in preserving the structure and requested an extension of time due to these circumstances. He suggested an indefinite amount of time when plans are complete on Maiden Lane construction when the committee will make a recommendation, if at all possible as to what course of action to take.

Following some discussion, Mr. Williams offered motion, seconded by Mr. Hurley to grant a 4 month extension as requested by Mr. Barton. Motion carried unanimously.

Council next gave consideration to a test area for the "roll out cart" system of residential garbage collection. This item was presented by Assistant City Manager John Smith.

Mr. Smith stated that Rocky Mount, Nags Head and Kinston are not on full time cart system as reported to the Council previously to the Council. Mr. Smith then presented a recommended test program for the roll out cart system of garbage and trash collection which he stated, would meet three objectives: 1. citizen preference, 2. cost reduction and 3. better working conditions. He stated they would not recommend implementation of such a major change city-wide, however, without the benefit of such test program. The purposes of the test program are: 1. to allow citizens the opportunity to test the system and express their preferences and opinions based on actual experience. 2. to compare the actual level of productivity of the roll out cart system under identical circumstances. 3. to evaluate features of different types of equipment under identical circumstances.

These purposes would be accomplished through a pilot program over a 90 day period during which the following types of analysis would be made. 1. each household in the test areas would be asked to fill out a questionnaire comparing the roll out system with the current backyard system and expressing their preferences as to which system they would rather see the city use. 2. each household would receive a visit by city staff persons and ask for personal comments and evaluations. 3. The detailed analysis would be made comparing such factors as number of pick ups per day per crew, number of man hours per 1000 homes, truck mileage and etc. 4. Two different types of carts and two different types of dumping mechanism would be used and evaluated by time and motion studies and citizen service.

The choice of a test area would not be made on a random basis but based on the following criteria:

1. The area should include approximately 2000 pick-up points based on the experience of other cities. This is the number of points one truck can cover twice weekly after some experience with the system. This represents about 10% of the city's population which is a sizeable survey sample.
2. The areas should be fairly representative of the total population in terms of economic status, age, family size, homeownerships.
3. The area should provide a good variety of physical characteristics-hills, flatlands, small lots, large lots, paved streets and driveways and unpaved streets and driveways.
4. The areas should be somewhat compatible with the existing route system so as to cause as little route shifting as possible in the rest of the city during the test period.

The estimated cost of a 90 day test program is as follows:

Equipment rental	\$10,890.
Printing & Postage	2,000.
Total	<u>12,890.</u>

Most of the cost of equipment rental is recoverable if the city decides to purchase the equipment.

Mr. Smith stated the test can begin in February of 1979 and the results can be reported to the Council by April 9, 1979.

Following some discussion, Mrs. Evans offered motion, seconded by Mr. Williams to adopt the test area as presented.

Mr. George offered substitute motion that this matter be continued and listed for a public hearing and the public be given an opportunity to be heard if they wished such a test and to expend the funds. Motion was lost for lack of a second.

Mayor Finch then called for a vote on the motion to adopt the test area and it was as follows: For; Councilmembers Evans, Williams, Hurley and Markham. Against; Councilmember George.

The test areas are as follows: 1. Briarwood Hills, 2. Borden Heights (Massey Hill), 3. Seabrook Hills, 4. Broadell Homes.

Council next gave consideration to a resolution authorizing the lease of the Horne House to the Fayetteville Area Chamber of Commerce. The City Attorney presented this matter and informed Council that there had been no upset offer to the offer made by the Chamber of Commerce.

RESOLUTION AUTHORIZING THE LEASE OF THE HORNE HOUSE. RESOLUTION NO. R1978-48.

Mr. Williams then introduced the foregoing resolution and moved its adoption, with the addition of a paragraph that this matter was advertised according to law, motion seconded by Mr. Hurley and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1978.

Council next gave consideration to a budget amendment to meet the cost of completing the Horne House restoration. This matter was presented by the City Manager who stated that Mr. Harry Shaw, Chairman of the Historic and Scenic Sites Committee estimates that restoration of the Horne House could be completed by March 1, 1979, provided that funds were made available during the December-February period. The estimated cost of the restoration work is \$40,000.

The required \$40,000. could be made available by amending the fiscal year 78-79 Budget to provide appropriation from the City Council contingency fund of \$40,000. for the completion of the restoration of the Horne House and such expenditure to be offset by the \$40,000. in increased revenue to be paid to the city by the Chamber of Commerce on March 1, 1979.

It is recommended, Mr. Thomas stated that the amendment to the city's fiscal year 78/79 Budget indicated in paragraph 2 above, be approved by the City Council.

Mr. Williams offered motion to follow the foregoing recommendation of the City Manager and approve the amendment to the 78/79 Budget in the amount of \$40,000., seconded by Mr. Markham and carried unanimously.

Council next gave consideration to the special tax district allocation budget presented by Mr. Bob Henry, Fayetteville Revitalization Commission Director.

Mr. Henry informed Council that no specific budget had been passed as yet on the special tax district. He suggested approval of the budget and suggested that the City Manager be appointed to administer the program and contract with the vendor be approved by the City Council. The City Manager would authorize payment directly to the vendor. Mr. Henry displayed a projection of the proposed budget on 1. A municipal market. 2. Downtown promotions. 3. Fayetteville Arts Council. 4. Cross Creek Linear Park, 5. Contingencies. The total amount of the special tax district budget was \$40,000.

