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SPECIAL MEETING
CITY HALL COUNCIL CHAMBER
FEBRUARY 5, 1979
7:00 P.M.

Mayor Finch: Absent

Council Members present: 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

Mayor Pro-tem Dawkins, presiding in the absence of Mayor Finch, who was ill, called this special session to order and offered the invocation.

Mr. Dawkins then directed question to City Attorney Cogswell as to whether or not he (Dawkins) should exercise a vote while occupying the chair as Mayor Pro-tem.

Mr. Cogswell advised Mr. Dawkins that he must exercise his vote as a Councilman even though presiding this evening.

Mr. Dawkins then informed the Council that the City Manager had requested an executive session at the end of this special meeting this evening to consider land transactions.

Mr. Dawkins and Mr. Williams then requested permission of the Council to abstain from voting on Item 5E on the agenda this evening, which is proposed drainage improvements between Westmont Drive and Greenland Drive for the Snyder Memorial Baptist Church. There was no objection voiced.

Council then moved into the first agenda item, which was reconsideration of the Fayetteville Redevelopment Commission's recommended three year Community Development funding levels and programs for FY79/81 as continued from the January 22, 1979, meeting.

Council again recognized Mr. Richard Herrera, executive director of the Community Development Department. Mr. Herrera reminded Council that at the January 22 meeting, this matter had been continued to this date and City Council had directed him and the Fayetteville Redevelopment Commission to review the budget again and come back with a recommendation. Mr. Herrera read the following position paper from the Fayetteville Redevelopment Commission:

The Fayetteville Redevelopment Commission acknowledges the Fayetteville City Council's directive to develop an alternative to the Community Development Block Grant budget as recommended and endorsed by the Commission. The Commission feels that it should make the Council aware of the criteria it considered in developing its recommended budget and, specifically, the level of funding for the Senior Service Center.

First, the Community Development Block Grant (CDBG) Program, regulated by the Department of Housing and Urban Development, was instituted as a program for the improvement of housing in communities. The main emphasis, therefore, is on activities which directly benefit housing conditions. While other activities are allowed, they are ancillary to the main purpose. The Commission decided to put most of the money into housing programs and allocated \$340,000. for the Senior Service Center. If the entire request (\$550,000) by those concerned with the Center had been included in the recommended budget, after allowing for necessary program management and debt expenses, it would be an allocation of 14 per cent of the three-year program funds for the center. This level, the Commission felt, would deprive an inordinate number of City residents of the assistance they needed.

The Community Development Block Grant Program also requires that the Council approve a Housing Assistance Plan which outlines the number of housing units in substandard condition in the City and set goals for the number of housing units that are to be assisted during the three-year period. The commitment that the City will make to assist housing needs identified in the Housing Assistance Plan coincides with the recent rededication to housing programs by the President and the Secretary of the Department of Housing and Urban Development. The Commission believes that by allocating the \$550,000. to the Senior Service Center, the City might fail to achieve its housing goals and that the Department of Housing and Urban Development, by regulation, would disapprove the application.

In addition, the budget has identified areas in need of housing assistance. If any changes are made in the budget, some housing assistance programs must be eliminated. Again, by regulation, the Department of Housing and Urban Development would disapprove the budget, since identified areas in need of assistance would have been deleted.

The Commission also felt that to insert any large amount of funding in the Senior Service Center before 1981 would endanger the City's Community Development Block Grant Program monies. Last year HUD threatened to withhold funds from the City because the spending levels were so low. The Commission believes it acted in

a manner that allowed the City to meet HUD goals and that the placement of a large amount of funds earlier in the budget period for the Center would jeopardize all the City's funds.

The Commission also considered the City's appropriate contribution to a center which will benefit all older adults in the country. The U.S. Census showed that 49 per cent of all elderly persons in the country (1970 census, excluding Fort Bragg) resided within the Fayetteville City Limits. If the budget recommended by the Commission is approved by the Council, 76 percent of the building funds for the Center will be City CDBG monies. The Commission felt this funding level was more than equitable. If the level of funding is increased by \$210,000 the City's share of funding would be in excess of 90 percent and City residents would lose aid now targeted for them. The Commission believes that its main purpose is to provide better living conditions for City residents, not to cause them suffering by proposing a budget which will deny them of much needed assistance.

The Commission also feels it has, both in past years and in the recommended budget, shown its deep commitment to older adults. The Commission has targeted both in the past years and in its recommended budget, more than \$846,000 to specific older adult projects (the Senior Service Center and Adams Court Elderly Housing). In addition, the housing rehabilitation program has affected older adults in a significant manner. In 1975-76, 30 percent of the households rehabilitated had elderly persons residing in them. With the recent program in Massey Hill, where there are a great many older adult households, the percentage has been even greater. In comparison, older adults comprise only 10 percent of the City's population. This center has also received more money than any other project that is non-housing related, reiterating the Commission's commitment to older adults.

In addition, when senior citizens groups first sought a center, their proposal was to renovate an old house. After meeting with the Commission, these groups and this body agreed that it would be more appropriate to build a new center and that the center would be built in stages. The Commission remains committed to this position, and will, within its abilities, work to see the completion of the entire center.

The final concern of the Commission was the timing of construction of the Center. The Commission believes that there will be an overlap in construction activities if the recommended budget is altered. The Commission feels that the presence of different contractors on essentially the same site would cause unnecessary problems and delays.

Because of the criteria outlined above, the Commission is of the opinion that to recommend an alternative would be a disservice to Council. The current recommended budget is, in the considered opinion of the Commission, the best way to provide the greatest assistance to the City's residents. Any alteration in the budget would cause continued hardship to some City residents, and negate the City's commitment to assist housing needs as demonstrated to the Department of Housing and Urban Development in the Housing Assistance Plan.

Following Mr. Herrera's presentation, Council recognized Mr. Dan MacMillan, a member of the Fayetteville Redevelopment Commission who displayed a chart and made a presentation in support of the proposed FRC budget.

Mr. Al Waggoner, representing the Cumberland County Senior Roundtable was recognized, and displayed a chart and made a presentation in support of restoration of funds for the Senior Citizen Multi-purpose Center. Following his presentation, and at his request approximately 75 senior citizens stood in support of his request.

Mr. Thad Cherry, Mr. Bill Bell and Mr. Clinton Harris were also recognized in support of Council's restoration of the Senior Citizen Center funds.

Mr. Joe Gladden of 1422 Camden Road, Massey Hill, was recognized for the Massey Hill Community Development Club and stated that the Massey Hill residents were concerned with the living conditions of their senior citizens in Massey Hill and also of their streets and requested approval of the Massey Hill Community Development budget.

Mr. John Wesley was recognized for residents along North Street Extension, Williston, Jones and Wall Streets and requested consideration of the paving of these streets.

Following considerable discussion, Mrs. Evans offered motion that the City Council approve for the Center \$100,000 in 1979, \$100,000 in 1980 and \$240,000 in 1981 from contingency and no matching funds required. The motion was lost for lack of a second.

Following some further discussion, Mr. Williams offered motion that the Council approve the funding as presented and as recommended by the Fayetteville Redevelopment Commission, motion seconded by Mr. George.

Following some further discussion, Mrs. Evans offered a friendly amendment to the foregoing motion that in 1981, there need not be matching grants for the \$240,000. The friendly amendment was accepted and Mr. Dawkins called for a vote on the motion and the vote was as follows:

For: Councilmembers George, Evans, Williams, Dawkins and Markham. Against; Councilmember Hurley.

Public hearings to be set:

- A. Consideration of referring the proposed Adult Entertainment Zoning Amendments to the Joint Planning Board for recommendations and the setting of a public hearing by the City Council.

Councilman Hurley was recognized and stated that recognizing that our City has need for some control of the Adult Entertainment in our area, approximately nine months ago in June 1978, a group of professionals, members of the staff of our City got together and decided to try to come up with some recommendation to Council that the group felt would be applicable to our City in establishing some type of Adult Entertainment areas. Basically there are two types of methods used to control such areas in the city. One is the Boston plan in which there is a concentration of these activities and the other is the Detroit plan which is the dispersal of such activities. The Detroit plan is the plan recommended to the City Council. Mr. Hurley then commended and offered thanks to the members of the study committee who were: City Manager Thomas, Assistant City Manager Smith, City Attorney Cogswell, Joint Planning Department Director Cliff Strassenburg, Chief of Police Danny Dixon, Chief of Inspections Al Albritton, and Mr. Neil Monroe of the Law Enforcement Division of the Cumberland County ABC Board. Mr. Hurley stated among the many reasons the Council considering such an ordinance amendment was that primarily the citizens of this community desire something to be done and we know that these areas in the City breed prostitution, crime, dope and other undesirable situations. The City has been rated sixth in the nation as the one least desirable to live in. Another strong reason for the adoption of such a law is that a strong concentration of these Adult Entertainment areas defeat the efforts of the Downtown Revitalization Commission, he stated. Recently the Chamber of Commerce informed them that new industry refuses to locate in this city. This situation is a deterrent to the growth of the City.

Council then recognized City Attorney Cogswell who gave the Council a briefing on the proposed ordinance and the code amendment concerning an Adult Entertainment zoning.

Following Mr. Cogswell's briefing, Council recognized Mr. Strassenburg, who displayed projections indicating the proposed changes such as the definitions of Adult Entertainment, the areas proposed for the location of such areas, in C3 and M2 areas in the City. Mr. Strassenburg displayed a map showing such areas and where they were located. He concluded by stating the committee requests that the Joint Planning Board hold a public hearing if this is desired by the City Council and then the City Council hold a public hearing on the same matter on March 12, 1979.

Council then recognized Chief of Police Danny Dixon who offered his comments on the proposed ordinance and amendment and requested Council approval of same.

Following some discussion, Mr. Williams offered motion to refer the proposed Adult Entertainment zoning amendments to the Joint Planning Board for recommendations and the setting of a public hearing and for the setting of a public hearing by the City Council on March 12, 1979 and also on the setting of a public hearing on February 26, 1979, on the Simmons Street Community Development Program by the adoption of a resolution, motion seconded by Mrs. Evans and carried unanimously.

RESOLUTION OF THE CITY OF FAYETTEVILLE CALLING FOR A PUBLIC HEARING ON SIMMONS STREET COMMUNITY DEVELOPMENT PROGRAM. RES. NO. R1979-10.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1979.

Council next gave consideration to a proposed permanent injunction restraining the City of Fayetteville and the Town of Spring Lake from any action to annex all or any part of Fort Bragg and/or Pope Air Force Base.

The City Attorney presented this matter and informed Council that he had drawn the necessary restraining order along with the Town Attorney for Spring Lake, and that Spring Lake had agreed to the injunction this evening and he recommended to Council that it authorize the Mayor to sign the restraining order.

Mrs. Evans offered motion to follow the foregoing recommendation of the City Attorney and authorize Mayor Finch to sign the restraining order, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to the realignment during the reconstruction of Deavers Street through City owned Honeycutt Recreation Center property.

The City Engineer presented this matter and stated that for many years citizens as well as City officials have been concerned about the hazard to pedestrians as they cross Deavers Street back and forth between the parking lot on the west side to the various recreational activities on the east side of the street at the Honeycutt Recreation Center. This is especially hazardous at night because of

limited visibility and frequently participants (especially children)walk from between parked cars along the travelway.

Deavers Street from Hull Road to Ft. Bragg Road was funded for reconstruction in the present budget. The present pavement is in very poor condition and is not of great value in the reconstruction of the street. We believe, he stated, a realignment of Deavers Street would eliminate most of the pedestrian hazards to those using the Honeycutt Center by eliminating the need for those users to cross the street. Deavers Street could be relocated in a westerly direction from its present location and its present pavement could be incorporated into a parking lot which would be on the same side of the street as the activities. The Honeycutt Center land would be consolidated, rather than split by traffic artery thereby creating the opportunity for better use of the property.

This proposal has been reviewed with the following adjoining property owners: Reverend Albert E. Drake of Vaughn Presbyterian Church, Reverend Albert Stevens, Executive Secretary of the Fayetteville Presbytery, and Mr. Howard Boudreau, President of FTI. All of these property owners' representatives concur with this proposal as does Recreation and Parks Director, Sonny Basinger.

Mrs. Evans then offered motion to follow the foregoing recommendation of the City Engineer and authorize the realignment of Deavers Street within the Honeycutt Recreation Center property, motion seconded by Mr. Hurley and carried unanimously.

Council next gave consideration to the award of bids.

The City Engineer presented these matters and stated that bids for the earth ramp and sanitary sewer system for the Sanitation Department Refuse Transfer Station on Winslow Street were received on January 8. The City Attorney had reviewed the bond of the local builder and found that there was a flaw in the bond making readvertisement of this matter necessary. New bids have been received, he stated, and the bid of McDonald Grading Company in the amount of \$111,351. on a unit price basis was low. The City Engineer recommended approval on a unit price basis of the McDonald Grading Company for the earth ramp and sanitary sewer system for the Sanitation Department Refuse Transfer Station.

Mr. Williams then offered motion to follow the foregoing recommendation of the City Engineer and approve the McDonald Grading Company bid in the amount of \$111,351, motion seconded by Mr. Markham and carried unanimously.

Council next gave consideration to a second bid award, that of proposed drainage improvements between Westmont Drive and Greenland Drive for the Snyder Memorial Baptist Church.

The City Engineer presented this matter and stated that on October 30, 1978, the Council approved funding pursuant to the usual drainage policy (one-half of the construction cost) the cost of subject drainage. ON December 19, bids were opened and tabulated. The low bid was submitted by Blue Contracting Company in the amount of \$33,392. for the drainage improvements project.

Snyder Memorial Baptist Church (officials) has finalized the site plan for expanding the church facilities and has conveyed an easement to the City for the proposed drainage.

The contract is for the various construction items to be paid for on a unit price basis, therefore the final cost may vary slightly from the low bid. It is recommended awarding the contract to the low bidder, Blue Contracting Company on a unit price basis and budgeting \$36,700. for the project. The church has deposited with the City one-half of the estimated construction cost, \$18,350.

Mr. Hurley then offered motion to follow the foregoing recommendation of the City Engineer and approve the Blue Contracting Company bid of \$33,392. for this drainage project, motion seconded by Mrs. Evans. Mr. Dawkins then called for a vote on the motion and it was as follows: For; Councilmembers George, Evans, Hurley and Markham. Abstaining; Councilmembers Williams and Dawkins. Mayor Pro-tem Dawkins declared the motion carried.

This concluded matters on the regular agenda and Mr. Williams then offered motion, seconded by Mr. Markham and carried unanimously, that Council convene into executive session to consider land transactions at 9:40 P.M.

Council reconvened into regular session at 10:30 P.M.


Mr. Hurley then offered motion that in the interest of Downtown Revitalization, I move that the City purchase the following pieces of property:

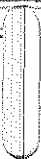
- Item 1. The North Carolina National/ ^{Bank} Property located at Ray Avenue and Maiden Lane for the appraised value of \$65,000.
- Item 2. The Holmes property behind the City Hall for the appraised value of \$20,000.

- Item 3. The Varnadoe property behind City Hall for the appraised value of \$2,300.
- Item 4. The Elfmon property behind City Hall for the appraised value of \$2,875.
- Item 5. The Dye/McBurney Tract behind City Hall for the appraised value of \$24,650.
- Item 6. The Walker property, City Hall area, for the appraised value of \$33,450.
- Item 7. That \$1,374. be repeated for the Holmes property located at the intersection of Bow and Person Streets.

The motion was seconded by Mr. Williams and carried unanimously.

Thereafter this special meeting was adjourned at 10:40 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
FEBRUARY 12, 1979
7:00 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. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and the invocation was offered by Councilman J.L. Dawkins. Following the invocation, Scout Danny Farmer of Troop 709, Westminster Presbyterian Church, led the audience in the Pledge of Allegiance to the Flag.

Mayor Finch then recognized special guests present in the audience this evening. They were Ed Ott, catcher for the Pittsburgh Pirates, John Denny, pitcher for the St. Louis Cardinals, and John Fiddler of the Muscular Dystrophy Association. Mayor Finch stated that these gentlemen were campaigning for the Muscular Dystrophy Association and participating in the M.D. Bikeathon from Philadelphia to Miami and that they had ridden on their bikes to Fayetteville from Chapel Hill today. Mayor Finch thanked these gentlemen for their fine work and wished them success. Mr. Ott responded and thanked Mayor Finch for the hospitality of the City and they were then accorded a vigorous round of applause from those present in the audience.

Mayor Finch then recognized Fayetteville Youth Council representatives Dee Dee Rodgers, Bobby Boswell and Ann Yeago.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, minutes of the regular meeting of January 22, 1979, 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 February 5, 1979, were approved as submitted by the Clerk.

Public Hearings:

A public hearing had been published for this date and hour on the Transit Operation Grant request for FY 77/78 and FY 78/79.

The City Manager presented these matters and requested that the Mayor be authorized to apply for these grants by the adoption of resolutions. There was no opposition present.

Mrs. Evans then offered motion to follow the foregoing recommendation of the City Manager and adopt the resolution for the FY 77/78, seconded by Mr. Williams and carried unanimously.

Mr. Dawkins then offered motion to follow the foregoing recommendation of the City Manager and approve the FY78/79 grant by the adoption of the following resolution, motion seconded by Mr. Williams and carried unanimously.

RESOLUTION AUTHORIZING MAYOR FINCH TO EXECUTE AND FILE APPLICATIONS ON BEHALF OF THE CITY, WITH THE U.S. DEPARTMENT OF TRANSPORTATION TO AID IN THE FINANCING OF OPERATING ASSISTANCE PROJECTS, PURSUANT TO SECTION 5 OF THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED FOR THE PERIOD JULY 1, 1977 THRU JUNE 30, 1978. RESOLUTION NO. R1979-11.

RESOLUTION AUTHORIZING MAYOR FINCH TO EXECUTE AND FILE APPLICATIONS OF BEHALF OF THE CITY OF FAYETTEVILLE, THE U.S. DEPARTMENT OF TRANSPORTATION TO AID IN THE FINANCING OF OPERATING ASSISTANCE PROJECTS, PURSUANT TO SECTION 5 OF THE URBAN MASS TRANSPORTATION ACT OF 1964 AS AMENDED FOR THE PERIOD JULY 1, 1978 THRU JUNE 30, 1979. RESOLUTION NO. R1979-12.

Copies of the foregoing resolutions are on file in the Clerk's office in Resolutions Book R1979.

A public hearing had been published for this date and hour on the consideration of the Special Tax District Allocation Budget. The City Attorney introduced this matter and informed Council that notices had been mailed to all persons subject to assessment by first class mail on the 24th day of January, 1979, giving notice of this public hearing.

Mr. Bob Henry, Executive Director of the Revitalization Commission was recognized with brief comments concerning the Budget and to answer questions.

Mr. Stacy Weaver was recognized for the Arts Council on the \$5,000. item in the budget for a Cultural Arts Center in the downtown Fayetteville area.

Mr. Horace Thompson of the Fayetteville Revitalization Commission was recognized with comments and requested that inasmuch as the \$11,000 budgeted for the municipal market was to be funded by Community Development Funds, that this sum be shifted to Cross Creek Park and Hay Street Environs for seed funds.

There was no opposition present.

A lengthy discussion followed between Council, Mr. Henry and Mr. Thompson concerning this matter.

Following this discussion, Mr. Williams offered motion to continue this public hearing to March 12, seconded by Mrs. Evans and carried unanimously.

A joint work session between the City Council and the Fayetteville Revitalization Commission was set meanwhile to discuss this matter further on Monday, February 19 at 7:00 P.M. at a place to be decided upon by the Fayetteville Revitalization Commission.

A public hearing had been published for this date and hour on the consideration of final resolutions for paving, by petition of Lynn Avenue from Broadview Drive to Myrtle Street and Broadview Drive from Post Avenue to Lynn Avenue. Copies of the preliminary resolutions had been mailed by the Clerk on these two items on January 31, 1979, as required.

The City Engineer presented these matters and there was no opposition present.

Mr. Williams then offered motion for approval of the paving of both of the foregoing streets as requested and as recommended by the adoption of two resolutions, motion seconded by Mr. Markham and carried unanimously.

FINAL RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION, OF LYNN AVENUE FROM BROADVIEW DRIVE TO MYRTLE STREET. RESOLUTION NO. R 1979-13.

FINAL RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION OF BROADVIEW DRIVE FROM POST AVENUE TO LYNN AVENUE. RESOLUTION NO. R1979-14.

Copies of both of the foregoing resolutions are on file in the Clerks office in Resolutions Book R1979.

A public hearing had been published for this date and hour on consideration of ordinance confirming the assessment roll for paving on Fargo Drive, from the southern margin of Pleasant Valley Subdivision, Section 7, to Carlos Avenue. The City Clerk certified that notices had been mailed to the property owners as required.

The City Engineer presented this matter and stated the assessment rate was \$4.00 per front foot.

There was no opposition present.

Mr. Williams then introduced the following ordinance and moved its adoption at 8:10 P.M., motion seconded by Mr. Dawkins and carried unanimously.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF FARGO DRIVE FROM THE SOUTHERN MARGIN OF PLEASANT VALLEY SUBDIVISION, SECTION 7, TO CARLOS AVENUE. ORDINANCE NO. NS1979-7.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1979.

A public hearing had been published for this date and hour for the consideration of ordinance confirming the paving on Sandhill Drive from Boone Trail to the western line of Pleasant Valley Subdivision, Section 8.

The Clerk certified that notices had been mailed to the property owners as required.

The City Engineer presented this matter and stated the assessment rate was \$4.00 per foot.

Mr. John Taylor of Boone Trail was recognized in opposition and requested relief from paying the assessment due to no benefit accruing to his property, he stated.

Following a brief discussion, Mr. Williams offered motion to continue this matter to February 26, seconded by Mr. Hurley and carried; Mrs. Evans voting no.

A public hearing had been published for this date and hour on the consideration of ordinance confirming the assessment roll for the paving of Fairway Drive from a point 28 feet northwardly from the southeastern corner of the Lula A. Blackman Estate to Robeson Street. The City Clerk certified that notices had been mailed to the property owners as required.

The City Engineer presented this matter and stated that the assessment rate was \$4.00 per foot.

Mrs. Annie McCoy was recognized for the Freeman Heirs with a question on the assessment. Her question was answered to her satisfaction. There was no opposition present.

Mr. Williams then offered motion for the adoption of the following ordinance confirming the assessment roll for Fairway Drive at 8:25 P.M., motion seconded by Mr. Dawkins and carried unanimously.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF FAIRWAY DRIVE FROM A POINT 28 FEET NORTHWARDLY FROM THE SOUTHEASTERN CORNER OF THE LULA. A. BLACKMAN ESTATE TO ROBESON STREET. ORDINANCE NO. NS1979-8.

A copy of this ordinance is on file in the Clerk's office in Ordinance Book NS1979.

This concluded public hearings.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, public hearings were set for March 12, 1979, on assessing street paving on Phillips Street from Murchison Road to the Seaboard Coastline Railroad and on Wilbon Drive from Turnpike Road to the existing pavement by the adoption of the following resolutions:

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENT ON PHILLIPS STREET FROM MURCHISON ROAD TO THE SEABOARD COASTLINE RAILROAD. RESOLUTION NO. R1979-15.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT ON WILBON DRIVE FROM TURNPIKE ROAD TO THE EXISTING PAVEMENT. RESOLUTION NO. R1979-16.

Copies of the foregoing resolutions are on file in the Clerk's office in Resolutions Book R1979.

Public Works Commission Matters:

Council recognized PWC Manager Muench who presented the following items:

Upon motion by Mrs. Evans, seconded by Mr. Hurley and carried unanimously, one one-inch water connection to an existing main in River Road to serve an existing residence of Roger A. Ellis was approved as recommended by PWC.

Upon motion by Mrs. Evans, seconded by Mr. Hurley and carried unanimously, one one-inch water connection to existing main on James Street to serve existing residence at 1304 James Street owned by William E. Baggett was approved as recommended by PWC.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, one one-inch water connection to existing main to serve existing residence at 3208 Cumberland Road owned by L.G. Strickland was approved as recommended by PWC.

Upon motion by Mr. Williams, seconded by Mrs. Evans and carried unanimously, construction of sanitary sewer facilities to serve William H. Owen School on Raeford Road was approved as recommended by PWC.

Upon motion by Mrs. Evans, seconded by Mr. George and carried unanimously, one one-inch water connection to serve E.P. Loper in Breezewood Acres was approved as recommended by PWC.

PWC Manager Muench then presented for Council's consideration a request for approval of an agreement with Charles T. Main, Inc. for certain assistance and an engineering feasibility study for PWC for the following:

- 1) Assist PWC in competing negotiations regarding purchase of 400 to 450 megawatts of nuclear generation facilities from an investor owned utility leading to an official proposal from the utility service.

Technical and economic feasibility of the following:

- a. The purchase of 400 to 450 megawatts of a nuclear power plant from an investor owned utility.
- b. Construction of 450 megawatts of baseload, coal fired generating facilities by PWC in the Fayetteville Area.
- c. PWC Continuing to generate its own peak electric load and purchase the remainder of its bulk electric power from CP&L.

Mr. Muench informed Council that the feasibility study would cost approximately \$155,000. for the six to eight million dollar project.

Following a brief discussion, Mrs. Evans offered motion to follow the foregoing recommendation of PWC and approve the study and authorize the inclusion to amend the budget, motion seconded by Mr. Markham and carried unanimously.

Council next gave consideration to proposed ordinances amending the City Code to establish new City Inspection fees. (This matter continued from the January 22 meeting.) The City Manager presented this matter and stated that he and the Building Inspector had met with Mr. DohnBroadwell at Mr. Broadwell's request and discussed the proposed fees and Mr. Broadwell had no objection. Mr. Thomas then displayed comparison charts of the fee schedules of the City, MICA, and the County for Council's study.

Following the City Manager's presentation and a brief discussion, Mr. Williams offered motion to follow the recommendation of the City Manager and approve the new Inspection Department fees by the adoption of the following four ordinances, motion seconded by Mrs. Evans and carried unanimously.

AN ORDINANCE AMENDING CHAPTER 9, "BUILDINGS - FEES" OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1979-2.

AN ORDINANCE AMENDING CHAPTER 8, "PLUMBING-FEES", OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1979-2A.

AN ORDINANCE AMENDING CHAPTER 11, "ELECTRICITY-FEES" OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1979-3.

AN ORDINANCE AMENDING CHAPTER 15, "HEATING, VENTILATING, AIRCONDITIONING, GAS EQUIPMENT AND PIPING SYSTEM-FEES" OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1979-4.

Copies of the foregoing ordinances are on file in the Clerk's office in Ordinance Book S1979.

Council next gave consideration to an ordinance requiring the Building Inspector to correct conditions at 109 Enoch Street owned by David Butler and C.C. Stokes. (This item continued from the September 25 meeting and action rescinded on October 9 and the owner given 120 days extension).

The City Attorney presented this matter and in a memo from the Housing Inspector stated that a building permit had been secured on October 10, 1978, that the owner had negotiated with the local contractor and that hopefully the completion of the repairs to the structure will be completed in the near future, and requested that no further action be taken by the Council at this time.

Council took no action on this matter, as requested by the Housing Inspector.

Council next gave consideration to a request by Floyd, Dickens and Bass Realty, Inc. for a sign location variance in Windtree Subdivision. Mr. Greg Floyd was recognized with a request for a variance to erect a ground sign in accordance with Section 3-80 of the City Code. The ground sign, he stated, will in accordance with Section 32-22 (b) (2) "Zoning" of the City Code be classified as a subdivision identification sign, and is to be placed at the median at the entrance and exit at Windtree Subdivision. Their firm will retain ownership of the 10 foot wide median. The proposed sign would be 9 feet wide and 4 feet high. Therefore, he stated, the request for a variance will be for 3½ feet from the right-of-way line of both the entrance and exits streets. In a memorandum the Inspections Superintendant, E.C. Albritton stated that in accordance with Section 3-80 of the City Code, the City Council may grant the desired variance and that the Inspection Department concurs with the desired request and recommends the variance be granted.

Following a brief discussion, Mr. Williams offered motion to follow the recommendation of the Inspection Superintendant and grant the variance as requested by Mr. Floyd, motion seconded by Mrs. Evans and carried unanimously.

Council next gave consideration to a report by Councilmember J.L. Dawkins, Chairman of one of two Charter Revision Committees concerning the proposed revisions to the City Charter. Mr. Dawkins stated that his committee, consisting of himself, Councilmembers Evans and Markham had met with the City Attorney and recommended submitting the proposed changes to the legislators in Raleigh. Mr. Dawkins then called on the City Attorney who provided additional information from the compilation of the amendments in his possession, who presented additional details stating that compilation is complete to date with two minor exceptions. One being that Section 6.6 on page 16 would be to delete a phrase and on page 38, repealing local acts. Other than these, the compilation is complete as presented this evening.

Mayor Finch offered thanks to Mr. Dawkins and the committee and suggested that the Council meet with the State Legislators. Mayor Finch then asked for a report from the other Charter Committee, Chaired by Mr. George.

Mr. George offered comments and directed questions at the City Attorney for several moments.

Following some further discussion, Mayor Finch asked Mr. George if his committee would meet if he found it necessary and make further recommendations. Mr. George stated they would.

Following some further discussion, Mayor Finch requested a report from the

other committee by February 26, inasmuch as the deadline for the submission of local acts is eminent.

Council next gave consideration to a resolution appointing Mrs. Barbara Goggio, the present Assistant Tax Collector, as Deputy Tax Collector. The City Attorney presented this matter and reading from the Resolution stated that Mrs. Goggio be appointed Deputy Tax Collector for the purpose of collecting all assessments and privilege license due the City of Fayetteville, not collected by the Tax Collector under the terms of the contract for Interlocal Undertaking, effective July 1, 1978, and for purposes of fulfilling the requirement of NCGS 105-361.

Following a brief discussion, Mr. Hurley offered motion to follow the recommendation of the City Manager and adopt the ordinance as presented, motion seconded by Mr. Williams and carried; Mr. George voting no.

RESOLUTION APPOINTING MRS. BARBARA GOGGIO DEPUTY TAX COLLECTOR. RESOLUTION NO. R1979-17.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1979.

Council next gave consideration to drainage improvements at the request of the Cumberland County School Board at Ashley Elementary School in connection with the Levy Drive paving project. The City Engineer presented this matter and stated that concerning the Levy Drive right-of-way and drainage improvements requested by the Cumberland County School Board at Ashley Elementary School, the present revenue sharing budget has a connecting road funded for improvements from Robeson Street along Levy and Dixon Drive to connect to Edmonton Road. Right-of-way is needed across County School Board property at Ashley Elementary School. In consideration of granting the right-of-way needed, the school board has proposed a drainage improvement project and has asked for City participation in the project. The drainage improvement is estimated at \$12,000. and the request to the City is \$4,000.

The school board is also concerned about the proximity of the improved street to the school ground and asked that a fence be installed fronting the proposed street. They also request that right-of-way tie-in be made to the newly paved street which is the usual practice for a new street paving project. The drainage is proposed to be constructed within an area that is shown as reserved for a street in a recorded plat of Savoy Realty Company and the City Attorney has advised that the City may accept this as a utility easement for the storm drainage installation.

The City Engineer recommended 1) approval of the \$4,000. drainage improvement to be done in the Levy Drive construction project. 2) adopting a resolution accepting the right-of-way for the drainage installation and maintenance. 3) approval of the installation of a fence estimated at \$1,000. and also approval of the driveway tie-ins to be done in conjunction with Levy Drive construction.

Following a brief discussion, Mr. Williams offered motion to follow the foregoing recommendation of the City Engineer and approve the project, motion seconded by Mr. Dawkins and carried unanimously.

Mr. Dawkins then offered motion for adoption of the Resolution, motion seconded by Mr. Williams and carried unanimously.

RESOLUTION BY THE FAYETTEVILLE CITY COUNCIL FOR THE ACCEPTANCE OF AN ALL-PURPOSE UTILITY EASEMENT ABUTTING CUMBERLAND COUNTY BOARD OF EDUCATION (ASHLEY ELEMENTARY SCHOOL) PROPERTY. RESOLUTION NO. R1979-18.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1979.

Council next gave consideration to a condemnation resolution of parcel S-2 to the Bow Street Parking Project. The City Manager presented this matter and stated that the City Engineer in conversation, on February 8, with Attorney Jerome Clark, representing the property owners of Parcel S-2, confirmed his previous written rejection of the appraised price of \$24,650. to convey this land to the City. The City Engineer stated he believed the only alternative for the City to acquire this tract is through condemnation procedures. The City Manager and the City Engineer recommended adoption of the condemnation resolution.

RESOLUTION AUTHORIZING CONDEMNATION OF THE PARCEL FOR BOW STREET PARKING LOT, (PARCEL S-2). RESOLUTION NO. R1979-19.

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

Council next gave consideration to the award of bids for furnishing a self-propelled double line striping machine and transport trailer for the Traffic Services Division of the Engineering Department.

The City Manager presented this matter and stated that Walker Brothers, Inc. had submitted the low bid in the amount of \$6,670. and was recommended.

Mr. Williams offered motion, seconded by Mr. Dawkins and carried unanimously, to accept the low bid of Walker Brothers, Inc. in the amount of \$6,670. as recommended.

Council next gave consideration to the approval of Taxicab Driver permits.

The City Manager presented this matter and upon motion by Mr. Hurley, seconded by Mr. Dawkins and carried unanimously, Taxicab driver permits were approved for the following as recommended: Horace Ulysses Boone, David Scott Cochran, Sandra Grice Sullivan, John Calvin Marter, Calvin Spearman, Thomas Melvin Odom, John Henry Hamilton, Larry J. Tant.

Council next gave consideration to appointments and upon motion by Mrs. Evans, seconded by Mr. Dawkins and carried unanimously, Gloria S. Luntz was appointed by acclamation vote to the Educational Development Advisory Council.

On one appointment to the Board of Trustees, North Carolina Firemans Relief Fund, Mr. George nominated Mr. Vincent Shields, the incumbent. Mayor Finch stated the nomination would be considered again at the next meeting.

Concerning appointments, Mayor Finch informed Council that the Fayetteville Revitalization Commission had requested a liaison appointee from the Council to the Revitalization Commission and Councilman Hurley was appointed to fill this position.

Delegations:

Council recognized Mr. Bill Bowser who asked about Metropolitan Housing Authority meetings. Mayor Finch informed Mr. Bowser that the City Council has no authority in this matter and referred him to the Housing Authority.

Mr. Bowser, commenting on the Affirmative Action program of the City, stated that CETA workers are on stand by but are not working, that this was an irregular procedure. Mayor Finch referred Mr. Bowser to the City's Affirmative Action Coordinator.

City Manager reports:

Mr. Thomas stated that due to the lateness of the hour, he would not present the Transit Operation Marketing Program.

Mr. Thomas did state that he had made application in behalf of the City for a North Carolina Energy Conservation Grant and would provide Council additional information at a later date.

The City Manager stated that the following recommendations were certified by the Civil Service Commission and the Fire Chief and himself for promotions in the Fire Department: Lt. James A. Hall to Captain; Fireman Samuel H. Brown to Lieutenant.

Mr. Williams offered motion, seconded by Mrs. Evans to approve the foregoing promotions.

Following some further brief discussion, Mr. George offered substitute motion to continue this matter to the next meeting, seconded by Mr. Hurley.

Mayor Finch then called for a vote on the substitute motion and it was as follows:

For: Councilmembers George, Evans and Hurley. Against: Councilmembers Williams, Dawkins and Markham. Mayor Finch declared a tie vote and cast her vote against the motion and declared it defeated.

Mayor Finch then called for a vote on the original motion to approve the promotions and it carried; Mr. George voting no.

The City Manager reminded Council of the annual Chamber of Commerce Dinner on February 27.

Matters of interest to the Council:

Mr. Hurley asked the City Engineer if he had contacted the Department of Transportation regarding their permission to install twenty five mile per hour speed limit along a short segment of Morganton Road from Olive Road to Broadfoot Avenue. The City Engineer stated he would check this.

Mr. Hurley asked about the progress of City Tags sales. Finance Director George McCarthy stated he had no record yet, inasmuch as it was too early in the year. Mr. McCarthy was requested to have a report if possible, at the next meeting.

Mr. Dawkins asked about a stop light at the intersection of Hull and Devers Street.

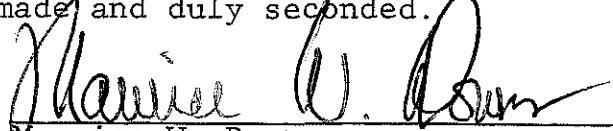
The City Engineer will check this out.

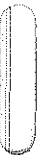
Mr. Williams suggested that City Council meet with each department head on the budget this year for guidance to them.

Mrs. Evans commented on committee appointments and it was suggested that attendance records should be checked before reappointments are made.

Mr. George informed Council that he was receiving regular calls from the Justice Department in Washington on annexations and stated their interest was the possible diminishing of voting strength of minorities in the areas annexed. He stated he was bringing this matter up for Council's information.

Thereafter, all matters of business having been completed, this meeting was adjourned at 10:15 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
FEBRUARY 26, 1979
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 the Reverend H.L. Ingram, Pastor of St. Luke's AME Zion Church. Following the invocation, Mayor Finch led the audience in the Pledge of Allegiance to the Flag.