Mrs. Carolyn Carlson was also recognized for the Fayetteville Arts Council.

Discussion then followed.

Mr. Henry stated that the priorities for the special tax district allocation budget were developed by representatives of the Fayetteville Revitalization Commission, the Downtown Fayetteville Association, the Fayetteville Arts Council, Historic and Scenic Sites Commission and Fayetteville Beautiful. The stated objective for all representatives was to propose allocation of the special tax district revenues to viable long range major impact projects that will have significant impact on the Future of our downtown area. The suggested allocation budget will be presented to the City Manager for an additional input and presentation to City Council following approval of the organizations represented on the special tax district budget committee.

Following the presentation, Mr. Hurley offered a suggestion to postpone this matter until the staff is ready with a recommended date for a public hearing.

Following some further discussion, Mayor Finch suggested that Council receive the report for information and that the City Manager and the City Attorney meet to determine public hearing date for presentation at the next meeting of the Council. This suggestion was satisfactory with the Councilmembers.

Engineering matters:

Council gave consideration to the award of bids for the construction of sidewalks and planters at the corner of Franklin and Person Streets. The City Engineer presented this matter and stated that he recommends awarding the contract to the

low bidder, Jackson Construction Company in the amount of \$23,184.54 on a unit price basis and reserving \$25,000. for the project. He also proposed that sidewalks including brick pavers be paid for from Downtown Circulation funds and the landscaping features (planters) be funded through the Recreation and Parks Department. The construction of the sidewalks and brick planters to be at the corner of Franklin and Person Streets.

Following Mr. Bennetts presentation, Mr. Hurley offered motion to award the foregoing bid to Jackson Construction Company as recommended, seconded by Mrs. Evans and carried unanimously.

Council next gave consideration to a property owner request for the purchase of a dedicated portion of the Michael Street right-of-way.

Mr. Bennett presented this matter and stated that the property owner Mr. Vat Pjetras owned some rental property on the east side of Willborough Avenue abutting Michael Street. This section of Michael Street (50 feet wide by 150 long) is a dedicated right-of-way but has never been opened to public travel. The property owner wants to obtain this right-of-way for his own private use. Mr. Bennett stated that Michael Street serves as a connector between Willborough Avenue and Fairfield Road and the Fayetteville Mall Shopping Center property abuts at Michael Street stub out on the east side of Willborough Avenue. Because of this possible future need for the stub out, the City Engineer recommended against the City relinquishing this public right-of-way and for the adoption of a resolution of officially accepting Michael Street right-of-way.

RESOLUTION OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA ACCEPTING MICHAEL STREET AS SHOWN ON PLAT BOOK 12, PAGE 41 CUMBERLAND COUNTY REGISTRY. RESOLUTION NO. R 1978-49.

Mr. Williams introduced the foregoing resolution and moved its adoption, as recommended by the City Engineer, seconded by Mr. Hurley and carried unanimously.

Council next gave consideration to a request for city participation for a sidewalk project on Purdue Drive, west of Village Drive.

The City Engineer presented this matter and stated that Mr. William E. Clark had requested the usual city participation in a sidewalk project which he proposes along the east side of Purdue Drive. The sidewalk is to extend from Village Drive to a townhouse project for a distance of approximately 560 feet. This request is in accordance with city policy and participation will be one-third of the cost. The city's estimated cost is \$1,300. He recommended approval of the request.

Mr. Williams offered motion for approval of the foregoing request as recommended by the City Engineer, seconded by Mr. Markham and carried unanimously.

Council next gave consideration to two ordinances prohibiting parking on two streets in the city. The City Engineer presented this matter.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 11, PARKING PROHIBITED, ALONG COMMERCE STREET BOTH SIDES FROM THE NORTHERN CURB LINE OF ROBESON STREET FOR A DISTANCE OF 200 FEET. ORDINANCE NO. NS1978-91.

Mrs. Evans introduced the foregoing ordinance and moved its adoption, seconded by Mr. Hurley and carried; Mr. Williams voting no.

The second ordinance was on the south side of Melrose Road.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 11, PARKING PROHIBITED, ALONG A PORTION OF MELROSE ROAD ON THE SOUTH SIDE FROM THE WESTERN CURB LINE OF OWEN DRIVE FOR A DISTANCE OF 310 FEET WESTWARDLY. ORDINANCE NO. NS1978-92.

Mr. Williams introduced the foregoing ordinance and moved its adoption as recommended by the City Engineer, seconded by Mrs. Evans and carried unanimously.

The foregoing two ordinances are on file in the Clerk's office in Ordinance Book NS1978.

Council next gave consideration to several ordinances requiring the building inspector to correct conditions at several substandard locations within the city.

The first location was 217 Waddell Drive owned by Mr. & Mrs. Charles Tart.

Mr. Tart was present in the audience and was recognized and requested an extension of time to make the necessary repairs.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS OR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 217 WADDELL DRIVE AND OWNED BY MR. & MRS. CHARLES E. TART. ORDINANCE NO. NS 1978-93.

Mr. Williams introduced the foregoing ordinance and moved its adoption, effective January 8, 1979, motion seconded by Mr. Hurley and 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 1301 ELLIOTT STREET AND OWNED BY EUGENIA J. SCOTT "HEIRS". ORDINANCE NO. NS 1978-94.