No Fayetteville Youth Council Representatives were present in the audience this evening.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously minutes of the regular meeting of February 12 were approved as submitted by the Clerk.

Councilwoman Evans requested permission of the Council to abstain from voting on Item 4-F, Starling Apartments preliminary and final group plat. Also Councilman Hurley requested permission of the Council to abstain from voting on Item 2-D, rezoning at 206 McPherson Church Road.

A public hearing had been published for this date and hour on consideration of amendment to the City of Fayetteville Zoning Ordinance limiting billboards to the C3 and M2 zoning districts. This hearing was actually on an ordinance which would amend Chapter 32 of the City Code, adding a new section, "billboards" to that Chapter. Mayor Finch reminded Council that they may desire to also consider Item 8 on the agenda this evening which is a related matter referring to an ordinance creating a new article, IX, "Billboards" to Chapter 3, Advertising of the City Code.

Mr. Dawkins offered motion, seconded by Mr. Hurley and carried unanimously, to move Item 8 on the agenda up to Item 2A and consider it along with 2A.

Council recognized Planning Department Director, Cliff Strassenberg, who presented the first proposed amendment to Chapter 32, the zoning ordinance. Mr. Strassenberg explained in detail the effect of this amendment which would restrict billboards to the C3 and M2 districts in the City. Mr. Strassenberg also presented the amendment to Chapter 3, "Advertising" which determines billboard dimensions, surface area, separation and set back lines, and stated that the sign revision committee recommended approval. There was no opposition present to the proposed ordinance amending Chapter 32.

Council recognized Attorney Rudy Singleton, representing the Naegle Outdoor Sign Company, who suggested including the M1 district at some future date.

AN ORDINANCE AMENDING CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE ADDING A NEW SECTION, 32-5 (1) "BILLBOARDS". ORDINANCE NO. S1979-5.

Mrs. Evans introduced the foregoing ordinance and moved its adoption approving C3 and M2 amendments as written, 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 S1979.

Council then considered Item 8, concerning the creation of a new article IX, "Billboards" to Chapter 3, Advertising of the Code.

Council recognized Mrs. Joan Allen, representing the Committee of 100, who requested a minimum sign surface of 300 square feet in the C3 district and 424 square feet in the M2 district. Mrs. Allen also presented additional statistics and displayed charts in support of their request for smaller sign dimensions than that proposed in the ordinance. Mrs. Allen stated that this request was endorsed by the Arts Councils and others as well as a number of individuals in the community.

Mayor Finch then thanked Mrs. Allen for her remarks and information.

Council then recognized Attorney Jerome Clark, who stated he was in favor of protecting the quality and beauty of the City in imposing limitations on sign sizes. He requested those in the audience also in favor to stand and approximately 75 persons did so.

Council again recognized Mr. Rudy Singleton with comments supporting the billboard sizes and projections depicting the use of billboards over 2000 years

ago and up to the present date concerning outdoor advertising. Mr. Singleton also presented proposed amendments on 1) height limitations 2) surface areas 3) separations.

Mayor Finch thanked Mr. Singleton for his comments and presentation.

Following some discussion, Mr. Dawkins offered motion that we adopt the recommendation of Mr. Strassenberg's committee with the exception of Section 3-82, (b) under dimensions (surface area) we follow the recommendation of the Allen group and reduce in area to 300 feet in C3 and 424 feet in M2 by the adoption of the ordinance, motion seconded by Mr. Williams and carried unanimously.

AN ORDINANCE CREATING A NEW ARTICLE IX, "BILLBOARDS", TO CHAPTER 3, "ADVERTISING" OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1979-6.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1979.

A public hearing had been published for this date and hour on the proposed satellite annexation of the L&M Food Mart on Skibo Road. Annexation Technical Review Committee recommended denial based on the following. 1) that the force main sewer presently serving the area cannot accept more load until the proposed Rockfish Sewage Treatment Plant is operational. 2) that the Montclair Water Company is currently serving the area with water and if the requested area is annexed parallel service would be required. 3) that it would not be practical from an operational standpoint nor cost effective to provide fire and police protection, garbage pick up and other city services in this area.

Mr. Mark Chandler, the owner was recognized for the annexation in order to sell beer and wine.

Mr. Harry Hill, an area resident, was also recognized for annexation.

There was no opposition present.

Mr. Hurley offered motion to follow the recommendation of the ATRC and deny this annexation, seconded by Mr. Dawkins and carried unanimously.

A public hearing had been published for this date and hour on the proposed satellite annexation of property owned by Johnson Heating and Air-conditioning located on Gillespie Street. The Annexation Technical Review Committee recommended denial based on the following: 1) that PWC indicates it would not be economically feasible to provide sanitary sewer extensions at this time. 2) that it would not be practical from an operational standpoint nor cost effective to provide fire and police protection, garbage pick up and other city services to a satellite area this small.

Neither proponents nor opponents were present.

Mr. Williams then offered motion to follow the recommendation of the ATRC and deny this annexation, 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 P2 Professional District or to a more restrictive zoning classification of an area located at 206 McPherson Church Road. Planning Board recommended denial.

Mr. Gardner Altman, the owner, was recognized for the rezoning and requested the definite establishment of the existence of a fifty foot buffer zone between this area and Westwood Shopping Center.

Planner Al Mitchell informed Council that the records show that the buffer zone does and has existed for several years.

Mr. Altman then called on Mr. Rudy Singleton, whom Council recognized, who requested a continuance of this matter to the next meeting in order that the matter be further reviewed.

Mayor Finch informed Mr. Singleton that since this was a public hearing, any opposition present had the right to be heard.

Mr. Singleton then called on Mr. Altman again, who was recognized by the Council, and made his presentation and argument for this rezoning in order to construct a law office at this site.

Council then recognized Mr. Les Young, a resident of Whitney Drive in the Westwood Subdivision, in opposition to the proposed rezoning.

Approximately 40 other persons present in the audience stood in opposition to the rezoning.

Mr. Bryan Wagner, an area resident, was also recognized in opposition.

Following some discussion, Mr. Williams offered motion to continue this public hearing to March 12 and refer it back to the Planning Board for review and recommendation, motion seconded by Mr. George.

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

Mayor Finch then called for a vote and it was as follows: For; Councilmembers Evans, Dawkins and Markham. Against; Councilmembers George and Williams. Abstaining: Councilmember Hurley.

Mayor Finch declared the substitute motion carried and the rezoning denied.

A public hearing had been published for this date and hour on the rezoning from R5 Residential District and P2 Professional District to R10 Residential District or to a more restrictive zoning classification of an area located on both sides of Hillside Avenue north of Hay Street. Planning Board recommended approval.

Mr. Bob Ray, a Hillside Avenue resident, was recognized for the rezoning and 15 other persons stood in favor. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R5 RESIDENTIAL DISTRICT AND P2 PROFESSIONAL DISTRICT TO R10 RESIDENTIAL DISTRICT AN AREA LOCATED ON BOTH SIDES OF HILLSIDE AVENUE, NORTH OF HAY STREET. ORDINANCE NO. NS1979-9.

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 R10 Residential District and P2 Professional District or to a more restrictive zoning classification of an area located on the southwest side of Owen Drive between Boone Trail and Phillies Circle. Planning Board recommended denial of P2 zoning for Tract 1 and R10 Zoning for both Tracts, 1 and 2. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO ZONE INITIALLY TO R10 RESIDENTIAL DISTRICT AN AREA LOCATED ON THE SOUTH WEST SIDE OF OWEN DRIVE BETWEEN BOONE TRAIL AND PHILLIES CIRCLE. ORDINANCE NO. NS1979-10.

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 C3 Heavy Commercial District or to a more restrictive zoning classification an area located between Eastern Boulevard (U.S. 301) and East Jenkins Street.

Planning Board recommended approval.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE TO C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED BETWEEN EASTERN BOULEVARD (U.S. 301) AND EAST JENKINS STREET. ORDINANCE NO. NS1979-11.

Mr. Hurley 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 R6 Residential District to P2 Professional District or to a more restrictive zoning classification of an area located at 105 and 107 Parnell Street. Planning Board recommended approval.

Mr. Cecil Penland, the owner, was recognized for the rezoning.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R6 RESIDENTIAL DISTRICT TO P2 PROFESSIONAL DISTRICT AN AREA LOCATED AT 105 AND 107 PARNELL STREET. ORDINANCE NO. NS1979-12.

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 Clerk's office in Ordinance Book NS1979.

A public hearing had been published for this date and hour on the rezoning from R6 Residential District to R5 Residential District or to a more restrictive zoning classification of an area located on the south side of Bragg Boulevard between Elvira Drive and Glenville Avenue. Planning Board recommended denial.

There were no proponents present.

Mrs. Sue Bandy, representing Haymount Preservation was recognized in opposition.

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

A public hearing had been published for this date and hour on the consideration of an ordinance assessing for paving Enoch Street from Murchison Road to Slater Avenue. The City Clerk certified that all property owners affected had received proper notice as required.

The City Engineer presented this matter and stated the assessment rate was \$4.00 per front foot.

There was no opposition present.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENTS OF ENOCH STREET FROM MURCHISON ROAD TO SLATER AVENUE.
ORDINANCE NO. NS1979-13.

Mr. Williams introduced the foregoing ordinance and moved its adoption, at 9:30 P.M., motion seconded by Mr. Dawkins and carried unanimously.

A public hearing had been published for this date and hour on the consideration of a resolution assessing for paving Kirkland Drive from Ramsey Street to Sherrerd Drive. The City Clerk certified that all property owners affected had received due and proper notice of this public hearing.

The City Engineer presented this matter and stated the assessment rate was \$4.00 per front foot.

There was no opposition present.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF KIRKLAND DRIVE FROM RAMSEY STREET TO SHERRERD DRIVE.
ORDINANCE NO. NS1979-14.

Mr. Dawkins introduced the foregoing ordinance and moved its adoption, at 9:32 P.M., motion seconded by Mr. Williams and carried unanimously.

Council next considered an ordinance assessing the paving of Sandhill Drive from Boone Trail to the western line of Pleasant Valley Subdivision, Section 8. This public hearing had been continued from the February 12 meeting at the direction of Council. The Clerk certified at that meeting that all property owners had received due and proper notice of the public hearing at that time and of the continuance to this date at that meeting.

The City Engineer presented this matter and stated the assessment rate was \$4.00 per front foot.

Mr. John H. Taylor, of 3435 Boone Trail, a property owner affected, was again recognized and requested relief from the assessment stating that no benefit would accrue to his property because of the paving.

Council discussed this matter briefly with Mr. Taylor.

AN ORDINANCE OF CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF SANDHILL DRIVE FROM BOONE TRAIL TO THE WESTERN LINE OF PLEASANT VALLEY SUBDIVISION, SECTION 8. ORDINANCE NO. NS1979-15.

Mr. Dawkins then introduced the foregoing ordinance and moved its adoption at 9:35 P.M. and that the ordinance show that this public hearing was continued from February 12 to February 26 as recommended by the City Attorney, motion seconded by Mr. Williams and carried unanimously.

Copies of the foregoing three ordinances are on file in the Clerk's office in Ordinance Book NS1979.

A public hearing had been published for this date and hour on the consideration of an increase in bus fares for the Fayetteville Area System of Transit. This item postponed from the January 22 meeting. In a memorandum to the Council, the Assistant City Manager stated that at this time the Transit Task Force formed to review the fare proposals and make a recommendation does not have at this time sufficient information upon which to base a recommendation, therefore it was recommended that this item be continued until the March 12 meeting.

Mr. Clinton Harris was recognized from the audience in opposition to the fare increase.

Mr. Dawkins then offered motion to continue this matter to the March 12 meeting as recommended by the Assistant City Manager, motion seconded by Mrs. Evans and carried unanimously.

A public hearing had been published for this date and hour on the consideration of the Urban Renewal Plan Resolution for the Simmons Street Community Development Program, Program Year 1978-1979. Mr. Richard Herrera, Executive Director of the Community Development Department presented this matter and stated that this area is defined as a blighted area and as such is qualified as an eligible area under state statutes and recommended approval.

Mrs. Hattie Smith, Mrs. Ida Mae Baker and Mr. Robert Avant were present and recognized in favor with Mr. Avant stating additionally that he did not want to be moved out of this location if possible. There was no opposition present.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL APPROVING URBAN RENEWAL PLAN AND THE FEASIBILITY OF RELOCATION OF THE SIMMONS STREET COMMUNITY DEVELOPMENT PROGRAM. RESOLUTION NO. R 1979-20.

Mr. Williams introduced the foregoing resolution and moved approval by the adoption of same, 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 R1979.

This completed the public hearings.

Public hearings to be set:

Mayor Finch stated that the public hearing regarding amendments to the text to the City of Fayetteville zoning ordinance regulating certain adult uses in their locations as specifically indicated had already been set by City Council for March 12, 1979.

Upon motion by Mr. Williams, seconded by Mr. George and carried unanimously, public hearings were set for March 26 for the following items:

- A. Consideration of the rezoning from R10 Residential District to P2 Professional District or to a more restrictive zoning classification an area located at 2412-2414 Raeford Road.
- B. Consideration of the rezoning from R10 Residential District and R6 Residential District to C1 Local Business District for Tract 1; and R10 Residential District to R6 Residential District for Tract 2 or to a more restrictive zoning classification an area located at 2807 Ramsey Street.
- C. Consideration of the rezoning from R6 Residential District and R5A Residential District to C1 Local Business District or to a more restrictive zoning classification an area located at 2205 Murchison Road.
- D. Consideration of the rezoning from C3 Heavy Commercial District to C2 Central Business District or to a more restrictive zoning classification an area located on the western margin of Hillsboro Street south of Walter Street.
- E. Consideration of a request for a special use permit as provided for in Fayetteville Zoning Ordinance Section 32-24 (S) "Charitable Institutions" for an area located at 1054 Winslow Street.
- F. Consideration of the initial zoning to R6 Residential District or to a more restrictive zoning classification an area located on the southeast side of Powell Street between Foch Street and Cooper Street.
- G. 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 the U.S. 401 By-Pass about 200 feet south of Morganton Road.
- H. Consideration of a request for a special use permit as provided for in the Fayetteville Zoning Ordinance Section 32-23(4A) for the operation of a private club operated on non-profit basis for an area located at 4600 Lox Drive.

Planning Board Matters:

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, Three Colonies Section 3 Subdivision preliminary and final extension located on Cliffdale Road were approved conditionally as recommended by Planning Board in their February 26 memorandum.

Upon motion by Mr. Hurley, seconded by Mr. Dawkins and carried unanimously, Westwood Shopping Center addition preliminary and final review located on Morganton Road at McPherson Church Road were approved conditionally as recommended by the Planning Board in their February 26 memorandum.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, Vanstory Hills, Section 7 Part D Subdivision preliminary and final review located on Huntington Road at Thorncliff Drive was approved conditionally as recommended by the Planning Board in their memorandum of February 26.

Upon motion by Mr. Williams, seconded by Mrs. Evans and carried unanimously, Townsend Subdivision preliminary and final review located on Torcross Street was approved conditionally as recommended by the Planning Board in their memorandum of February 26.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, Putt Putt Golf Course (Bordeaux East Shopping Center addition) preliminary and final CIP review located on Owen Drive at Village Drive at Owen Drive was approved conditionally as recommended by the Planning Board in their memorandum of February 26.

Upon motion by Mr. Dawkins, seconded by Mr. Hurley and carried; Mrs. Evans abstaining, Starling Apartments preliminary and final group development review located on Tokay Drive was approved conditionally as recommended by the Planning Board in their memorandum of February 26.

This completed Planning Board matters.

PWC Matters:

Council recognized PWC Manager, Ray Muench on a matter of approval of arrangements for PWC and Cumberland County to extend water and sanitary sewer utilities along Cedar Creek Road from Fields Road to and beneath I-95 By-Pass and thence to the NC DOT rest areas. Mr. Muench informed Council that inquiries had been received from the property owners from the four quadrants at NC53 and Interstate 95 concerning the extension of water and sanitary sewer to this location. Mr. Muench stated that the PWC had met with the County Commissioners and DOT representatives about this and that a motel was planned for this area. Mr. Muench stated that approximately 6100 feet of utility mains are planned. The cost of the project is approximately \$143,000. The state will pay a portion of this cost and the county will pay a portion. There will be no cost to the city. Mr. Muench stated that all persons tapping on to these lines will sign an annexation agreement. He then requested authorization of the Council to proceed with the county and DOT to run these lines pursuant to the PWC usual outside city agreement.

Following a brief discussion, Mr. Williams offered motion to follow the foregoing recommendation of PWC and approve the arrangement for the extension of these utilities, motion seconded by Mr. Dawkins and carried unanimously.

This completed the PWC matters and Mr. Muench was excused from the meeting.

Council next gave consideration to a report by Councilmember J.L. Dawkins, Chairman of one of two charter committees concerning proposed revisions to the City Charter. This matter continued from the February 12 meeting.

Following a brief presentation, Mr. Dawkins offered motion that the Fayetteville City Council request that an act to revise and consolidate the Charter of the City of Fayetteville and to repeal existing charter and special acts as recommended by the Charter Revision Committee, J.L. Dawkins Chairman, permitting Section 2.2 and 5.2-5.20, be introduced in the General Assembly of North Carolina, motion seconded by Mr. Williams and following some discussion, carried; Mr. George voting no.

Following some further discussion, Mr. Dawkins offered motion that the Fayetteville City Council request that an act to revise and consolidate Section 157-177 of the Fayetteville City Charter and to repeal existing charter and special acts relating thereto, as recommended by the Charter Revision Committee, J.L. Dawkins, Chairman, be introduced in the General Assembly of North Carolina. Mr. Williams seconded this motion and following some discussion it carried; Mr. George voting no.

Following some further discussion, Mr. Dawkins offered motion that the Fayetteville City Council request that an act to revise and consolidate Section 228-244 of the Fayetteville City Charter and to repeal existing charter and special acts relating thereto, as recommended by the Charter Revision Committee, J.L. Dawkins, Chairman, be introduced in the General Assembly of North Carolina, motion seconded by Mrs. Evans and following some further discussion, the motion carried; Mr. George voting no.

Mayor Finch then suggested a meeting of the Council with the Cumberland County Delegation to present these matters to them and Mr. Williams offered motion that City Council meet with the Cumberland County Delegates at 8:00 A.M. on Saturday at a place agreeable to them, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to an ordinance requiring the Building Inspector to correct conditions at 607 Link Street owned by Lacy Chavis. (Mr. Chavis given a 90 day extension at the November 13, 1978 meeting).

The City Housing Inspector presented this matter and stated that as of this date some minor repairs had been made and the Inspection Department is requesting additional time to continue work on this property.

Mr. Williams then offered motion, seconded by Mrs. Evans to grant a 120 day extension to Mr. Chavis, motion carried unanimously.

The next item on the agenda was the consideration of an ordinance creating a new article IX Billboards to Chapter 3, Advertising, of the Code of Ordinances of the City of Fayetteville. This matter had been completed at the first part of the meeting.

Council next gave consideration to three ordinances imposing liens against real property for substandard structure demolition cost.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, the three ordinances were adopted as recommended by the Building Inspector at 10:30 P.M.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA IMPOSING A LIEN IN THE AMOUNT OF \$300.00 AGAINST PROPERTY LOCATED AT 2209 MURCHISON ROAD (APARTMENTS 2,3 & 4) AND OWNED BY MR. JAMES HENRY THOMAS. ORDINANCE NO. NS1979-16.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, IMPOSING A LIEN IN THE AMOUNT OF \$400.00 AGAINST THE PROPERTY LOCATED AT 105 MURCHISON ROAD (APTS. 2,3,4 & 5) AND OWNED BY JAMES HENRY THOMAS. ORDINANCE NO. NS1979-17.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, IMPOSING A LIEN IN THE AMOUNT OF \$300.00 AGAINST PROPERTY LOCATED AT 107 UNIVERSITY AVENUE (B-5, 6, 10 & 11) AND OWNED BY JAMES HENRY THOMAS. ORDINANCE NO. NS1979-18.

Copies of all of the foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1979.

Council next gave consideration to four ordinances requiring the Building Inspector to correct conditions of substandard structures at several locations within the city.

Upon motion by Mr. Dawkins, seconded by Mrs. Evans and carried unanimously, a 120 day extension was granted to Mrs. Ossie Harvey, 1908½ Murchison Road.

The Housing Inspector informed Council that Mr. Gordon L. Williams had purchased a permit this date to repair his property located at 110 Dunn Road and recommended no action. Council took no action on this matter.

Upon motion by Mr. Williams, seconded by Mr. George and carried unanimously, a 120 day extension was given to Mr. Willie Williams of 620 Frink Street.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, a 120 day extension was given to Green Valley Estates, Mr. Cecil Highsmith, for property located at Lot 136 Trevino Drive.

Council next gave consideration to the revision of certain traffic ordinances to provide for adequate curbside bus stops in the downtown area. The City Engineer presented this matter and stated that he had reviewed with Mr. Jim Gray, the City Transit Director, the bus stops along Hay, Person and the first block of Green Street. He stated that due to the length of the new buses, they required longer bus stops. The longer wheel base requires a longer turning radius and scheduling has been revised such that now connections require more buses simultaneously at the same stops than previously. He indicated this on a projection. To summarize, he stated, 26 existing metered spaces should be displaced and seven of these 26 can be shifted to adjacent locations with a net result of 19 metered spaces proposed for utilization for bus stops and/or turning movements.

The City Engineer stated that he and Mr. Gray recognized full well the value of parking, especially in the downtown area, however, he called attention to the fact that the seven City owned parking lots only the one at Dick Street and Russell Street is filled to capacity on a regular basis. Certainly the 19 on the street parking spaces proposed for elimination can be compensated for with the many vacant spaces and off-street lots, he concluded.

Following a considerable discussion of this matter, Mr. Williams offered motion to send this back for reconsideration by Mr. Gray and the City Engineer and bring back to City Council on March 12, for reconsideration, motion seconded by Mr. Dawkins and carried: Mr. George and Mr. Hurley voting no.

Council next considered two proposed ordinances revising metered parking and no parking anytime on the west side of Gillespie Street at the drive-way into the Old Courthouse Parking lot. The City Engineer presented this matter and stated that prior to the County Sheriff moving from the Old Courthouse to the new Law Enforcement Center, the Sheriff had erected a sign reserving an on-street parking space for

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ambulances between the two drive-ways that served the old Courthouse parking lot. This space is not on our present ordinance prohibiting parking. However, parking in this area does cause a problem of congestion of traffic utilizing the drive-ways and causes a sight distance problem of traffic exiting from the southernmost drive-way. The right turn lane for southbound Gillespie Street traffic needs to extend to the northernmost drive-way at this location. The City Engineer recommended passage of the ordinances.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 11, "PARKING PROHIBITED" WEST SIDE OF GILLESPIE STREET. ORDINANCE NO. NS1979-19.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 13, "PARKING METERS", WEST SIDE OF GILLESPIE STREET. ORDINANCE NO. NS1979-20.

Mrs. Evans introduced the foregoing ordinances and moved their adoption as recommended by the City Engineer, motion seconded by Mr. Williams and carried unanimously.

Copies of the two foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1979.

Council next gave consideration to the award of bids for railroad crossing materials.

The City Engineer presented this matter and stated that some time ago the Council approved the purchase of railroad crossing materials for nine railroad crossings in the City. Bids have been received for the materials, and the present budget has an item approved in the amount of \$100,000. for railroad crossings, surface and signalization improvements.

Improved railroad crossing materials have been on the market for a number of years, however, a variety of materials have not been used until the last two or three years. There have been some failures which cause initial installations to require replacement. We believe, he stated, these have occurred mostly on very heavily traveled highways. Therefore, we would like to recommend using materials from the two lowest bidders in order to evaluate quality.

The City has many more crossings that need upgrading, he stated. At the present time, we have one type of material in use. The proposed improvements include locations where more than one track crosses the street. A good test would be provided by installing the two different types of materials on adjacent crossings. We recommend purchasing 177 feet of material from Park Rubber Company at a cost of \$37,170. and the remaining 249 feet from Fab-Ra-Cast for a cost of \$46,366.29 for a total cost to the City of \$83,536.29.

Both Aberdeen and Rockfish Railroad Company and Seaboard Coastline Railroad Company have agreed to install the materials without cost to the City.

Mr. Williams offered motion to follow the foregoing recommendation of the City Engineer, seconded by Mr. Hurley and carried unanimously.

Council next considered award of bids for three additional items.

Upon motion by Mrs. Evans, seconded by Mr. Dawkins and carried unanimously, the bid of M&O Chevrolet Company in the amount of \$28,029.39 was accepted for six sub-compact sedans for the Police Department.

Upon motion by Mrs. Evans, seconded by Mr. Williams and carried unanimously, the low bid of Ideal Auto Supply Inc. in the amount of \$8,869.94 was accepted for a brake drum lathe and accessories for the City Transit Department.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, the low bid of Bi-lateral Fire Hose Company in the amount of \$6,286. was accepted for 5000 feet of fire hose for the Fire Department.

Council next gave consideration to a condemnation resolution for parcel S-1 for the Bow Street parking project.

The City Manager presented this matter and informed Council that Mr. Tildon Walker had rejected the appraised price of \$33,450. to convey this parcel to the City. He stated, he believed the only alternative for the City to acquire this tract is by the adoption of a condemnation resolution.

RESOLUTION AUTHORIZING THE CONDEMNATION OF PARCEL S-1 FOR THE BOW STREET PARKING LOT. RESOLUTION NO. R1979-21.

Mr. Hurley introduced the foregoing resolution and moved its adoption, at the appraised value of \$33,450., seconded by Mr. Williams and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1979.

Council next gave consideration to an appointment of the Board of Trustees, North Carolina Firemen's Relief Fund.

This appointment was held over until the next meeting of the Council on March 12, pending the nomination of another candidate.

Delegations:

Mr. Clinton Harris, a local citizen was recognized with comments on the County Coroner position.

City Manager reports:

The City Manager stated he was in receipt of a request from Mr. David Warren, Director of the Cumberland County Public Library for free parking on April 2, in the parking lot behind the library and in front of the library from 12:00 noon until 6:00 P.M. for the purpose of giving library users the opportunity of turning in books, records, paintings and tapes which have been borrowed from the library by them. Mr. Warren stated that during this time, the occasion would be given publicity by disc jockeys and other persons to encourage the return of these items to the library.

Mr. Thomas stated that this request would involve placing bags over the parking meters in the lot and on the street to indicate free parking.

Following a brief discussion, Mr. Williams offered motion to approve the foregoing request of Mr. Warren and to have bags placed over the parking meters to provide free parking for this time, motion seconded by Mrs. Evans and carried unanimously.

The City Manager stated that due to the lateness of the hour, he would postpone until a later date the presentation of FICA I.

The City Manager reported the following resignations from the Fire Department: Edward Ray Watson and Eddie C. Grooms.

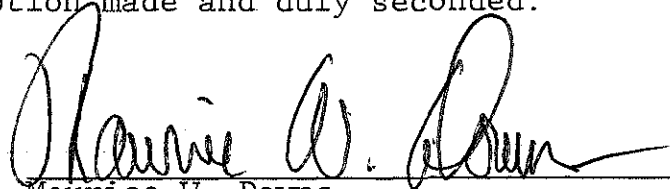
Council noted the resignations.

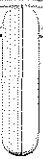
Matters of interest to City Council:

Mr. Hurley suggested a rescheduling of the information meeting with the Revitalization Commission which had to be cancelled due to the snow storm on February 19. A meeting date of Thursday, March 8, at 7:00 P.M. in the City Hall Council Chamber was suggested. Mayor Finch informed Council that she would contact the Revitalization Commission Chairman to see if this date would be satisfactory and notify Councilmembers.

Mrs. Evans suggested for Council's consideration, continuance of Council meetings in the future if they should happen to run beyond the 11:00 P.M. hour.

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


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MARCH 12, 1979
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 Mr. Sam Connely, Pastor of First Church of Christ Scientist offered the invocation. Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch recognized Fayetteville Youth Council representatives, Debbie Waitman, Gerry Cobb and Sharon Lindsay present in the audience to observe Council proceedings.

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 February 26, 1979, were approved as submitted by the Clerk.

Councilman George requested and received permission of the Council to abstain from discussion and voting on Item 2 C, the Special Tax District Allocation Budget matter.

Public hearings:

The first public hearing was consideration of an increase in bus fares for the Fayetteville Area System of Transit. (This matter postponed from previous meetings.)

Council recognized Assistant City Manager, John Smith, who presented this item. He stated that this matter was first presented to Council in January or February of this year. A special staff Transit task force had been appointed to study the present schedule and make recommendations to the City Manager. This had been done. He stated this was not just a fare increase, but a rescheduling of the rates plan. He displayed a projection showing ridership in 1977 and 1978 and revenues. He stated revenue was down in 1978 over 1977 due to the fact that transfers had been introduced at ten cents each, where formally a second fare of thirty cents had been required. He stated the cost for ridership is 80 cents per passenger and this cost is borne roughly 1/3, 1/3, 1/3 by the city, the Federal Government and the passengers themselves. He stated there had been a 39% increase in January of 1979, over January of 1978. He displayed a comparison of fares at July 1978 with 16 other cities. He stated there was no basic pattern to transfers among the various cities. He stated then the task force recommends implementation of the new fare plan as proposed and implemented effective July 1, 1979. In addition, the task force further recommends that if the fare plan is adopted, that no further changes in the rates structure be considered anymore than once a year and only after a complete analysis of ridership data under the new fare plan. The new fare plan is as follows:

- | | |
|--------------------------------------|----------------------|
| 1) Cash fare | .40 |
| 2) Ten ride pass | \$3.50 |
| 3) Fast Pass (Monthly) | \$12.00 |
| 4) Elderly, handicapped and students | ½ fare on 1, 2, & 3. |
| 5) Transfers | no charge |

This concluded Mr. Smith's presentation.

There was no opposition present.

Following a brief discussion, Mr. Dawkins offered motion to follow the recommendation of the Transit task force and implement the new fare plan effective July 1, 1979, seconded by Mr. Williams and carried unanimously.

A public hearing had been published for this date and hour on the consideration of amendments to the text of the City of Fayetteville zoning ordinance regulating certain adult uses and their locations as specifically indicated.

Mayor Finch stated that item 7 on the agenda tonight, consideration of an amendment to Chapter 17, "Licenses" of the Fayetteville City Code was related to this matter and asked if Council desired to consider the two at the same time.

Mr. Williams offered motion, seconded by Mr. Dawkins and carried unanimously, that Council consider item 7 along with item 2B tonight. City Attorney Cogswell informed Council that item 7 was also advertised as a public hearing for this meeting.

Mr. Cogswell then presented the amendments to Chapter 32 and Chapter 17 of the City Code.

Council recognized Planning Director, Cliff Strassenburg, who presented the recommendations of the Planning Board and approving these amendments to prevent the concentration of adult entertainment uses in any one area of the community. He stated the Planning Board had considered this matter at its public hearing on February 20, and recommends approval as written with the following addition to the last portion of each sentence of Section 32-32.1 (d) (1) and (2) "which will be measured from the exterior walls of the building (s) containing such regulated use".

Council recognized from the audience, Mr. Wilson Yarborough, Jr., a private citizen and as past president of the Fayetteville Chamber of Commerce, who stated that recently Fayetteville had lost an industry due to the downtown situation. He requested City Council's help with the problem.

Mr. Horace Thompson of the Fayetteville Revitalization Commission, was also recognized and presented a resolution that the Commission endorses passage of the amendments.

Mr. Sneed High, a local attorney, was recognized in opposition to the passage of the amendment and stated that it constituted not zoning, but a form of regulation as to what he may see.

Mr. John Swope, Executive Secretary of the Chamber of Commerce was recognized with comments on the 500 block of Hay Street as it affects the growth of the city as well as the location of new businesses in the city. He concluded by commending the Council on the work done on these amendments and urged the passage of them.

Attorney High was again recognized with comments in rebuttal referring to several sections of the amendments as being ambiguous in nature.

Following some discussion, Mr. Dawkins offered motion to follow the recommendation of the Planning Board and the study group and adopt the ordinance pertaining to adult entertainment including the amendment to section 32-32.1 (d) (1) and (2) regarding the exterior walls and adding to section 32-32.1 (b) (3) "Motion pictures not rated by the Motion Picture Association of America." Motion seconded by Mr. Williams and carried unanimously.

AN ORDINANCE AMENDING CHAPTER 32 "ZONING" OF THE CITY CODE OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1979-7.

A copy of the foregoing ordinance is to be placed on file in the Clerk's office in Ordinance Book S1979.

Council next considered item 7 as item 2B-2, consideration of an amendment to Chapter 17 "licenses" of the Fayetteville City Code. The City Attorney presented the proposed amendments to this chapter relating to licensing under the adult entertainment ordinance just adopted.

Mr. Horace Thompson was again recognized with concern about Section 17-4 (8) on I.D. cards.

Attorney Sneed High was again recognized in opposition and stated the bill is harassment.

Mr. Bill Bowser, a private citizen, was recognized with brief comments.

Following some discussion, Mrs. Evans offered motion to adopt the proposed ordinance omitting the language of Section 17-4 (8) I.D. Cards but reserving this section for future codification, seconded by Mr. Dawkins and carried unanimously.

AN ORDINANCE AMENDING CHAPTER 17, LICENSES OF CODE OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1979-8.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1979.

Council next gave consideration to the Special Tax District allocation budget. (This matter continued from the February 12 meeting.)

The City Attorney was recognized and stated that this matter had already been presented to Council at the previous meeting. Mr. Horace Thompson, of the Revitalization Commission, was recognized and presented the proposed budget. Mr. Thompson stated that in accordance with the meeting between the Commission and Council on March 8, it was recommended that the \$11,000 amount and \$17,000. amount under Municipal Market be combined to \$28,000. and that this facility be leased with the option to buy.

Janice Parks, of the Arts Council, was recognized for a downtown arts center and presented copies of a proposed Federal Grant and requested Council support of this matter.

Following some discussion, Mrs. Evans offered motion that Council approve the amendment to the budget ordinance but omitting "with option to buy" under the municipal market section, motion seconded by Mr. Hurley and carried, Mr. George abstaining.

A public hearing had been published for this date and hour on confirmation of the assessment roll for the paving of Phillips Street from Murchison Road to the Seaboard Coastline Railroad. The Clerk certified that notices of this public hearing had been mailed to the property owners affected.

The City Engineer presented this matter and stated the rate of assessment was \$4.00 per front foot.

There was no opposition present.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENTS OF PHILLIPS STREET FROM MURCHISON ROAD TO THE SEABOARD COASTLINE RAILROAD. ORDINANCE NO. NS1979-21.

Mr. Dawkins introduced the foregoing ordinance and moved its adoption at 8:50 P.M., seconded by Mr. Williams and carried unanimously.

A public hearing had been published for this date and hour on confirmation of the assessment roll for the paving of Wilbon Street from Turnpike Road to the existing pavement. The Clerk certified that notice of this public hearing had been mailed to the property owners affected as required.

The City Engineer presented this matter and stated that the rate of assessment was \$4.00 per front foot.

There was no opposition present.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENTS OF WILBON DRIVE FROM TURNPIKE ROAD TO EXISTING PAVEMENT. ORDINANCE NO. NS1979-22.

Mr. Williams introduced the foregoing ordinance and moved its adoption at 8:52 P.M., seconded by Mr. Dawkins and carried unanimously.

Copies of both of the foregoing ordinance are on file in the Clerk's office in Ordinance Book NS1979.

Public hearings to be set:

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

- A. The Annexation of TMB Investments, Inc. properties on Yadkin Road, for March 26, 1979.
- B. A land exchange between the City of Fayetteville and Thomason Industries at the City Sanitation Transfer site on Winslow Street, March 26, 1979.
- C. The lease of Fayetteville Municipal Airport property on March 26, 1979 by the adoption of the following resolutions:

A RESOLUTION AUTHORIZING RENTAL CAR LAND LEASE - AVIS RENT-A-CAR SYSTEM INC. RESOLUTION NO. R1979-22.

A RESOLUTION AUTHORIZING RENTAL CAR LAND LEASE - NATIONAL CAR RENTAL SYSTEM, INC. RESOLUTION NO. R1979-23.

A RESOLUTION AUTHORIZING RENTAL CAR LAND LEASE - CAR RENTAL, INC. RESOLUTION NO. R1979-24.

A RESOLUTION AUTHORIZING TERMINAL, COFFEE, GIFT AND NEWSSTAND SHOP-AIR TERMINAL SERVICES, INC. RESOLUTION ON. R1979-25.

- D. Consideration of adopting the roll-out cart system for garbage and trash collection, April 23, 1979.

- E. The consideration of a petition from the Fayetteville Redevelopment Commission requesting the closing of Stonewall Avenue for April 9, 1979, by the adoption of the following resolution.

RESOLUTION FOR THE PURPOSE OF DETERMINING WHETHER STONEWALL AVENUE SHOULD BE CLOSED AS A PUBLIC STREET. RESOLUTION NO. R 1979-26.

A copy of the foregoing resolutions are on file in the Clerk's office in Resolutions Book R1979.