Mr. Williams introduced the foregoing ordinance and moved its adoption, seconded by Mr. Hurley and 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 106 JASPER STREET AND OWNED BY MRS. EARL A. RUCKER. ORDINANCE NO. NS1978-95.

Mr. Williams introduced the foregoing ordinance and moved its adoption, seconded by Mr. Markham and carried unanimously.

The next location was 523 Durham Street. Council recognized Mr. J.E. Ratchford who requested a thirty day extension for the owner, the Dawson Wright "Heirs".

Following a brief discussion, Mr. Hurley offered motion, seconded by Mr. Williams that a thirty day extension be granted for 523 Durham Street as requested by Mr. Ratchford, 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 824 SOUTHERN AVENUE AND OWNED BY MR. & MRS. LEROY S. DUTTON. ORDINANCE NO. NS1978-96.

Mr. Williams introduced the foregoing ordinance and moved its adoption, seconded by Mr. Markham and 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 526 UPTON STREET AND OWNED BY JOHN H. COOK "ESTATE". ORDINANCE NO. NS1978-97.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 528 UPTON STREET AND OWNED BY JOHN H. COOK "ESTATE". ORDINANCE NO. NS1978-98.

Mr. Williams introduced the foregoing two ordinances and moved their adoption, seconded by Mrs. Evans and carried unanimously.

All of the foregoing ordinance are on file in the Clerk's office in Ordinance Book NS1978.

Council next gave consideration to a lease proposal between the Fayetteville Airport Commission and TELACO. The City Attorney introduced this matter and informed Council that the City Manager may execute this proposal if desired. The City Attorney further stated that Airport Commission had considered and approved a proposal from TELACO to install a direct line telephone display in the airport terminal building. The Airport Manager stated that lease would be for space approximately four feet by four feet for a one year period at a guaranteed annual minimum rental rate of \$500. per year or 10% of gross revenue from the rental direct telephone lines, whichever is greater. The lease period would begin on January 26, 1979 and the \$500. rent had to be paid in advance. He stated the Airport Commission requests the City Council to approve the lease and authorize the appropriate official to execute it.

Following some discussion, Mr. Williams offered motion to follow the foregoing recommend of the Airport Commission and approve the lease, seconded by Mr. Markham and carried unanimously.

Council next gave consideration to taxi driver permits, and upon motion by Mr. Williams, seconded by Mr. Markham and carried unanimously approved taxi driver permits for the following named individuals: Lamont Charles Green, Roger D. Denslow, Angel Rafael Rodriguez, Allen LeRoy Johnson, Wilson L. Porter and Charles C. Matthews.

Council next considered appointments to the Education Development Advisory Council and upon motion by Mr. Williams, seconded by Mrs. Evans and carried unanimously confirmed the appointment of Mrs. Mary Lynn Jordan to this commission.

Mayor Finch stated that Mr. Gordon Dixon who was elected to this commission at the last meeting did not live inside the city limits so his appointment was not valid.

Mrs. Evans then nominated Dr. Virgil Miller for a three year term of office on this commission and Mr. George nominated Mr. Gonzales D. Johnson, Maj. retired, to this commission. Mayor Finch stated these nominations would be considered at the next regular meeting.

Delegations:

Mrs. Fred Warrick, 116 Country Club Drive was again recognized on Council's referral to Mr. Surles of the Inspection Department as to the owner of the shopping Center on Ramsey Street adjacent to her residence. Mrs. Warrick stated she has

recent information from the Planning Department as to the ownership and requested Council's confirmation.

Mrs. Warrick stated she was still having problems with the contractor damaging her property and being responsible for trash and rubbish blowing into her yard.

Following a brief discussion, Mayor Finch informed Mrs. Warrick that Council could do nothing about this matter and referred Mrs. Warrick to an attorney who could by checking the tax records determine the owner of the property.

Mr. Bob Henry was again recognized and presented a letter regarding the Cross Creek Linear Park development Rights/Heritage Place, Inc. for the record. Mrs. Finch informed Mr. Henry that she and the other members of the Council had received copies of this letter.

Mr. Bill Bowser, a local citizen was recognized briefly.

City Manager reports:

The City Manager presented two resolutions to Council for adoption regarding the destruction of city records.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, ORDERING THE DESTRUCTION OF RECORDS OF THE CITY FINANCE DEPARTMENT. RESOLUTION NO. R1978-50.

Mrs. Evans introduced the foregoing resolution and moved its adoption, seconded by Mr. Williams and carried unanimously.

The City Manager next presented a resolution for adoption acknowledging the destruction of records as ordered by Council at the November 13 meeting.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, ORDERING THE DESTRUCTION OF RECORDS AND ACKNOWLEDGING THAT THE DISPOSITION OF RECORDS WAS PERFORMED FOR THE CITY FINANCE DEPARTMENT. RESOLUTION NO. R1978-51.

Mr. Williams introduced the foregoing resolution and moved its adoption, seconded by Mrs. Evans and carried unanimously.

Copies of both of the foregoing resolutions are on file in the Clerk's office in Resolutions Book R1978.

The City Manager asked Council if they intended to have an information meeting on Monday, December 18. He stated he has a briefing on the emergency 911 number to present to the City Council if it so desires at such information meeting.