- F. The proposed annexation of the Church of the Open Door on the south side of Cliffdale Road on April 23, 1979.
- G. The proposed annexation of the National Guard Armory on U.S. 301 for April 23, 1979.
- H. Consideration of confirmation of the assessment roll for the paving of Michael Street and Hull Road on April 23, 1979 by the adoption of the following resolutions:

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENT ON MICHAEL STREET FROM WILLBOROUGH AVENUE TO EMELINE AVENUE. RESOLUTION NO. R1979-27.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENT ON HULL ROAD FROM CHURCHILL DRIVE EASTWARDLY TO DEAD END. RESOLUTION NO. R1979-28.

Copies of the foregoing resolutions are on file in the Clerks office in Resolutions Book R1979.

There were no PWC matters presented this evening.

Council recognized Attorney Rudolph Singleton on recent court action concerning the B. Everett Jordan Dam. (The New Hope Dam). Attorney Singleton gave a report to Council on this matter. He stated that construction had begun approximately 7½ years ago. He stated that in October 1954, following the passage of Hurricane Hazel through this area, Fayetteville had suffered it's greatest flood in history with the loss of life and hundreds of thousands in property damage. He stated the normal flood stage of the Cape Fear River is 35 feet but during this flood, the river rose to 68.9 feet, Inundating all land east of the river and causing cross creek and other tributaries to rise out of their banks and flood portions of the city including Person Street, Green Street and Mason Street and other neighborhoods. In 1963, Congress authorized the construction of the New Hope Dam for 2.9 million people. In 1970, a conservation group filed an action to stop construction of this dam and four different appeals had been filed since that time. On January 25, the court rendered a decision that the dam with a 14,200 acre lake would be viable. Currently, land acquisition has been completed and water should begin impounding in the lake in mid-summer or early fall of this year. Mr. Singleton stated that the dam as it is now, with flood gates open, had prevented flooding in this area in February 1979. Mr. Singleton stated that upon completion, the Corp of Engineers and the State Wildlife Commission will manage the dam and lake. As an extra unrealized bonus, Mr. Singleton stated that approximately 18 million dollars would be saved by PWC in nitrification facilities. In summary, Mr. Singleton stated that the benefits to this community as a result of construction of this dam would be 1) Flood control, 2) increased water supply, 3) better water quality 4) the potential for an inland port facility 5) the recreational aspects.

Mr. Singleton then thanked the City Council for its support and foresight in the construction of this dam and stated that he had also received considerable help in cooperation from Fayetteville's Congressional Representative as well as the Governor of the State. Mayor Finch extended thanks of the Council to Mr. Singleton for his excellent report for his remarks and for his efforts in the City's behalf.

Council next considered the revision of Traffic Ordinances to provide for adequate curbside bus stops in the downtown area. (This matter continued from the February 26 meeting.)

The City Engineer presented this matter and stated that it was a necessity to lengthen the curbside bus stop locations throughout the city due to the extended length of the new buses which are eight feet longer than the old ones and require more curbside space. The City Engineer stated that this would eliminate some parking spaces along Hay Street, the first blocks of Green Street, Person Street and Ray Avenue, but there existed adequate off street parking as an alternative. The effects he stated, would be that 26 existing metered spaces would be displaced and seven of these could be shifted to adjacent locations with a net result of 19 metered spaces proposed for utilization for bus stops and/or turning movements. Mr. Bennett stated that he had consulted with the Transit Dept. on this matter and that they recognize full well the value of parking, especially in the downtown area, but that the 19 on - street parking spaces proposed for elimination could be compensated for with the many vacant spaces in nearby off street lots. The City Engineer recommended the adoption of three traffic ordinances to accomplish these curbside bus stops.

Following some discussion, Mr. Williams offered motion to follow the recommendation of the City Engineer and adopt the following ordinances, motion 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 #1- BUS STOPS. ORDINANCE NO. NS1979-23.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE #11- PARKING PROHIBITED. ORDINANCE NO. NS1979-24.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE #13 - PARKING METERS. ORDINANCE NO. NS1979-25.

Copies of all of the foregoing ordinances are on file in the Clerk's office in Ordinance Book 1979.

The next item on the agenda was item 7, the amendment to Chapter 17, Licenses which has already been done.

Council next considered an ordinance requiring the building inspector to correct conditions at 523 Durham Street owned by the Dawson Wright Heirs. (This was given a 60 day extension at the January 8, 1979 meeting)

The Housing Inspector reported that as of this date, Mrs. Helen Wright had not taken the necessary action as ordered by the City Council to bring this structure up to code requirements. He recommended the adoption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO OR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 523 DURHAM STREET AND OWNED BY THE DAWSON WRIGHT HEIRS. ORDINANCE NO. NS 1979-26.

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 NS1979.

Council next gave consideration to a joint resolution with the Cumberland County Commissioners appointing Mr. William Finch, Director of the Civil Preparedness Agency.

The City Manager presented this matter and stated that Colonel Hans C. Larsen, the former Director of Civil Preparedness, had retired and recommended the appointment of Mr. William Finch, the Deputy Director as Director. The City Manager stated this position was funded by both the City and the County and recommended adoption of the joint resolution approving Mr. Finch's appointment.

A JOINT RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL AND THE CUMBERLAND COUNTY COMMISSIONERS THAT MR. WILLIAM FINCH BE APPOINTED DIRECTOR OF THE CIVIL PREPAREDNESS AGENCY. RESOLUTION NO. R1979-29.

Mr. Williams introduced the foregoing resolution and moved its adoption, as recommended by the City Manager and for forwarding on to Cumberland County Commissioners for their joint approval, seconded by Mr. Hurley and carried unanimously.

A copy of the foregoing joint resolution will be placed on file in the City Clerk's office in Resolutions Book R1979.

Council next gave consideration to the award of bids.

Mr. John Monaghan, Administrative Assistant to the City Manager, reported that bids had been received on March 2, for a plain paper photo copy machine for the Recreation and Parks Department. The low bid was submitted by Electronic Office Ssytems, Inc. in the amount of \$2,589.72 and was the bid recommended.

Mr. Williams offered motion for award of the foregoing bid to Electronic Office Systems, Inc. for \$2,589.72 for the plain paper photo copy machine for the Recreation and Parks Department as recommended, seconded by Mr. Dawkins and carried unanimously.

Mr. Monaghan reported that bids had been received on February 19, for furnishing 15 mid-sized police interceptor vehicles for the Police Department, and based on a comparison adjusted bid prices, he recommended that the bid of M&O Chevrolet Co. for \$103,405.80 be accepted.

Mrs. Evans offered motion to follow the foregoing recommendation and award the bid to M&O Chevrolet Co. for \$103,405.80 for 15 mid-sized police interceptor vehicles, motion seconded by Mr. Hurley and carried unanimously.

Mr. Monaghan stated further that the terms and conditions of the invitation for bids on these vehicles reserved to the City, the right to purchase additional mid-sized interceptor vehicles at the successful bidders unit price. The two interceptor vehicles funded under the City's Selective Traffic Enforcement Grant could be purchased under this provision. However, the Governor's Highway Safety Program must approve all bids for items purchased under GHSP Grants prior to award. He therefore recommended that two additional mid-sized interceptor vehicles be awarded to M&O Chevrolet Co. at \$6,893.72 each for a total of \$13,787.44 subject to approval from the Governor's Highway Safety Program.

Mr. Williams offered motion for approval of the foregoing recommendation and purchase from M&O Chevrolet the two additional vehicles at a total of \$13,787.44, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a request from Mr. John Pope of 316 Glenburney Drive that the City relinquish all rights to an easement across the lot on which the house is located.

The City Engineer presented the matter and stated that the proposed release of easement runs southwardly from the intersection of Glenburney Drive and Brechin Road and that in 1955, Mr. Pope granted to the city, a 12 foot wide easement for drainage from the street intersection. Some years later, the new easement was granted to conform with lot lines and the drainage was routed along the new easement. There was never any installation of drainage or utilities in the old easement. Mr. Pope is now requesting that the city release the former easement which is not needed by the city for any purpose. The City Engineer recommended approval of the release and authorization for the Mayor and Clerk to sign the deed of release.

Mr. Dawkins offered motion to follow the recommendation of the City Engineer and authorize and direct the Mayor and Clerk to sign the release deed, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to the adoption of a no parking anytime ordinance on "C" Street and Russell Street at the intersection of the two streets. The City Manager presented this matter and stated that considerable parking congestion existed at this location, and that Mr. J. McN. Gillis states the congestion is caused by cars and/or trucks parked along the north side of Russell Street, east of "C" Street interrupting the turning movement onto "C" Street. The City Engineer stated he was in agreement that this is a problem and noted that there are three businesses on "C" Street between Russell and Person Streets that attract large trucks, which are enroute from Eastern Blvd. and/or N.C. 24 and 87. The City Engineer recommended adoption of the proposed ordinance prohibiting parking on the north side of Russell Street for 150 feet east of "C" Street.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 11 - PARKING PROHIBITED. ORDINANCE NO. NS1979-27.

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 Ordinance Book NS1979.

Council next gave consideration to participating with the Seaboard Coastline Railroad for street crossing improvements.

The City Engineer presented this matter and stated that at the last Council meeting, purchase of improved materials was approved for nine crossings. This material has been ordered in coordination with the railroad is proceeding for installation. He stated he was informed last week by SCL officials that their railroad construction crew is proceeding up their main line from the south making general track improvements and street crossing improvements where necessary. They suggested that if Fayetteville desires their downtown crossings along their double track main line that is, Rankin, West Russell, Franklin and Hay Streets, they should be informed immediately, and they would order the improvement materials and have it on hand for the work crew to install as they progress northwardly with the general repair work. If the city does not purchase the improved crossing materials, then SCL will replace only the bad and worn timbers as is known, these timbers become worn and rough within a five year period. The estimated total cost of the improved materials for the downtown crossings is \$170,000. The proposal is that Fayetteville participate in $\frac{1}{2}$ of the purchase price of the materials with the railroad paying the other $\frac{1}{2}$ cost of the materials, plus total installation cost. The City Engineer recommended approval of this participation and that the crossings within the downtown area as defined by these CBD tax district, be funded from the City's downtown circulation fund. The City's participation and these crossings to include Hay, Franklin and Russell would be \$56,000. He recommended the Rankin Street crossing be funded from the Street Construction account in the amount of \$29,000 for a total participation of \$85,000. The City Engineer stated additionally that in order that all concerned be apprised of the scope of the Russell Street improvements, there are a total of 13 crossings amounting to 1,627 linear feet. The estimated cost for 13 of the crossings along Russell Street is \$325,000. Five of the crossings are within the defined downtown area and it is suggested that these five be funded (\$136,000) from the downtown circulation fund with the remaining \$189,000. funded from General street construction funds.

Mr. Williams then offered motion to follow the foregoing recommendation of the City Engineer and participate with the SCL Railroad for street crossing improvements as presented, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to taxi driver permits and upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, taxi driver permits were approved for the following named:

Horace Adgerson, Jr., John Honeycutt Price, Harold Sammuell Franklin, Donald Leon Hassell, Dale Harold Abbott, Robert Allen Grooms, Thiamous Lamar Calvin.

Council next gave consideration to appointments. One appointment remained to be made to the Board of Trustees, North Carolina Firemans Relief Fund.

Mr. George moved for the reappointment of Mr. Vincent Shields to this commission for a two year term of office, seconded by Mr. Williams.

Mrs. Evans reminded the Mayor and Council that at the last meeting, she had been given permission to talk to a nominee and present that nomination this evening for this position. There was considerable discussion by Council on this matter, with Mr. Williams requesting permission to withdraw his second to the motion.

Following this discussion, Mrs. Evans offered a substitute motion to continue this matter for two weeks, seconded by Mr. Dawkins and carried unanimously.

Mrs. Evans then nominated Mr. Flint Harding for the one position on the Board of Trustees, North Carolina Firemans Relief Fund and Mayor Finch stated that this matter would be considered again at the next meeting to the Council on March 26.

Council then gave consideration to seven appointments to the Human Relations Advisory Commission presented for information only this evening, said terms expiring in March.

Mr. Williams offered motion that no action be taken on these appointments this evening and that the City Manager officially request the attendance record of these incumbents for the last 12 months and present this information to the City Council at the March 26 meeting, motion seconded by Mrs. Evans.

Council recognized from the audience, Mrs. Willa Morris, the program coordinator for the Human Relations Department, who presented the following recommendations from the Human Relations Department and the Human Relations Advisory Commission:

- 1) That appointees not be involved in two or more organizations.
- 2) That appointees be willing to learn responsibilities about Human Relations.
- 3) That appointees expect a 4 hour commitment per month.

Mayor Finch thanked Mrs. Morris on these recommendations and called for a vote on the motion and it carried unanimously.

Delegations:

Council recognized Mr. Bill Bowser, a local citizen, who requested information on the hiring of minorities to build fire stations with revenue sharing funds. Mr. Bowser stated that he would send a formal request to the City Council on the amount of funds spent and the number of minorities used for this purpose.

Council recognized City Attorney, Bob Cogswell, on behalf of the group formed to prepare the amendments on the adult entertainment ordinances who were: Cliff Strassenburg, Al Mitchell, Bill Thomas, John Smith, Al Albritton, Neil Monroe, Danny Dixon and himself and extended thanks to the City Council for their action tonight. Mayor Finch responded by extending thanks of the Council to the group for their hard work in preparing these ordinances.

City Manager reports:

The City Manager informed Council of the schedule of events regarding the roll out cart system for garbage and trash collection. The schedule was as follows:

- March 12 - setting of public hearing on April 23.
- March 16 - questionnaire distribution, and he displayed the cards packets which will go to the residents in the test areas.
- March 23 - the deadline for mailing these cards back to a special post office box maintained by the Planning Board.
- April 4 - the Planning Board opens the post office box and tabs the results to the questionnaire.
- April 5 - the Planning Board delivers the tabulation to the City Manager for distribution to the City Council.
- April 23- the public hearing.

Following some discussion of the schedule of events, Mr. Williams offered motion that the date for the public hearing on the roll out carts be altered from April 23 to April 16, at 7:00 P.M. at City Hall Council Chamber in order that this matter be given singular attention by the Council and those members of the public attending, motion seconded by Mr. Dawkins and carried unanimously.

The City Manager presented Council with a year end report from MICA, commenting that it was an excellent report and that at the present time the dollar value was being assessed and will be reported to Council at the next meeting. He stated in addition, the excellent relations between MICA and all city departments and finally informed Council that the contract was due for renewal on April 1.

Council then recognized Mr. Lew Brown of MICA, who responded to the City Manager's remarks and offered their continued support and cooperation.

Matters of interest to the City Council:

Mr. Hurley presented a resolution of the City/County Governmental Liaison Committee reading as follows:

"We unanimously recommend that the proposed state office building be located in the central city core of Fayetteville, North Carolina and if possible that the office building be developed by the private sector for lease back by the state of North Carolina. We further agree to work with all levels of government to bring this proposed project to successful fruition."

Mr. Hurley then moved for adoption of the resolution by City Council, seconded by Mrs. Evans and carried unanimously.

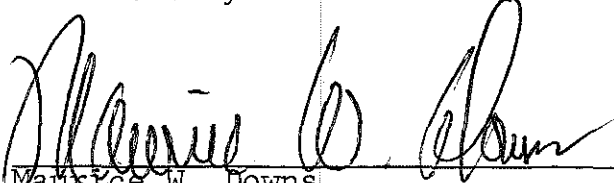
RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL RECOMMENDING THE PROPOSED STATE OFFICE BUILDING BE LOCATED IN THE CENTRAL CITY CORE OF FAYETTEVILLE.
RESOLUTION NO. R 1979-30.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1979.

Mr. Hurley then commented concerning the joint meeting with the Fayetteville Revitalization Commission on March 8, and stated it was productive and that he encouraged additional meeting if desired.

Mayor Finch informed Council that for many years a stop sign existed at the Highland Country Club end of Winterlochen Road, but had been removed by the City Engineer's office where records did not substantiate its valid installation. Mayor Finch and other members of the Council agreed that a stop sign was sorely needed at this location and the City Engineer was requested to draw the necessary ordinance for the reinstallation of this stop sign for presentation to the City Council at the next meeting. The City Engineer acknowledged the request.

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


Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MARCH 26, 1979
7:00 P.M.

Present: Mayor Beth Finch

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

Absent: Mr. William G. Thomas, III, City Manager (due to illness)
Mr. Robert Cogswell (out of the City)

Present: Mr. Ray Muench, PWC Manager
Mr. Richard Lewis, Acting City Attorney

Mayor Finch called the meeting to order and the Reverend Dwight Cooper, Minister of Grace Baptist Church offered the invocation. Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Councilman Williams requested Mayor Finch to ask the assembly to pause this evening in silent prayer for Mr. Thomas, who suffered a heart attack early Sunday morning, and this was done. Mayor Finch then informed the Council and those others present in the Council Chamber that she had talked with a member of Mr. Thomas' family today and had been informed that he had experienced a good day.

Members of the Fayetteville Youth Council were not present in the audience this evening.

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 Council meeting of March 12, were approved as submitted by the Clerk.

Councilman Williams asked and received permission of the Council to abstain from discussing and voting on Item 2A, the rezoning from R10 to P2 of an area located at 2412-2414 Raeford Road due to a personal interest.

Mayor Finch then informed Council that due to Mr. Thomas' anticipated prolonged absence from his duties, that Assistant City Manager, John Smith be appointed Acting City Manager in the interim in order to sign the necessary documents which would be needed of City administration. Mayor Finch suggested that Mr. Smith be appointed Acting City Manager effective immediately.

Mr. Hurley offered motion that the City Council appoint Assistant City Manager, John Smith as Acting City Manager, effective immediately, until the return of City Manager Thomas to his duties, seconded by Mr. Dawkins and carried unanimously.

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 restrive zoning classification of an area located at 2412-2414 Raeford Road. The Planning Board recommended denial of this petition.

Mr. David Godwin, immediate past President of the Fayetteville Area Board of Realtors was recognized and stated that the proposed use would house the Board of Realtors offices. Mr. Godwin stated further that the Board has offered to enter into a thirty year contract with the area residents spelling out the usage and plans for the area. Mr. Godwin stated further that the Board of Realtors would consent to leaving a ten foot strip on the east side of this tract R10 as a buffer between the residential district and the professional district.

Mr. Cecil Carlyle, of the Board of Directors was also recognized for the rezoning.

Mr. Oliver Melvin, representing Mrs. Carrie McNeil, an area resident, was recognized in favor of the rezoning.

Mr. Jimmy Little, a local attorney, was recognized for area residents in opposition to the proposed rezoning and presented a petition of opposition signed by 32 of the 38 families resident in the area from Winterlochen Road and Amigo Drive.