Following a brief discussion, The City Manager was requested to place this item on the December 11 agenda if possible to be heard and considered at that time, rather than at an information meeting on December 18.

The City Manager distributed to the members of the Council, Street paving-progress maps.

Matters of interest to the City Council:

Councilman Williams acknowledged that this was the last evening for Fayetteville Observer reporter Candy Walters who would be leaving for maternity reasons. Council extended thanks to Mrs. Walters for her diligence and endeavors in covering the City Council meetings.

Mr. Williams requested an update from MICA and also an update on the sale of city dog tags and city auto tags.

Council then adjourned into an executive session at 10:40 P.M. to consider litigation matters.

Council reconvened into regular session at 10:50 P.M. and then adjourned at 10:51 P.M. upon motion made and duly seconded.



Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
DECEMBER 11, 1978
7:00 P.M.

Present: Mayor Beth Finch

Councilmembers: 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 Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and the invocation was offered by Councilman Hurley and following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch recognized Fayetteville Youth Council representatives: Robert Leith and DeeDee Rodgers.

Mayor Finch informed Council that the City Attorney had requested a short executive session at the end of this meeting to consider litigation matters.

Public hearings:

A public hearing was held as continued from the December 4 meeting on the rezoning from R10 Residential District and R6 Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located at 2807 Ramsey Street. Planning Board recommended denial of C1 and approval of P2.

Council recognized Mr. Gardner Altman, for the petitioners, who stated that he had requested a one week continuance of this public hearing from the last meeting in order to discuss a change of petition with his clients and with the Planning Department. Mr. Altman requested that this matter be returned to the Planning Board for review by the Planning Staff and Planning Board with the amended petition that the 2.73 acres fronting on Ramsey Street be zoned C1 and the western portion of 7 acres remain multi-family residential or possibly P2.

Mr. Clinton Harris, an area resident, was recognized in opposition to the rezoning from residential to commercial and the result of loss of homes.

Following some discussion, Mr. Williams offered motion to grant the request as presented by Mr. Altman, seconded by Mr. Hurley and carried unanimously.

A notice had been published for this date and hour on the annexation of property known as the Guy Circle Area, off McPherson Church Road. The property being located at 3227 Guy Circle. This was a proposed satellite annexation. The Annexation Technical Review Committee recommended denial due to the excessively high cost of providing city services to a single satellite property. The committee further recommended that the petitioner apply for city water and sewer service under the outside extension policy.

There were neither proponents nor opponents present.

Mr. Dawkins offered motion to follow the recommendation of the Annexation Technical Review Committee and deny the annexation, motion seconded by Mrs. Evans and carried unanimously.

A public hearing had been published for this date and hour on the annexation of Grady Street and May Street property located in the Massey Hill Area. The Annexation Technical Review Committee recommended approval.

There were neither proponents nor opponents present.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE THE GRADY STREET AND MAY STREET PROPERTY LOCATED IN MASSEY HILL. ANNEXATION NO. 219.

Mrs. Evans introduced the foregoing ordinance and moved its adoption, seconded by Mr. Williams and carried unanimously.

A Public hearing had been published for this date and hour on annexation of property known as the North Carolina National Guard Armory property. The Annexation Technical Review Committee recommended approval subject to the annexation petition being properly signed by the appropriate state official and that the site for the lift station be deeded to the City of Fayetteville subject to a reverter clause in the event the City fails to use the site for the utility purposes.

There were neither proponents nor opponents present.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE THE NORTH CAROLINA NATIONAL GUARD ARMORY PROPERTY. ANNEXATION NO. 220.

Mr. Williams introduced the foregoing ordinance and moved its adoption, subject to the conditions mentioned by the Annexation Technical Review Committee, seconded

by Mr. Markham and carried unanimously.

Copies of the foregoing two ordinances are on file in the Clerk's office in Annexation Ordinance Book 1978.

This completed the public hearings.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, public hearings were set for January 22, 1979 on the following two matters:

- A. The annexation of property known as TMB Investments, Inc. located at 5038 Yadkin Road.
- B. The annexation of property known as Ganza Food Mart located on Highway 87 South.

Public Works Commission matters:

Council next considered a follow-up report from Mr. Ray Muench, the PWC Manager, in answer to a complaint by Mr. Lee Warren and Mr. Mack Taylor concerning the sewage treatment plant odor on U.S. 301 North at the treatment plant. (This complaint was heard before City Council at the September 25 meeting and Mr. Muench was requested to give a report at this time).

Mr. Muench informed Council that the odor problem is still present but not as frequent nor as strong as before. Mr. Muench displayed a projection on effluent data from the plant. He informed Council that PWC is presently in compliance with EPA standards. He informed Council further that the new incineration oven had been put into service earlier but due to technical difficulties, it was as of today, again in operation and will be in full operation shortly. Mr. Muench informed Council concerning the temporary lagoons and stated that the sludge in these lagoons is now dried sufficiently to be covered over which will eliminate to a great extent the odor problem. This covering over process is now in progress and also should be completed shortly.

Following some discussion of this, Mr. Williams extended thanks to PWC Manager Muench from Mr. Warren and Mr. Taylor and stated that they had informed him they were very happy with the progress being made by Mr. Muench and PWC on this odor problem.

Mr. Williams suggested to Council that they request another report from Mr. Muench in 90 days and this was agreeable.

This completed Mr. Muench's report and Mayor Finch thanked him for the information.