Following some discussion, Mrs. Evans offered motion to rezone the area as petitioned from R10 to P2, except for a ten foot strip on the eastern side of the tract which is to remain R10, motion seconded by Mr. Markham and carried; Mr. Williams abstaining.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R10 RESIDENTIAL DISTRICT TO P2 PROFESSIONAL DISTRICT EXCEPT FOR A TEN FOOT WIDE STRIP ON THE EASTERN SIDE OF THE TRACT WHICH IS TO REMAIN R10 RESIDENTIAL DISTRICT LOCATED AT 2412-2414 RAEFORD ROAD.

ORDINANCE NO. NS1979-28.

A public hearing had been published for this date and hour on the rezoning from R10 Residential District and R6 Residential District to C1 Local Business District for Tract 1 and R10 Residential District to R6 Residential District for Tract 2, or to a more restrictive zoning classification of an area located at 2807 Ramsey Street. The Planning Board recommended approve the rezoning from R10 to C1, Tract 1, fronting on Ramsey Street and R6 for Tract 2, at the rear.

Planner Mitchell reminded Council that a public hearing was held on this matter in December and Council had returned it to the Planning Board for review.

Mr. Gardner Altman, a local attorney, was recognized representing the owners and petitioners for the zoning.

Mr. Clinton Harris, an area resident, was recognized in opposition to the rezoning.

Following some disucssion, Mr. Williams offered motion to rezone the area as recommended by the Planning Board, seconded by Mr. Dawkins.

Following some further discussion, Mrs. Evans offered substitute motion to follow the recommendation of the Planning Staff and rezone Tract 1, P2 and Tract 2, R10. The motion was lost for lack of a second.

Mayor Finch then called for a vote on the motion and it carried; Mrs. Evans voting no.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R10 RESIDENTIAL DISTRICT AND R6 RESIDENTIAL DISTRICT TO C1 LOCAL BUSINESS DISTRICT FOR TRACT 1, AND R10 RESIDENTIAL DISTRICT TO R6 RESIDENTIAL DISTRICT FOR TRACT 2 OF AN AREA LOCATED AT 2807 RAMSEY STREET. ORDINANCE NO. 1979-29.

A public hearing had been published for this date and hour on the rezoning from R6 Residential District and R5A Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located at 2205 Murchison Road. Planning Board recommended to deny the rezoning from R6 to C1 and approve C1P Shopping Center District for this area.

Mr. John Blackwell, a local attorney was recognized for the petitioner. Mr. Blackwell requested withdrawal of that portion at the rear of this tract from consideration for rezoning.

Mr. John Wright, an area resident was recognized in opposition to the rezoning.

Following some discussion, Mr. Dawkins offered motion to leave lots 50, 52, 54, 56, and 58 facing University Avenue at the rear of this Tract R6 and follow the recommendation of the Planning Board and deny C1 and approve C1P for that portion of the property which faces Murchison Road, motion seconded by Mr. Williams and carried unanimously.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R6 RESIDENTIAL DISTRICT AND R 5A RESIDENTIAL DISTRICT TO C1P SHOPPING CENTER DISTRICT, ONLY THAT PART FACING MURCHISON ROAD AND LEAVE LOTS 50, 52, 54, 56, AND 58 FACING UNIVERSITY AVENUE, R6 RESIDENTIAL DISTRICT OF AN AREA LOCATED AT 2205 MURCHISON ROAD. ORDINANCE NO. NS1979-30.

At this time Mayor Finch recognized Attorney Richard Lewis, sitting in this evening as Acting City Attorney in the absence of Mr. Robert Cogswell, who is out of town on a business trip.

A public hearing had been published for this date and hour on the rezoning from C3 Heavy Commercial District to C2 Central Business District or to a more restrictive zoning classification of an area located on the western margin of Hillsboro Street, south of Walter Street. Planning Board recommended denial and Planner Mitchell also stated that the Planning Board had received a letter from the petitioners attorney, Mr. Robert Butler, requesting withdrawal of this petition for rezoning.

Attorney Butler was present, was recognized, and reiterated the desire of his clients to withdraw the petition for rezoning.

Mr. Williams then offered motion to deny the request for rezoning, seconded by Mr. Dawkins and carried unanimously.

A public hearing had been published for this date and hour on a request for a Special Use Permit for a charitable institution for an area located at 1054 Winslow Street. Planning Board recommended approval.

Council recognized Mrs. Elainor Blakeley of the Department of Social Services in support of the Special Use Permit for the purpose stated.

A Mrs. Ivy, an area resident, was also recognized in favor. There was no opposition present.

Mr. Dawkins then offered motion for approval of the Special Use Permit as conditionally 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 initial zoning to R6 Residential District or to a more restrictive zoning classification of an area located on the southeast side of Powell Street between Foch Street and Cooper Street. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO ZONE INITIALLY TO R6 RESIDENTIAL DISTRICT AN AREA LOCATED ON THE SOUTH EAST SIDE OF POWELL STREET BETWEEN FOCH STREET AND COOPER STREET. ORDINANCE NO. NS1979-31.

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

A public hearing had been published for this date and hour on the initial zoning to C1P Shopping Center District or to a more restrictive zoning classification of an area located on the west side of the U.S. 401 By-Pass about 200 feet south of Morganton Road. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO ZONE INITIALLY TO C1P SHOPPING CENTER DISTRICT AN AREA LOCATED ON THE WEST SIDE OF THE U.S. 401 BY-PASS ABOUT 200 FEET SOUTH OF MORGANTON ROAD. ORDINANCE NO. NS 1979-32.

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 a request for a Special Use Permit for the operation of a private club operated on a non-profit basis for an area located at 4600 Lox Drive. Planning Board recommended conditional approval. 1) That membership in the private club be restricted to residents and/or property owners of Three Colonies. 2) That the private non-profit club meet off street parking requirements as specified for the zoning ordinance for such uses. 3) That all exterior lighting be shielded from adjoining residential units. It was noted that the Planning Director further noted that the Planning Staff further recommends that the City Council consider requesting a review of regulations governing such clubs so that future proposals may be less confusing.

Mr. Vick Gamble was recognized for Three Colonies, and stated the Special Use Permit was desired in order that the club obtain an ABC permit.

A number of persons were recognized in opposition as follows: Mr. Gereoux, who stated he has a child attending the Christian School which is located adjacent to Three Colonies. Mr. Clyde Conner, a member of Berean Baptist Church, who opposed the beer permit. Mr. Herb Williams, a member of Manna Church, who opposed the beer permit. Mr. John Johnson and Mr. Robert Inman and a third person from the Manna Church who were opposed to the beer permit.

Following some discussion, Mr. Dawkins offered motion to deny the Special Use Permit and research the matter for further consideration, motion seconded by Mr. Hurley.

Mrs. Evans offered substitute motion that the matter be researched further, but her motion was lost for lack of a second.

Mayor Finch then called for a vote on the motion to deny and it carried; Mrs. Evans voting no.

A public hearing had been published for this date and hour on the consideration of a land exchange between the City of Fayetteville and Thomason Industries (U.S. Industries) at the City Sanitation Transfer Site on the east side of Winslow Street.

The City Engineer presented this matter and stated that in 1978 the City purchased a tract of land on the east side of Winslow Street for the Sanitation Department refuse transfer station. The City property line along the north tract joins Thomason Plywood Corporation which is now merged with U.S. Industries. This common property line now has two offsets to it. We have conferred with Mr. Dan Thomason and he has agreed to exchange land to straighten out these offsets which would be much better utilization of the property for the City and Thomason. This proposed exchange is for land value only with no monetary exchange proposed, he stated. Summing up to a difference of 239 square feet, more land coming to the City.

The development plan for the refuse transfer station includes fencing the property and this exchange of land would save 70 feet of fencing with a saving of \$450. in cost in addition to the better utilization of the land area. The City Engineer recommended approval of the land exchange and that the council authorize the Mayor and Clerk to sign the necessary legal documents to effectuate the exchange. There was no opposition present.

Following a brief discussion, Mr. Williams offered motion for approval of the land exchange as recommended and that the Mayor and Clerk be and they hereby are authorized and directed to sign the necessary legal document in behalf of the City, seconded by Mr. Dawkins and carried unanimously.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, consideration of the proposed annexation of TMB Investments, Inc. properties on Yadkin Road was continued to the April 9, 1979 meeting to allow for proper advertising.

Public hearings had been published for this date and hour on the consideration of resolutions authorizing the lease of Fayetteville Municipal Airport property for:

- (1) Rental Car Land Lease - Avis Rent-A-Car System, Inc.
- (2) Rental Car Land Lease - National Car Rental Systems, Inc.
- (3) Rental Car Land Lease - Car Rental, Inc.

Council recognized Mr. Bernard Stein, of the Airport Commission, with an explanation of the proposed leases. The Airport recommended approval. There was no opposition present.

Mr. Williams offered motion for approval of the foregoing leases as recommended by the adoption of a resolution, motion seconded by Mrs. Evans and carried unanimously.

RESOLUTION AUTHORIZING THE LEASE OF THE FAYETTEVILLE MUNICIPAL AIRPORT PROPERTY RENTAL CAR LAND LEASE TO AVIS RENT A CAR SYSTEM, INC., NATIONAL CAR RENTAL INC., AND CAR RENTAL, INC. RESOLUTION NO. R1979-31.

A copy of this resolution is on file in the Clerk's office in Resolutions Book R1979.

A public hearing had been published for this date and hour on authorizing the lease of the Fayetteville Municipal Airport property for Terminal Coffee, Gift and Newsstand Shop-Air Terminal Services, Inc. Mr. Stein also presented this explanation and stated that Airport Commission recommended approval. There was no opposition present.

Following a brief discussion, Mr. Williams offered motion for approval of the foregoing as recommended by the Airport Commission and authorize the Mayor and Clerk to sign, seconded by Mrs. Evans.

A general discussion then followed of the impact of this lease of city owned property on the alcoholic beverages use and of the further impending effect at the Airport on the upcoming referendum on the use of alcoholic beverages.

Following this discussion, Mr. Hurley offered substitute motion to continue this matter to the next meeting on April 9, seconded by Mr. Dawkins and carried unanimously. (Mayor Finch suggested that this matter be a topic of discussion of the next information meeting of the Council on April 17.)

Public hearings to be set:

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

For April 17, 1979:

- A. Public hearing on the roll-out cart system.

For April 23, 1979:

- A. The rezoning from P2 to C3 of an area located at 336 Ray Avenue.
- B. A request for a Special Use permit for the operation of a medical doctors office in an R5 Residential District located at 1630 Murchison Road.
- C. Confirmation of assessment rolls for the paving of Oliver Street and Sandhurst Drive by the adoption of the following resolutions:

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT ON OLIVER STREET FROM SANDHURST DRIVE TO THE NORTHWEST CORNER OF LOT 10, BLOCK A, PLAT BOOK 18, PAGE 38, CUMBERLAND COUNTY REGISTRY. RESOLUTION NO. R1979-32.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF SANDHURST DRIVE FROM THE END OF OLD PAVEMENT AT BEAUMONT ROAD TO A POINT 50 FEET WEST OF THE NORTHWEST CORNER OF LOT 11, BLOCK H, PLAT BOOK 18, PAGE 38, CUMBERLAND COUNTY REGISTRY. RESOLUTION NOR1979-33.

There were no PWC matters and Mr. Muench was excused from the meeting at this time.

Planning Board matters:

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, Cedar Falls Quick Mart addition preliminary and final ClP review located on Raleigh Road was approved conditionally as recommended by the Planning Department.

This concluded Planning Board matters.

Council next gave consideration to an amending ordinance to the FY 78-79 Budget Ordinance for the Special Tax District Allocation Budget. (This matter continued from the March 12, 1979 meeting.)

Acting City Manager, John Smith presented this matter and reminded Council this amending ordinance had been drawn for submission this evening at the direction of City Council. The amendment was in the amount of \$44,000. for the purpose of leasing the old railroad station at Russell and Maxwell Streets for a municipal market, advertisement, operating suppliers and services, professional services, and improvements for the Cross Creek Linear Park and Hay Street and Environs.

Councilman George requested and received permission of the Council to abstain from voting on this matter.

1978/79 BUDGET ORDINANCE AMENDMENT - CHANGE 1, SPECIAL TAX DISTRICT REVENUE AND EXPENDITURE. ORDINANCE NO. NS1979-33.

Mr. Hurley then introduced the foregoing ordinance and moved its adoption, seconded by Mr. Williams and carried; Mr. George abstaining.

Council next gave consideration to an ordinance requiring the Building Inspector to correct conditions at 208 Myrover Street owned by Mr. Dennis Nathaniel. (Given a six month extension at the September 25, 1978, meeting.)

The City Housing Inspector reported that on September 27, 1978, Mr. Nathaniel obtained a building permit. Numerous repairs have been completed but the non-conforming conditions of the structure still remain. He requested the City Council to take no further action at this time.

Council took no action on this matter.

Council next gave consideration to a proposed ordinance imposing a lien against the real property located at 1307 Murchison Road for demolition costs incurred.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$495.00 AGAINST PROPERTY LOCATED AT 1307 MURCHISON ROAD AND OWNED BY MR. JOHNNY F. BUTLER. ORDINANCE NO. NS1979-34.

Mr. Williams introduced the foregoing ordinance and moved its adoption/ seconded by Mr. Dawkins and carried unanimously. at 9:15 pm

Council next gave consideration to a request from Ms. Virginia Jones, Manager of Cedarwood Apartments located on U.S. 401 North, to have the speed limit within the complex changed.

Mrs. Jones was recognized and stated that Cedarwoods Apartments complex originally had a twenty mile per hour speed limit when it was constructed and annexed to the City. Ms. Jones stated that they are having difficulty with traffic on Treetop Drive caused primarily by persons congregating in a wooded area at the end of the street for illegal purposes. The speed limit on the street is now 35 mph and the persons congregating in this wooded area are causing a traffic hazard along this quarter mile strip of street which must be utilized by all of the residents of Cedarwoods Apartments as well. Ms. Jones requested that the speed limit be lowered from 35 mph to 25 mph on Treetop Drive in order to alleviate the traffic conditions.

The City Engineer stated in response to a question that he was aware of the situation, but that in his opinion, a speed limit is not the problem, but rather the congregation of the persons in the wooded area. He recommended that the speed limit not be changed from its present 35 mph per state law, but remain as it is on other city streets.

Following some discussion, Mrs. Evans offered motion that the speed limit on Treetop Drive be reduced from its present 35 mph to 25 mph, motion seconded by Mr. George and carried unanimously.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO.8 SPEED CONTROL - TREETOP DRIVE FOR ITS ENTIRETY. ORDINANCE NO. NS1979-35.

Council next gave consideration to a revision of the traffic schedule stop intersections on Winterlochen Road to stop at Highland Country Club's driveway.

The City Engineer presented this proposed ordinance and reminded Council that they had directed him to draw said ordinance following their discussion of this intersection at the last Council meeting.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO.6, STOP INTERSECTIONS - WINTERLOCHEN ROAD. ORDINANCE NO. NS1979-36.

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

Council next gave consideration to an ordinance changing the speed limit along Morganton Road between Highland Avenue and Olive Road. The City Engineer presented this matter and stated that sometime ago the City Council requested a 25 mph speed limit be established along subject section of Morganton Road. The NCDOT was advised of the Council's request and the local division traffic engineer advises verbally that this will be approved by DOT.

AN ORDINANCE OF CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 8, SPEED CONTROL - MORGANTON ROAD FROM OLIVE ROAD TO HIGHLAND AVENUE. ORDINANCE NO. NS1979-37.

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

Copies of all the foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1979.

Council next gave consideration to a request from Mr. Herb Thorp of the Arts Council of Fayetteville, Cumberland County Inc. to conduct Sunday-on-the-Square on May 6, 1979. Mr. Thorp stated in his letter that pursuant to the provisions of the City Code, the Arts Council was making application to conduct a fund raising activity on Sunday, May 6, 1979. The activity shall be substantially the same form as conducted the last five years, he stated, and shall consist among other activities sale of arts and crafts, hot dogs, hamburgers, cokes, pepsi's, baked goods, barbecue dinners, admission charges for entertainment, a carnival, a raffle, bingo and a flea market. The actual hours of the festival will be from 1:00 P.M. to 6:00 P.M. and will necessitate the cordoning off the first blocks of Gillespie, Person, Hay and Green Streets. During discussion of the request, it was pointed out that raffles are not legal in the City and that bingo may be unlawful in the near future.

Following this discussion, Mrs. Evans offered motion to approve the foregoing Arts Council request to hold any lawful event, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a request from the Friends of the Cumberland County Library, Inc. for permission to conduct a fund raising on May 6, 1979. In a letter from Mrs. Virginia Thompson, President of the Friends of the Cumberland County Public Library, they were requesting permission to have their semi-annual book sale on Sunday, May 6, coincident with Sunday-on-the-Square.

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

Council next considered appointments.

Mayor Finch informed Council that seven terms of office were expiring in March on the Human Relations Advisory Commission and that the floor was open for nominations.

Mr. Williams nominated Elizabeth Thompson Wood.

Mr. George nominated Dr. Hubie Doub, W.C. Freeman, Robert Gay, Kay Strickland, Don Lundy and Walter Parrish.

Council next considered one appointment to the Board of Directors, Fireman's Relief Fund.

Mr. Vincent Shields and Mr. Flint Harding had been nominated for this position.

Council agreed to an open vote and following the casting of said votes, Mayor Finch declared the appointment of Mr. Flint Harding to the Board of Directors Fireman's Relief Fund for a two year term of office, said term to expire in January, 1981.

Mayor Finch then recognized Councilman Hurley, who nominated Mr. Vincent Shields to the Human Relations Advisory Commission.

Mayor Finch stated that the nominees to the Human Relations Advisory Commission would be considered for appointment at the next meeting on April 9.

Delegations:

Council recognized Mr. Clinton Harris with comments on Items 9 and 2H from the agenda tonight and as they relate to Fire Department response to fires. He recommended the setting of a standard policy for the Fire Department to use in response to townhouse and condominium fires.

Mayor Finch thanked him for his comments and informed him that Chief Bishop would be glad to hear his recommendation.

City Manager reports:

Acting City Manager, John Smith, presented the City Manager reports this evening.

Mr. Smith reported on and made recommendations on the MICA contract as follows:

- (1) On the recommendation by MICA on FICA I (exclusion of social security tax on sick leave.) He reminded Council that this would result in an estimated annual savings of \$9,006. for the City and for the employee. He recommended the adoption of a policy for exclusion or amendment to the present Personnel Ordinance to effect such change.

AN ORDINANCE AMENDING CHAPTER 22, PERSONNEL - FICA OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. S1979-9.

Following a brief discussion, Mrs. Evans introduced the foregoing ordinance and moved its adoption, on FICA on sick leave as recommended by the Acting City Manager and MICA, seconded by Mr. Williams and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1979.