Council next heard and considered a presentation by Mr. Sol Rose requesting City and PWC participation in applying for a federal grant for a solid waste study.

Mr. Sol Rose was recognized and stated that his firm, Rose and Purcell, Inc., is the consultant for the county concerning solid waste disposal sites. He stated the U.S. Environmental Protection Agency has funds to support feasibility studies on resource recovery from solid waste. The federal assistance is 75% of the total study cost with 25% local matching funds. The federal funds are available for the fiscal year 79.

He stated further his firm is assisting Region M Council of Governments in developing data for preparation of the pre-application forms to be submitted to EPA not later than December 15, for an EPA resource recovery grant under the President's Urban Policy Program.

Currently, the consultant has developed a cost estimate of one million dollars for Phase I of the study wherein the local matching funds would be \$25,000. The Board of County Commissioners of Cumberland County on Monday, December 4, voted unanimously to support one-third of the funding. The PWC is being asked to provide one-third and it is requested that the city cooperate in this study through commitment of the other one-third of the funding. The city's matching share would be \$8,333.33.

Mr. Muench stated additionally that this program could use solid waste as fuel for the generation of electricity and other purposes. Mr. Muench stated additionally that the PWC was of the opinion that the participation should be on a 50-50 basis rather than a one-third basis inasmuch as PWC is a commission of the city.

Following some discussion of the request, Mr. Williams offered motion that the City Council participate in applying for the grant and agree to obligate the city, if the grant is approved, in an amount not to exceed \$8,333.34, seconded by Mr. Hurley and carried unanimously. (Mr. Williams stated that he worded his motion in this fashion in the event that the participation could be on a fifty-fifty basis.)

Council next recognized Mr. Sherman Pickard of the North Carolina League of Municipalities who presented information concerning the 911 emergency communication system.

Mr. Pickard stated that the object of the 911 program, which is a telephone system

used by several cities in the nation and in Europe to secure emergency police, fire ambulance and other public services needed by the general public. The object of the 911 system, he stated is to reduce response time by all emergency agencies. The 911 would be used to summon any emergency service and thereby preclude the necessity of the general public having to remember several different numbers for several different agencies such as Fayetteville has now. That is, one number for fire, one number for police another number for ambulance etc. Mr. Pickard stated that the 911 concept is good inasmuch as there are only three numbers to be remembered and dialed. He stated there are two methods to this system. The number one method is receiving and dispatching, the second method is the referral method which refers the caller to the proper agency. He stated the referral system has problems. The main one being that at the present time, the law enforcement PBX is now overloaded and has on occasion, rung as much as thirty times through the switchboard before a response is gained. Mr. Pickard suggested that City Council's consideration cost and benefit of the 911 system. Mr. Pickard recommended a comprehensive and feasibility study be made of the central receiving and dispatching method to get complete information, plans and the cost analysis.

Mr. Williams asked if the 911 system should not be simple and what is the problem.

Mr. Pickard replied that coordination of the number of people, approximately 40, to implement this system is necessary and that the communications system is the heart. Mrs. Evans stated that there is no apparent problem with the present system and why change it. Mr. Pickard replied that communication is the greatest problem along with response time and that he was presenting the system this evening for consideration of the City Council.

Mrs. Finch asked if a local agency could do the study and if so, are funds available. Mr. Pickard replied "yes" and that there are approximately \$2,500. available through the State Crime Control Commission.

Following some further discussion, Mr. Williams stated that in view of the immense detail that Council must consider in this 911 system that it be presented at an information meeting at a later date and this was agreeable.

Mayor Finch thanked Mr. Pickard for his presentation of the information this evening.

Council next gave consideration to a request from the Fayetteville Arts Council to close streets for conducting Christmas on the Square this year. The City Manager presented this matter and stated that in a letter from the Arts Council, he was informed they are sponsoring the first Christmas on the Square in Downtown Fayetteville on Saturday, December 16, 1978 from 2 to 6 p.m. The festival is in conjunction with the Christmas Parade that will be held the morning of December 16 from 10 to 12 noon. The Christmas celebration is planned for the community with entertainment, a Santa's Workshop, Arts & Crafts, special activities for all ages. It will close with a community carol sing at the Christmas tree at Cross Creek Park from 5 to 6 p.m.

For the parade, it is requested that the on ramp at Bragg Blvd. off the business loop be closed west to Hay Street. The parade units will be instructed to form on the closed section of the business loop. At parade time units will march up Hay Street on ramp, down Hay Street east, around the Market House and disperse on Person Street.

The Arts Council would like to have the 100 Block of Hay Street closed at 7:00 A.M. on Saturday 16 so that artists and craftsmen, entertainers, etc., may unload and set up their displays prior to the parade. Some will be setting up on the sidewalks and inside the old Belk building. The Market House Circle and the 100 block of Hay Street would be closed for the festival portion of Christmas on the Square immediately following the parade.

The 100 block of Green Street would be closed immediately following the parade to Bow Street. From 4 to 6 p.m. this would be extended to Mason Street as the activities will be centered at Cross Creek Park for the tree lighting ceremony and community sing.

The Arts Council would be using the second floor of the Market House for Christmas stories from 12:00 to 5:00 P.M.

Christmas on the Square will be entertainment, food, Santa's Workshop, artists and craftsmen, bands, a raffle, carolers, etc. for the entire Fayetteville/Cumberland County / Ft. Bragg Community. Your consideration to this request is solicited.

Following a brief discussion, Mrs. Evans informed Council that raffles were illegal and the City Manager was instructed to inform the Arts Council of this circumstance. Mrs. Evans then offered motion for approval of the foregoing request, if possible, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to a request from the Fayetteville Revitalization Commission concerning their retention of a pedestrian right-of-way through the proposed Heritage Place Project to be located on Ann Street behind First Presbyterian Church and that the City not dispose of any more property along the creek until the Linear Park study is completed. Mr. Robert Henry, Executive Director of the Fayetteville Revitalization Commission was recognized on this matter. Mr. Henry stated that Downtown Revitalization consisted of four functions. 1) The pedestrian circulation plan. 2) To continuously identify the particular needs, problems and opportunities of the Fayetteville Downtown area. 3) To review and make recommendations to the appropriate public agency on proposed plans of the Fayetteville Downtown area. 4) To review and make recommendations on public improvement projects for the downtown Fayetteville area.

Mr. Henry stated that the Cross Creek Linear Park was approved under the four year plan and presented the following two motions of the commission concerning Heritage Place:

"The commission requests that the City retain a pedestrian right-of-way on one side through the proposed Heritage Place project, all assurances that security will be maintained and motion number 2, the commission requests that the City of Fayetteville not dispose of anymore property along the creek until the Linear Park study is completed.

The Cross Creek Linear Park and Heritage Place, Mr. Henry continued, are two very important elements in the revitalization of our central city. Each has the potential to compliment the other. The importance of both projects demands that we work together in an attempt to identify a solution to the concerns, reservations and problems forseen by Heritage Place, Inc. in the City.

In response from an inquiry from Council, Mr. Henry stated that a solution to the pedestrian right-of-way problem is being worked on by the commission and by Heritage Place and its consultants.

Mr. Cogswell informed Council that although Heritage Place has submitted a formal request for acquisition of the property on Ann Street, and submitted a cash bid and the matter has been advertised, Council is not obligated to accept the offer of Heritage Place at this time.

Mr. Walter Vick, a member of the Fayetteville Revitalization Commission, was recognized with comments regarding Heritage Place and the retention of the right-of-way.

Following some disucssion, Mrs. Evans suggested a joint meeting with Heritage Place, Fayetteville Revitalization Commission and the City Council to discuss this matter further.

Mr. Dawkins suggested that the Buildings and Property Committee be the agency to meet with Heritage Place and Fayetteville Revitalization Commission and bring a recommendation to the City Council on January 8. This suggestion was acceptable to the Council and Mr. Williams, Chairman of the Buildings and Property Committee, set a meeting for January 2, 12:00 noon in the Kyle House for the Building and Property Committee to meet on this matter and all interested persons and agencies were invited to the meeting.

Following this, Mayor Finch thanked Mr. Henry for his remarks in behalf of the commission.

Council next heard a presentation by the City Engineer concerning the various alternatives available for the improvement of the street surface on Hay Street.

The City Engineer was recognized and stated that Hay Street from Market Square to the foot of the hill is in poor condition. He stated that Hay Street was paved approximately 17 years ago and that the area from Market Square to Winslow Street has an exceedingly high crown due to the repeated resurfacing and that the pavement on the edges have now reached almost to the top of the curbing. Mr. Bennett stated that the Council has several alternatives. 1) To grade and resurface Hay Street from Market Square to Winslow Street at a cost of \$300,000. Alternate No. 2.) To use the heater-planner system for the same segment at a cost of \$70,000. Alternate No. 3) a one inch overlay at a cost of \$60,000.

Following a brief discussion, Mr. Dawkins suggested a temporary patching of Hay Street for the present until the foregoing alternates could be studied.

The City Manager was recognized and recommended the heater-planner method, but reminded Council that the year 2000 plan proposes a pedestrian mall for a segment of Hay Street. He suggested that Council refer this matter to the Fayetteville Revitalization Commission and secure a recommendation on this matter and if not, to go to the heater-planner method for Hay Street from Market Square to Winslow Street.

Following some discussion, Mr. Hurley offered motion that we request the City Engineer to patch the Hay Street area as presented as much as possible and meantime refer this matter to the Fayetteville Revitalization Commission for recommendations back to the City Council in January, motion seconded by Mr. Dawkins.

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Following a brief discussion, Mr. George offered substitute motion that this matter be continued pending a recommendation from the Fayetteville Revitalization Commission, motion seconded by Mr. Williams.

Mayor Finch called for a vote on the substitute motion and it was as follows: For; Councilmembers Williams, Evans and George. Against; Councilmembers Markham Hurley and Dawkins.

Mayor Finch declared a tie vote and cast her vote against the substitute motion and declared it defeated.

Mayor Finch then called for a vote on the original motion of Mr. Hurley and it carried unanimously.

Council next gave consideration to several bids. Mr. John Monaghan, the Purchasing Agent, presented these bids.

Upon motion by Mrs. Evans, seconded by Mr. Williams and carried unanimously, a contract was awarded to the sole bidder, American LaFrance for \$54,432. for rebuilding and reconditioning one 1963 Fire Department Pumper.