Continuing with the MICA report, Mr. Smith requested validation by Council of the two MICA Inspection Department recommendations concerning the new schedule of fees and the organization of the Inspection Department.

Mr. Williams then offered motion for validation of the foregoing MICA recommendations for the Inspections Department, seconded by Mrs. Evans and carried unanimously.

Mr. Smith then recommended payment of the MICA fee in the amount of \$29,170.

Mr. Williams then offered motion to follow the foregoing recommendation of the Acting City Manager in regard to the MICA fee, seconded by Mr. Dawkins and carried unanimously.

Mr. Smith reminded Council that the present MICA contract went into effect on April 13 of last year, and recommended renewal of the MICA contract for the coming year and for the prepayment of \$29,581. on July 1, 1979 under option No. 3.

Following a brief discussion, Mr. Hurley offered motion to follow the foregoing recommendation of the Acting City Manager and adopt option No. 3 in the amount of \$29,581. for payment on July 1, 1979, seconded by Mr. Williams and carried unanimously.

The Acting City Manager informed Council that he was in receipt of a request from the YMCA for permission of the Council to conduct a roadrace from 1 until 2 P.M. on Sunday, May 13 along a section of Ft. Bragg Road.

Mr. Williams offered motion for approval of the foregoing request, seconded by Mr. Hurley and carried unanimously.

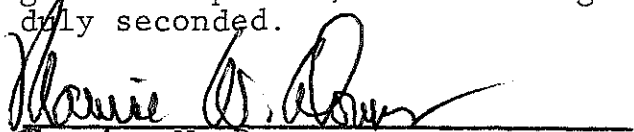
The Acting City Manager informed Council that the following 12 persons had been certified by the Civil Service Commission for appointment to the Fire Department. The appointments are recommended, he stated. The names were as follows:

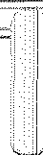
Donald L. Canipe	William H. Adams
Timothy E. Oloane	John J. Topper
Kenneth W. Parrish	Ronald E. Kelly
Thomas E. Bogan	Duane T. Emerick
James D. Norris	Roderick B. McKeithan
Arnold J. Trujillo	Joseph J. Farrior, Jr.

Mrs. Evans offered motion for appointment of the foregoing persons to the Fire Department as recommended, seconded by Mr. Williams and carried unanimously.

The Acting City Manager reported to the City Council, the selection by the City Manager of a City Purchasing Agent. He is Mr. Alfred P. Jordan. A thirty year Civil Service veteran, who spent his career in procurement, primarily at Ft. Bragg. His last position being that of Deputy Chief of Maintenance Material Division at Ft. Bragg. Mr. Jordan is a native of North Carolina and has been a resident of the City since 1929, he stated, and that they feel very fortunate to have someone of Mr. Jordan's caliber in this position. Mr. Jordan was present in the audience.

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
APRIL 9, 1979
7:00 P.M.

Present: Mayor Beth Finch

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

Absent: Bill Hurley and Marion George.

Absent: City Manager Thomas (due to illness)

Others Present: Acting City Manager, John Smith
City Attorney, Robert Cogswell
PWC Manager, Ray Muench

Mayor Finch called the meeting to order and the invocation was offered by Councilman Dawkins and following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

The following named persons were recognized by Mayor Finch for the presentation of service pins:

Five Years:

Johnny Frazee - Fire Department
David Horne - Fire Department
Charles Williams - Fire Department
Bruce Wood - Fire Department
Leonard Edge - Fire Department
Thomas Jestes - Fire Department

Ten Years:

Russell Anderson - Fire Department
Robert Nobles - Fire Department
Charles Morris - Fire Department

Fifteen Years:

Duke Piner - Fire Department

The following person was recognized and presented a service pin for Twenty-five years service with the City: Maurice W. Downs, City Clerk.

The following two persons were recognized for service pins:

Thirty Years:

Charles Hughes - Fire Department
Wilbert Geddie - Fire Department

Mayor Finch also recognized Ms. Evelyn Dorsey of the Planning Department, who was resigning her position and moving away from the state, due to the transfer of her husband, and presented her with a certificate of appreciation.

Mayor Finch recognized the following Fayetteville Youth Council Representatives present in the audience: Bobby Bosworth, Sharon Lindsay and Dee Dee Rodgers.

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 meeting of March 26, were approved as submitted by the Clerk.

City Attorney Cogswell, requested an executive session of the Council after this meeting this evening and it was agreed upon by the Council.

Public Hearings:

A public hearing was held as continued from the March 26 meeting on the consideration of the Resolution authorizing the lease of Fayetteville Municipal Airport property for Terminal Coffee, Gift and Newsstand shop by Air Terminal Services, Inc.

Council recognized the City Attorney that he had presented the information requested at the last meeting by Council in their agenda packets this evening.

Council recognized Mr. Bernard Stein of the Airport Commission, who offered to answer any questions concerning this matter that Council desired. There were none.

There was no opposition present.

Mr. Williams offered motion for adoption of the resolution authorizing the lease as recommended, seconded by Mrs. Evans and carried unanimously.

RESOLUTION AUTHORIZING THE LEASE OF FAYETTEVILLE MUNICIPAL AIRPORT PROPERTY, TERMINAL COFFEE SHOP, GIFT SHOP, NEWS-STAND CONCESSION AGREEMENT. R1979-34.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1979.

A public hearing had been published for this date and hour on the proposed satellite annexation of the T.M.B. Investment property located at 5038 and 5040 Yadkin Road. The Captain Moorehead's Fishcamp, Restaurant and Waffle House are currently located on this site. The Annexation Technical Review Committee recommended denial of this annexation based on a finding that it would not be practical from an operational standpoint to provide fire and police protection, garbage pick-up and other city services to a satellite area as small as the subject area proposed for annexation.

Council recognized Mr. Bob Caudle, for T.M.B. who requested that Council table this matter for the time being inasmuch as additional petitions have or will be submitted which will bring this area contiguous to the city line.

There was no opposition present.

Following a brief discussion, Mrs. Evans offered motion to continue this matter until a future time, seconded by Mr. Williams and carried unanimously.

A public hearing had been published for this date and hour on the consideration of a resolution and petition from the Fayetteville Redevelopment Commission requesting the closing of Stonewall Avenue.

Attorney Richard Lewis, Counsel for the Fayetteville Redevelopment Commission was recognized and presented this matter and requested that Council close this street. He informed Council that there was an easement in the street but that it would be retained.

There was no opposition present.

RESOLUTION AND ORDER CLOSING ALL OF STONEWALL AVENUE. RESOLUTION NO. R1979-35.

Mr. Williams introduced the foregoing resolution and moved its adoption, as requested by the Fayetteville Redevelopment Commission, seconded by Mr. Dawkins and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1979.

Public hearings to be set:

In a memo to the City Council, Acting City Manager, John Smith, informed them that it had come to his attention that the advertisement for the public hearing that was held on the Transit Fare Plan was not advertised. Since UMTA requires an advertised public hearing for any change in the Transit Fare schedules under the UMTA Grant, it would be necessary to reset the public hearing and insure that it is properly advertised before the rates go into effect. The resetting of this public hearing does not have to delay implementation of the new fare plan, since the scheduled effective date of the new fares is July 1, 1979. Mr. Smith recommended the public hearing date be May 14, 1979, in order to advertise the matter, the requisite number of times.

Mr. Dawkins offered motion for setting of the foregoing for the public hearing on May 14, 1979, seconded by Mr. Williams and carried unanimously.

PWC Manager Muench informed Council that there would be no PWC matters to be presented this evening and Council excused Mr. Muench from this meeting.

Council next gave consideration of the preservation of the Latta-Thornton House on Maiden Lane. (This matter given a four month extension at the December 4, 1978, at the request of the Historic Fayetteville Foundation.)

Council recognized Mr. Reggie Barton, of the Historic Fayetteville Foundation, who stated that several months ago, Council gave an extension of time for the demolition of the Latta-Thornton House on Maiden Lane due to its historic and architectural significance. He stated he wished tonight to give a brief report on the progress and a request for another extension of time.

He stated the foundation had attempted to find a renovator-buyer-restorer but none had been located as yet. He stated they had had a very interesting visit by Mr. James Abernathy of the N.C. Department of Natural resources who is an expert in moving and relocating historically significant structures. He came specifically to look at our house, he stated. He offered several helpful tips and said relocation would not be a large problem. He said mailings have already been made to local professional people who might be interested in the house for office space.

He stated they had also made an inventory of the potential values of the house

contractors and possible sites for potential buyers.

He stated the foundation will be in contact with the San Francisco firm doing the downtown revitalization study for their help and guidance in this matter.

As a result of their study, additional sites may become available and it is for this reason the foundation is asking for a further extension of time. Also, since the street is not ready for extension, through the area, the foundation would ask for the extension.

Mr. Barton stated the foundation would be agreeable to any extension of time the Council would give.

Following a brief discussion, Mrs. Evans offered motion to extend the time for three months, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a purchase agreement between the City of Fayetteville and Heritage Place, Inc. for the purchase of a certain tract of land located on Ann Street, the location of Heritage Place, Inc.

The City Attorney presented this matter and informed council that the purchase is essentially the same as agreed to in the sale but with some tighter restrictions. He informed Council that the purchase agreement had been signed by Mr. Oliver of Heritage Place, Inc. and recommended approval by the City Council.

Following a brief discussion, Mr. Williams offered motion, seconded by Mr. Dawkins to authorize and direct the Mayor and Clerk to sign said purchase agreement in behalf of the city, motion carried unanimously.

Council next gave consideration to a resolution authorizing the submission of an application for low rent housing for the Fayetteville Metropolitan Housing Authority.

Council recognized Housing Authority Director, Harry Jones who presented this matter and stated the application would be for a \$50,000. preliminary loan for plans surveys for the housing.

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA APPROVING THE APPLICATION FOR A PRELIMINARY LOAN FOR LOW RENT PUBLIC HOUSING. RESOLUTION NO. R1979-36.

Mr. Williams then introduced the foregoing resolution and moved its adoption as requested by the Housing Authority, seconded by Mrs. Evans and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1979.

Council next heard a report from Councilman Wayne Williams, Chairman of the Building Committee on the proposed Recreation and Parks Building and the Engineering Department Building.

Mr. Williams informed Council that the Buildings Committee had met several times with Mr. Sonny Basinger, Recreation and Parks Director, Mr. Bob Bennett, City Engineer, Mr. John Smith, Assistant City Manager and City Manager W.G. Thomas and that they were real excited over plans which would be shown to the Council tonight and the Building Committee unanimously recommends approval of these plans.

The buildings proposed will be very similar to each other and adaptable in future years for other purposes. Construction will be of a truss nature (no interior loadbearing walls) so that the interiors can be completely removed for conversion of the uses if necessary and for modification for multi purpose uses and for flexibility.

Mr. Williams then called on City Engineer Bennett for additional information. The City Engineer displayed preliminary plans of the buildings and stated that they would be similar in construction and that each building would contain 5600 square feet. The Recreation building is proposed to be built on City property located on the north side of Lamon Street between North Street and Ann Street. The Engineering Building is proposed to be built on City property on Nimmocks Avenue. Acting City Manager Smith then presented information on cost and funding. The estimated cost of each building will be \$160,000. for a total of \$320,000. The proposed funding for the Recreation building will be \$100,000. from the sale of property and \$60,000. from Revenue Sharing. The proposed funding for the Engineering building will be \$125,000. from an EDA Grant, \$22,000. from additional EDA Grant and \$13,000. from Revenue Sharing.

The recommendation of the committee, he stated will be that the City Council authorize City Administration to proceed with the advertisement and receipt of bids for the construction of the two buildings as proposed.

It is further recommended that the \$73,000. in proposed revenue sharing fund for these projects to be taken from paving projects under revenue sharing which will not be completed during this fiscal year.

Mr. Smith stated it was also the recommendation that administration be authorized to request the additional \$22,000 from EDA.

Mr. Horace Thompson, of the Fayetteville Revitalization Commission was recognized with comments on locating the buildings in the core area of the city. There was a brief discussion and Mr. Smith reminded Council that the areas proposed are in the downtown area and are in "Pockets of Poverty" areas and must be so for the city to qualify for EDA funds.

Following some discussion of this matter, Mrs. Evans offered motion to approve the preliminary plans for the Engineering and Recreation Department buildings and authorize administration to proceed with the advertisement and receipt of bids for the construction of the two buildings as proposed and for administration to request the additional \$22,000. EDA funds, seconded by Mr. Markham and carried unanimously.

Council next considered a request by Representative Douglas A. Clark, House District 10, from Kenansville, North Carolina, a member of the House of Representatives, North Carolina General Assembly, that the Council pass a resolution in support of a rest stop near the intersection of Highway 24 during the construction of Interstate 40. In a letter to the Mayor, Mr. Clark stated that with the building of I 40 from Benson to Wilmington, a rest stop will be built in Duplin County to serve the motorists on that highway. The two sites being considered include one near the intersection of Highway 24. If this site is picked, the motorists traveling to and from the Fayetteville area on 24 can use the facility.

Following a brief discussion of this matter, Mr. Williams offered motion to refer this item to the Transportation Committee for study and for recommendation back to the City Council, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration of the award of bids for Police motorcycles.

Mr. John Monaghan, Administrative Assistant to the City Manager, presented this matter and stated that bids were received for furnishing seven Police motorcycles to be purchased under the city's selective traffic enforcement program "STEP", Grant on March 6. Although bid invitations had been mailed to nine local motorcycle shops, only two responses were received. He recommended that the bid proposal from Meridian Motorcycle Co., Inc. for \$23,975. be accepted for the seven motorcycles.

Mr. Williams then offered motion to follow the foregoing recommendation and award the bid to Meridian Motorcycle Co. Inc. for \$23,975., seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a proposed ordinance imposing a lien against the real property located at 314A Chance Street for the demolition cost incurred for a substandard structure. The Acting City Manager presented this matter for the Housing Inspector and recommended adoption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN AGAINST THE PROPERTY LOCATED AT 314A CHANCE STREET AND OWNED BY MARY J. MCQUEEN IN THE AMOUNT OF \$450. ORDINANCE NO. NS 1979-38.

Mr. Dawkins introduced the foregoing ordinance and moved its adoption, at 7:50 P.M. O'clock, seconded by Mr. Williams and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1979.

Council next gave consideration to a appointments of boards and commissions.

Council first considered appointments to the Human Relations Advisory Committee.. Nominations had been made to this committee at the last meeting of the Council.

Mr. Williams then offered motion, seconded by Mr. Dawkins and carried unanimously, that the following named be appointed to the Human Relations Advisory Commission for two year terms of office, running to March 1981: Elizabeth Thompson Wood, W.C. Freeman, Robert Gay, Don Lundy, Walter Parrish, Vincent Shields and Kay Strickland.

Council next considered two additional appointments to the Fayetteville Revitalization Commission.

Acting City Manager, John Smith, informed Council that the Charter of the Fayetteville Revitalization Commission, as approved by the City Council in March of 1977, specifies that appointments to the commission shall be made for staggered terms. All subsequent new or reappointment shall be made for three year terms.

Two of the city's original appointments to the commission were reappointed at the end of their one year term, in error the reappointment was made for another one year term but should have been made for a three year term. Therefore, the terms of Mr. Tom Lee and Mr. Moses Walker needed to be extended for two years to expire in June 1981, so that the commission terms will be staggered as set forth in the Charter.

Following a brief discussion, Mr. Williams offered motion, seconded by Mr. Dawkins and carried unanimously for the appointment of Mr. Tom Lee and Mr. Moses Walker be extended for two years to expire in June 1981.

At this time, Mayor Finch recognized all of the Firemen who were to have received their service pins at the beginning of this meeting, but were not present at that time, due to the fact that they had been misinformed that the Council meeting would begin at 8:00. Mayor Finch extended regrets about the mix-up in time and extended the congratulations of the council for their awards and especially to Mr. Charles Hughes and Mr. Wilbert Geddie, the thirty year employees, and assured them that they would be presented their service pins at a later date.

There were no delegations present.

City Manager reports:

Assistant City Manager Smith informed Council of proposed changes in the Local Government Employees Retirement System and stated that he had received a memorandum from Mr. Ernest H. Ball, General Counsel of the North Carolina League of Municipalities in Raleigh of the proposed changes and stated the purpose of the communication from the league is to determine whether or not the league should support the proposed legislation before the General Assembly. The cost of the increase in retirement benefits to the City of Fayetteville, based on current covered payroll will be \$8,880 annually, Mr. Smith stated. The proposed legislation is to increase retirement benefits for persons already retired, if the proposed increases are supported by the league and the Association of County Commissioners. The Board of Directors of the league had directed that the municipalities enrolled in the system be polled and that the league's position on the increases be determined by a majority vote of these municipalities. The proposed legislation would grant a 5% increase to all present retirees. Additional increases to present retirees would be as follows:

- 1) 10% for those retired prior to June 30, 1959.
- 2) 7% for those retired between July 1, 1959 and June 30, 1968.
- 3) 2% for those retired between July 1, 1968 and June 30, 1978.

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

Council next heard a report from Acting City Manager, John Smith, and John Monaghan, Administrative Assistant to the City Manager, to the proposed transfer of street maintenance function to the City Engineering Department. Mr. Smith informed Council that a study had been conducted by Mr. Monaghan on this matter and requested Mr. Monaghan to present this study to the Council.

Mr. Monaghan informed Council that it is proposed to transfer street maintenance and drainage to the Engineering Department. He stated that this transfer would be less confusing to the general public and less duplication would occur. He then presented a very detailed report outlining functions to be performed by the street maintenance division of the Engineering Department. These functions included such items as maintenance of street paving and curbing, dirt streets, underground and open ditch drainage, maintenance of sidewalks behind the curb right-of-way, including site distances at intersections, removal of debris from street travelway and right of way, including clean-up following storms, parades, etc., and other activities. Functions to be performed by the Sanitation Department would include manual sweeping of downtown sidewalks, disposal of animal carcasses, emptying sidewalk trash receptacles, vacuum leaf collection.

The division of personnel and equipment would be as follows:

Engineering Department: 23 operating personnel, three clerical supervisory personnel, 15 trucks, 21 pieces of equipment and two supervisory vehicles.

Sanitation Department: 10 operating personnel, one clerical and supervisory personnel, 6 trucks, six pieces of equipment and no supervisory vehicles.

Mr. Monaghan informed Council further that improvements to Alexander Street site would be:

- 1) Pre-engineered metal building - \$50,000.
- 2) Fencing and site improvements - \$15,000.
- 3) electronic security equipment - \$2,000.
- 4) erection of surplus storage building from Airport - \$1,000.
- 5) utilization of two bays in traffic services building - none

The Acting City Manager recommended that the City Council consider approval of this transfer effective July 1, 1979.