Upon motion by Mr. Dawkins, seconded by Mr. Markham and carried unanimously, a bid award was made to the low bidder, Super Secur Comfort Stations for \$9,637. for one prefabricated steel comfort station for the Recreation and Parks Department to be located in Savoy Heights Park.

Upon motion by Mrs. Evans, seconded by Mr. Dawkins and carried unanimously, award was made to the low bidder, Royal Dodge, Inc. for \$7,638.29 for one cargo van for the Police Department.

On an additional bid matter, Mr. Monaghan stated that there was a need for an emergency fuel purchase. Mr. Monaghan informed Council that the new Fayetteville buses require No. 1 diesel fuel for their engines. Only No. 2 fuel oil was considered in the current city contract approved last summer. There is a need for approximately 10,000 gallons of No. 1 fuel oil for the buses until a formal bid can be requested. Gulf, U.S. can supply this fuel at .433 per gallon. No other oil company would agree to deliver this small amount. Mr. Monaghan recommended the purchase of up to 16,000 gallons of No. 1 fuel from Gulf, U.S. at their quoted price for this interim period until a contract bid can be let in January.

Mr. Hurley offered motion for approval of the foregoing request and that the 16,000 gallons of No. 1 fuel be purchased from Gulf, U.S. at .433 per gallon as recommended, motion seconded by Mr. Williams and carried unanimously.

Council next considered appointments. Upon motion by Mr. George, seconded by Mrs. Evans and carried unanimously by acclamation vote, Dr. Virgil Miller and Mr. Gonzales D. Johnson, Major retired, were appointed to the Educational Development Advisory Council.

On one appointment to the Fayetteville Redevelopment Commission, Mr. Markham nominated Mr. Dan MacMillan the incumbent who had agreed to serve again if nominated and appointed. The nomination was approved and Mayor Finch stated that this appointment would be considered at the next regular meeting of the Council.

Delegations:

Council recognized Mr. Kenneth Matthews of Hall Real Estate for Mrs. Mary G. Sessoms of 1912 Ramsey Street, who on September 26, 1978, petitioned the Council for the rezoning of her property from residential to commercial. The rezoning was denied. Mr. Matthews stated pending a review of the land use plan for this area. Mr. Matthews stated he had contacted the Planning Board but they could provide him no information and therefore he was appearing before the Council on this matter this evening.

Following a brief discussion, Mayor Finch informed Mr. Matthews that this matter will be reviewed and that he would be contacted with the information he desired in the next few days.

City Manager reports:

The City Manager presented a city dog license tax report and a proposed amendment to the ordinance to the City Code pertaining to the dog license tax.

In a memorandum to the City Council on this matter, the City Manager stated that now that we are contracting with the County to collect the city taxes, we have the capability to utilizing the computerized tax collection system of the county to collect dog license taxes. Had we been able to do so this calendar year, we estimate that we could have collected approximately \$15,000 to \$16,000 dollars in additional tax revenues.

To avail ourselves of the advantages of the county tax system, he continued, we need to revise our dog tax ordinance to agree with the county schedule of dog license taxes, that is \$5.00 for the first dog, \$4.00 for the second dog, \$3.00 for the third dog, \$2.00 for the fourth dog and \$1.00 for the fifth dog and any additional. The ordinance also designates the county tax supervisor as individual issuing the dog license tag based upon the tax listing submitted. Taxes due for the license will then be included in the annual tax billing for collection by the Tax

Collector. The City Manager then recommended adoption of the proposed ordinance to Chapter 7, Article 2 "Dogs" of the City Code.

AN ORDINANCE AMENDING CHAPTER 7 ARTICLE II, "DOGS" SECTION 7-16 OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE LICENSE TAX AMOUNT. ORDINANCE NO. S1978-17.

Mrs. Evans introduced the foregoing ordinance and moved its adoption as recommended, seconded by Mr. Williams and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1978.

The City Manager then gave a report to the Council on the City vehicle licenses.

The City Manager stated that we have not been able to determine the number of automobiles owned by residents located in the city limits. Working with county officials, and from a computer print-out of approximately 80,000 listed vehicles issued by the N.C. Department of Auto License Agency, we have estimated, he stated, the number of vehicles owned by city residents at between 30 and 35,000.

Thru December 6 we have issued 24,684. auto license tags. The city issues auto license tags through two local license agencies, one in Fayetteville and one in Hope Mills and also at the City Hall Finance Department Meter Collections Office. The one year tag cost the city .27 each.

For the 1979 auto license tag we have ordered a permanent five year license tag at a price of .59 each to the city. We have been informed that the cost of a yearly decal tag which will be attached to the permanent tag will cost between \$.08 and \$.12 to the city. A comparison of these costs would indicate an estimated cost saving to the city of between \$8,000 and \$12,500 dollars for the five years. We believe the cost savings will be greater because of the material price rise on the metal plate will probably be greater, he stated. Mr. Thomas further informed Council that the city can go to the county's computer listing procedure and that there is a bill before the State Legislature at the present time whereby windshield decals prove listing of vehicles with the tax collector can be billed through computer the same as dog licenses, if desired.

The City Manager informed Council that this report was made as requested and that no action is requested or desired at this time since this was presented for information only.

The City Manager then presented a MICA status report.

The contract between the City of Fayetteville and MICA was effective on April 13, 1978. This report is on MICA's work with the City during the past 8 months. Under the City Buildings Inspection Office, the Superintendent of Inspections had asked that MICA conduct a full analysis of the Building Inspection Departments procedures and fees and charges. This report was submitted to the City Manager on November 30 and Mr. Albritton indicates full support for the reports recommendations. When implemented, the recommendations in this report would provide for the same level of service by the department and an estimated net savings from changes total over \$30,000. per year.

A detailed analysis of the department's fees and charges presents recommended adjustments that would provide over \$100,000 per year in increased revenues.

Under Cemetery analysis, this study is now underway, the City Manager stated but has not as yet been completed.

Under FICA II a presentation on this subject was made to a Workshop Session of the Council in October. We are awaiting final approval of the FICA I proposal submitted by the City of Durham to the Social Security Administration before requesting official action by the City of Fayetteville. However, annual estimated savings from this system are \$9,000 for the City and \$9,000 for the Employees.

Under Purchasing, this study is underway but has not been received as yet.

Under FICA II, the City Manager stated that MICA would present to the City by March a report and analysis outlining the savings to the city resulting from the implementation of FICA II system. A preliminary estimate would indicate savings of from 40 to \$50,000. per year.

The City Manager stated that he will brief the Council on everything under the MICA program at the next information meeting.

Mayor Finch thanked the City Manager for the report.

The City Manager reported the resignation from the Fire Department of William Jerry Rhodes. Council noted the resignation.

The City Manager informed Council that former Police Officer E.P. Starnes, who had found it necessary to resign his position in August 1978 for personal reasons, had applied for reinstatement as a Police Officer with the Police Department. Reinstatement was recommended, the City Manager stated.

Upon motion by Mr. Williams, seconded by Mrs. Evans and carried unanimously Officer E.P. Starnes was reinstated to the Police Department as recommended.

Matters of interest to the City Council:

Councilman Williams suggested a look into the city's car use policy and specification requirements on all automobiles. He suggested that the City Council appoint a committee to look into these two areas and report back to Council.

Regarding the car use policy, Mr. Williams elaborated that information was needed and the establishment of a policy if none existed, on the issuance of city automobiles to city department heads and others for their use in conducting city business and as to whether or not the city should go to a car pool type system.

Mrs. Finch suggested that the City Manager bring information on this as well as the specification requirements on automobiles back to the City Council and then it should go to the committee for study.

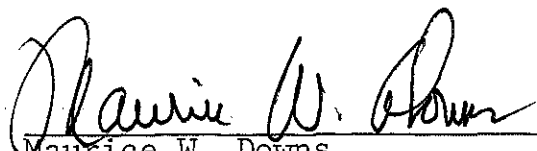
Mrs. Finch asked Mr. Dawkins, Chairman of the Charter Revision committee when the Council could expect a report from this committee. Mr. Dawkins replied that the committee will meet often as possible in the next few weeks to discuss and submit a recommendation. Mrs. Finch requested a report by January 22 inasmuch as there is a deadline in February for local acts to be submitted to the General Assembly.

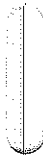
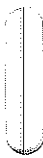
Mrs. Evans suggested the hire by the city of a full time grant person. Mayor Finch requested the City Manager to make this matter a budget item for later on for consideration by the Council.

Mayor Finch reminded the Council of the Christmas Tree lighting ceremony at Cross Creek Park on Green Street on Saturday the 16 and invited one and all to participate in the festivities.

Council then adjourned into executive session to discuss litigation matters at 10:00 P.M.

Council then reconvened from executive session into regular session and adjourned at 10:15 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk



SPECIAL MEETING
CITY HALL COUNCIL CHAMBER
DECEMBER 27, 1978
12:00 NOON

Present: Mayor Beth Finch

Council Members: George Markham, Bill Hurley, J.L. Dawkins, Wayne Williams,
and Mildred Evans.

Council Member Absent: Marion George

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

Mayor Finch called the special meeting to order and stated its purpose was to hear a presentation by the Planning Board on a rezoning request.

A public hearing had been advertised for this date and hour on the rezoning from C1P Shopping Center District to R5 Residential District or to a more restrictive zoning classification of an area located at 600 Executive Place. Planner Mitchell presented this matter and stated this was a 4.2 acre tract on Executive Place and Planning Board recommended approval of the rezoning.

Council recognized Mr. Archie Crenshaw of the Christian Senior Housing Foundation Inc., the sponsoring organization, who stated a 110 unit housing complex was planned on this site for the elderly and handicapped. He requested approval of the rezoning.

Council also recognized Mr. Thad Cherry, Chairman of the Housing Committee of the Cumberland County Roundtable, who requested approval of the rezoning in behalf of the commission.

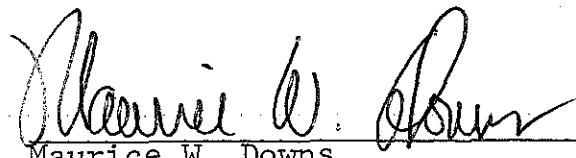
There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM C1P SHOPPING CENTER DISTRICT TO R5 RESIDENTIAL DISTRICT AN AREA LOCATED AT 600 EXECUTIVE PLACE. ORDINANCE NO. NS1978-99.

Mr. Dawkins introduced the foregoing ordinance and moved its adoption as recommended by the Planning Board, seconded by Mr. Williams and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1978.

This special session was adjourned at 12:06 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