Following some discussion, Mr. Monaghan was commended upon the completeness and thoroughness of his report by Mrs. Evans and the Council and Mr. Dawkins suggested that the Council wait until the next meeting for any action on this matter, due to the absence of Councilmembers Hurley and George this evening. Council

agreed to this suggestion.

Mr. Smith informed Council that Officer W.C. Johnson of the Fayetteville Police Department had been certified by the Civil Service Commission for promotion to the rank of sergeant.

Mr. Williams then offered motion, seconded by Mr. Dawkins and carried unanimously to approve the foregoing promotion as recommended.

Mr. Smith informed Council that the following named persons had been certified by the Civil Service Commission to be appointed to the Police Department: Curtis Brown, Jack Watts, Michael Fleming and Clayton Walters.

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

Mr. Smith reminded Council that the public hearing on the roll-out cart system would be held at 7:00 P.M., Tuesday, April 17, in the public hearing number 3, in the Old County Courthouse on Gillespie Street.

Council recognized City Attorney Cogswell, who recommended the original proposal on charter revision on the Public Works Commission. Councilman Dawkins, Chairman of the Charter Revision Committee stated that PWC had been fully informed on the revisions proposed.

City Attorney Cogswell was recognized on another matter on condemnation for the Farmer's Market and informed Council that it has the power for such condemnation but that a bill before the General Assembly could possibly eliminate this provision, and stated he had proposed an amendment to the bill which would have this limitation eliminated. He recommended approval.

Following a brief discussion, Mayor Finch stated that the Council will defer action on this matter to the April 17 meeting.

City Attorney Cogswell informed the Council that he and the attorney representing several city police officers who were under indictment in the courts were successful in having these cases dismissed. Council commended Mr. Cogswell in this case.

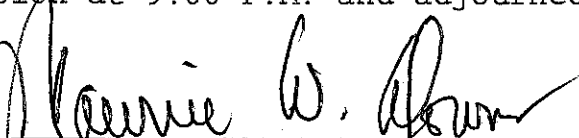
Matters of interest to City Council:

Mayor Finch informed Council that Mr. John Collie of the Joint Planning Board had informed her that he does not wish to be considered for reappointment when his term expires in June.

Mayor Finch informed Council of several requests for a study commission to be established for the formation of an historic properties and an appearance committee. She informed Council she will appoint two study committees this week for this purpose.

Mrs. Evans then offered motion at 8:45 P.M. that the Council enter into executive session to discuss matter of litigation, seconded by Mr. Dawkins and carried unanimously.

Council reconvened into regular session at 9:00 P.M. and adjourned at that hour upon motion made and duly seconded.


Maurice W. Downs
City Clerk

SPECIAL MEETING
TUESDAY
APRIL 17, 1979
9:50 P.M.
PUBLIC HEARING ROOM NO. 3
OLD COUNTY COURTHOUSE

Present: Mayor Beth Finch

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

Also Present: John Smith, Acting City Manager
Robert Cogswell, City Attorney
John Monaghan, Adm. Asst. to the City Manager

Absent: Mr. William G. Thomas, III, City Manager (illness)

Following a public hearing on the roll out cart system which began at 7:00 P.M., Mayor Finch reminded Council that they would give consideration to an amendment to the City Charter to permit condemnations of property for a Farmer's Market.

The City Attorney presented this matter and stated that the current City Charter provides authority to condemn property for a farmer's market. The proposed charter revision as it has been filed with the Legislature, would not give Council that authority. The proposed amendment would solve the problem. He recommended the amendment be approved.

Mr. Williams offered motion to accept the advice of the City Attorney and adopt the amendment to Chapter VIII, Article 5 as presented. Motion seconded by Mr. Hurley and carried unanimously.

The amendment appears below:

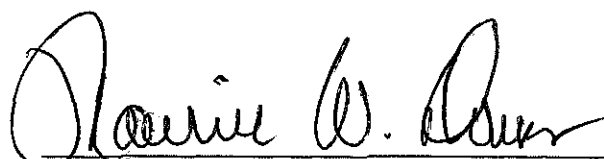
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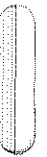
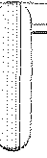
CHAPTER VIII MISCELLANEOUS

Article 5. Authority to Establish Open-Air Market

The City Council shall have the power to provide for the establishment, maintenance and regulation of open air or enclosed markets, may prescribe the time and place of sale of fresh meats, fish and other marketable products therein; may rent the stalls in such manner and at such prices as it may deem best; may appoint a keeper of the market or other persons, who may summarily condemn all unsound products offered for sale in the city for food, and cause the same to be removed at the expense of the person offering it for sale, and may from time to time adopt such ordinances, rules and regulations as it shall deem best governing and controlling in every detail the building, renting, use and operation of any market or market house, or any room or building used as such in which fresh meats or fish of any description are kept or offered for sale. The City Council shall have and is hereby given the right to acquire under its eminent domain authority title to any property needed for the purposes described herein.

Thereafter, this special session was adjourned at 9:52 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
APRIL 23, 1979
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. John Smith, Assistant City Manager
Mr. Robert Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

Absent: Mr. William G. Thomas, III, City Manager (due to illness)

Mayor Finch called the meeting to order and the Reverend Robert Weatherly, Minister of Wallstone Memorial Baptist Church. Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch then descended from the dais to the floor of the chamber and addressed the assembly, stating that on Tuesday, April 10, 1979, this community lost through death, one of its most prominent and best loved citizens. That person, she stated was Lenox Eugene (Gene) Plummer, a former City Councilman and a long time citizen of the community. Mayor Finch stated that Mrs. Lacy Plummer, widow of Gene and members of their family were present in the audience this evening. Mayor Finch then recognized Mrs. Plummer and requested her to step forward and join her at the microphone. Mayor Finch then read the following resolution honoring Mr. Plummer and then presented the framed copy to Mrs. Plummer and to the other members of Gene's family. Mrs. Plummer then excused herself and the other members of her family from the meeting but not before Mayor Finch expressed the hope that one of the sons or daughters would follow in their father's footsteps in City Government. The resolution appears below:

RESOLUTION

R1979-37

Lenox Eugene Plummer was elected to the City Council of Fayetteville, North Carolina in 1945. For more than twenty years he was instrumental in guiding City Government along a path of growth and progress. He was capable of dealing with all issues in an impartial and forthright manner and was particularly dedicated to the principle that each citizen should have an opportunity to be heard in the public forum and that his own decisions reflect equal treatment and consideration of every citizen.

Lenox Eugene Plummer, familiarly known as "Gene" was held in high regard by his constituents and associates and became a friend to every person he met. His exuberant personality, his extensive repertoire of humorous stories appropriate to every occasion, pride in his family, church and business, and his concern and interest in the improvement of City Government were among familiar characteristics that will be long-remembered.

His interest in City Government did not diminish with his retirement. He continued to offer encouragement and support on those matters that would assure improved conditions for all the citizens. His opinions were sought and highly respected, and his ideals are a legacy to those who hold and seek elected office.

Now, therefore, be it resolved that we, the Mayor and City Council, acting for all the citizens of Fayetteville, wish to express to the family of the late Lenox Eugene Plummer, their sympathy in the loss of a friend and loved one, and their appreciation for his outstanding service to the City of Fayetteville, and order this resolution be entered in the minutes of the regular meeting of the City Council on April 23, 1979.

/s/ Beth Finch
Beth Finch, Mayor

/s/ J.L. Dawkins
J.L. Dawkins,
Mayor Pro-Tem

/s/ Mildred Evans
Mildred Evans,
Councilmember

/s/ Marion C. George, Jr.,
Marion C. George, Jr.,
Councilmember

SEAL AND RIBBON

/s/ John W. Hurley
John W. Hurley,
Councilmember

/s/ Wayne T. Williams
Wayne T. Williams,
Councilmember

/s/ George O. Markham
George O. Markham
Councilmember

Mayor Finch then recognized Fayetteville Youth Council representative, Wade Harrell, Bobby Bosworth and Sean Alvarez present in the audience to observe Council proceedings. Mayor Finch stated that Sean is to be the Youth Mayor during Youth Week this year coming up the second week in May.

Mayor Finch then stated that Acting City Manager Smith had requested an executive session on a property transaction at the end of this meeting. There was no objection.

The first order of business was the approval of minutes. Upon motion by Mr. Williams, seconded by Mr. Hurley and carried unanimously, minutes of the regular meeting of April 9, 1979, 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 17, were approved as submitted by the Clerk.

Public hearings:

A public hearing had been published for this date and hour on the rezoning from P2 Professional District to C3 Heavy Commercial District or to a more restrictive zoning classification of an area located at 336 Ray Avenue.

At this point, Mayor Finch recognized from the audience, a Mrs. Laffitte, a property owner in the area who requested a temporary delay on this matter pending the arrival of her attorney to the meeting. With the permission of the Council and the petitioner's attorney, this matter was set aside until 7:30 P.M.

Council then moved to the next agenda item which was a special use permit request.

A public hearing had been published for this date and hour on a request for a special use permit for the operation of a medical doctor's office in an R5 Residential District located at 1630 Murchison Road. Planning Board recommended approval of the request. There was no opposition present.

Following a brief discussion, Mr. Dawkins offered motion for approval of the foregoing special use permit as requested and 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 a proposed annexation of the Church of the Open Door property on the south side of Cliffdale Road adjacent to the Fire Station #6. The Annexation Technical Review Committee recommended approval unconditionally. There was no opposition.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE PROPERTY OF THE CHURCH OF THE OPEN DOOR LOCATED ON CLIFFDALE ROAD. ANNEXATION ORDINANCE NO. 79-4-222.

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

A copy of the foregoing ordinance is on file in the Clerk's office in Annexation Book 1979.

A public hearing had been published for this date and hour on the proposed annexation of the National Guard Armory on U.S. 301 South. The Annexation Technical Review Committee recommended conditional approval, subject to the following condition: that the National Guard Armory dedicate an easement to PWC for the extension of utilities to the site and that a map of the site be provided for legal description purposes. The City Attorney reminded Council that it had taken action last December to annex this property, however, there was a legal technicality involved due to its being a state entity. The City Attorney advised Council to rescind their annexation action of December 11, 1978.

There was no opposition present.

Following a brief discussion, Mrs. Evans offered motion that the Council rescind its annexation action regarding the National Guard property of December 11, 1978 as recommended by the City Attorney, seconded by Mr. Dawkins and carried unanimously.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE THE NATIONAL GUARD PROPERTY ON U.S. 301 SOUTH. ANNEXATION NO. 79-4-223.

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

A copy of the foregoing annexation ordinance is on file in the Clerk's office in Annexation Ordinance Book 1979.

Council then moved to discussion of the first agenda item, the rezoning from P2 to C3 of the area at 336 Ray Avenue having been informed that Mrs. Lafitt's attorney was now present in the Council Chamber.

Planner Al Mitchell, informed Council that the Planning Board recommended approval of this rezoning.

Council then recognized Attorney, Rudolph Singleton, representing Mr. James Green and other persons of the area in behalf of the request for rezoning. Mr. Singleton stated that Mr. Green was requesting C3 zoning in order to establish a printing company and accounting office in a commercial building at this location which had been a former night club.

Mr. Harry Sherman, representing the Masonic Temple located in the area, was recognized in opposition to the rezoning stating that the C3 classification would open up the area for other commercial uses which would be detrimental to the area.

Attorney Dan Perry, representing Mrs. Laffitte, was also recognized in opposition to the proposed C3 zoning which he stated would allow another bar to operate in the area.

Mr. Singleton was recognized in rebuttal.

Mr. Sherman was recognized in rebuttal.

Following some discussion, Mr. Dawkins offered motion to deny the request for rezoning from P2 to C3 and that the area remain P2, seconded by Mr. Williams and carried unanimously.

A public hearing had been published for this date and hour on confirmation of the assessment roll for the paving and other improvement of Michael Street from Willborough Avenue to Emeline Avenue. The City Engineer presented this matter and stated the assessment rate is at \$4.00 per front foot.

Council recognized Mr. Peter J. Vurnakes, a property owner on Michael Street who asked if other property owners had been assessed for street paving. Mr. Dawkins replied that they had with the exception of Willborough Avenue in the area which was approved for revenue sharing funds. Mr. Vurnakes expressed his protests and of the discrimination because those residents had not been assessed while the residents on his street were being assessed.

Mr. George Houston, Mr. Bobby West and Mr. J.B. Polk, all Michael Street property owners were recognized in opposition to the assessment and stated they had not received notice of the amount of the assessment between the time Council approved the street for paving and the notice of the assessment due and of this public hearing. It was pointed out by Mayor Finch that the City Clerk had certified in writing this evening that notices of the assessment and of this public hearing had been mailed to all property owners on April 11, 1979. The Clerk stated that none of the notices mailed from his office have been returned from any of the Michael Street addresses. Mr. West then stated that he did receive the notice of assessment and public hearing from the City Clerk's office.

It was also pointed out during the discussion that the preliminary resolution mailed to the property owners prior to the paving project indicated the rate would be at \$4.00 per front foot.

Following some discussion, Mr. Dawkins offered motion at 8:00 P.M. that the assessment roll for Michael Street be confirmed at no more than \$4.00 per front foot by the adoption of the assessment ordinance, motion seconded by Mr. Hurley and carried unanimously.

The ordinance title appears below:

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF MICHAEL STREET FROM WILLBOROUGH AVENUE TO EMELINE AVENUE. ORDINANCE NO. NS1979-39.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book 1979.

A public hearing had been published for this date and hour on the confirmation of the assessment roll for the paving and other improvement of Hull Road from North Churchill Drive eastwardly to its dead end. The City Engineer presented this matter and stated the assessment rate was at \$4.00 per front foot. The City Clerk had certified in writing this evening that all property owners had been mailed notice of the assessment and of this public hearing.

Mr. Steven Horn, a resident property owner of Hull Road, was recognized and informed Council that he was dissatisfied with the paving project. He stated that to his own personal observation of the contractors crew, they had permitted a level line to fall which caused a depression in the paving where considerable water would stand.

He stated he felt he should not be required to pay for this paving for this reason.

A Mrs. Lanna Peoples and Mr. J.R. Dawkins, resident property owners were recognized in opposition to the amount of the assessment and with dissatisfaction with the paving quality respectively.

Following a brief discussion, Mr. Williams offered motion to continue this public hearing to the May 14 meeting and that the City Engineer check the alleged discrepancies on Hull Road as well as Michael Street, seconded by Mr. Dawkins and carried unanimously.

A public hearing had been published for this date and hour on the confirmation of the assessment roll for the paving of Oliver Street from Sandhurst Drive to the northwest corner of Lot 10, Block A, Plat Book 18, Page 38, Cumberland County Registry.

The City Engineer introduced this matter and stated the assessment rate was at \$4.00 per front foot.

There was no opposition present.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENTS OF OLIVER STREET FROM SANDHURST DRIVE TO THE NORTHWEST CORNER OF LOT 10, BLOCK A, PLAT BOOK 18, PAGE 38, CUMBERLAND COUNTY REGISTRY. ORDINANCE NO. NS1979-40.

Mr. Williams introduced the foregoing ordinance and moved its adoption at 8:25 P.M., seconded by Mr. Dawkins and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1979.

A public hearing had been published for this date and hour on the confirmation of the assessment roll for the paving and other improvements of Sandhurst Drive from the end of the old pavement at Beaumont Road to a point 50 feet west of the northwest corner of Lot 11, Block H, Plat Book 18, Page 38, Cumberland County Registry.

The City Engineer presented this matter and stated the assessment rate was \$4.00 per front foot. There was no opposition present.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT ON SANDHURST DRIVE FROM THE END OF THE OLD PAVEMENT AT BEAUMONT ROAD TO A POINT 50 FEET WEST OF THE NORTHWEST CORNER OF LOT 11, BLOCK H, PLAT BOOK 18, PAGE 38, CUMBERLAND COUNTY REGISTRY. ORDINANCE NO. NS1979-41.

Mr. Williams introduced the foregoing ordinance at 8:30 P.M. 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 NS1979.

Public hearings to be set:

Acting City Manager Smith informed Council that the first item, a proposed annexation had been scheduled for a public hearing on May 28, however, May 28, the scheduled date of the second regular meeting of the Council in May was a federal, state, county and city holiday (Memorial Day) and Council may wish to consider rescheduling the May 28 meeting to another date.

Mr. Williams then offered motion that the regular Council meeting of May 28, be rescheduled to Tuesday, May 29, seconded by Mr. Dawkins and carried unanimously.

Mr. Williams then offered motion that a public hearing be advertised for May 29, 1979, on the consideration of the proposed annexation of 3502 Boone Trail and for the setting of the public hearing on May 14, 1979, by the adoption of a resolution calling for a public hearing concerning the Collier Drive Community Development Program, 1978/1979, motion seconded by Mr. Dawkins and carried unanimously.

RESOLUTION OF THE CITY OF FAYETTEVILLE CALLING FOR A PUBLIC HEARING ON COLLIER DRIVE COMMUNITY DEVELOPMENT PROGRAM. R1979-38.

A copy of the foregoing resolution is on file in the Clerk's office in Resolution Book R1979.

Planning Board matters:

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, conditional approval was given to Three Colonies Section 3, Group development preliminary and final revision review located on Cliffdale Road as recommended by the Planning Board.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, conditional approval was given Wolf Subdivision preliminary and final review located

Russell Street at Eastern Boulevard as recommended by the Planning Board.

PWC Matters:

Council heard request and recommendation from the PWC for the extension of water, sanitary sewer and electric utilities to a proposed industrial site outside the city. Mr. Muench informed Council that the PWC has approved this matter and that it was also being submitted to the County Commissioners for their approval this evening. He stated the total cost of the extension project would be approximately \$32,000. Mr. Muench requested Council's approval of these extensions.

Following a brief discussion, Mr. Dawkins offered motion to approve the foregoing as recommended and requested by PWC and that the Mayor and Clerk be and they hereby are authorized and directed to sign said letter of approval, in behalf of the City, seconded by Mr. Williams and carried unanimously.

Upon motion by Mrs. Evans, seconded by Mr. Williams and carried unanimously, approval was given to an application by Raymond L. Cheek for one one-inch water connection to the existing main to serve a residence at 235 West Mountain Drive outside the city, as recommended by PWC.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, approval was given an application by Buckhead Inc., for extension of approximately 234 feet of 8 inch sanitary sewer main to serve two lots on Nobie Street outside the city as recommended by PWC.

Upon motion by Mrs. Evans, seconded by Mr. Hurley and carried unanimously, the low bid by Robert W. Chapman Co. in the amount of \$13,287.97 for a distribution transformer testing table was approved as recommended by PWC.

PWC Manager Muench informed Council that bids were received on March 28, 1979, for modification of the Cross Creek treatment plant digester aeration system. The bids were as follows:

Sanitaire, Inc.	\$76,613.68 for aeration diffusers.
Aerotech, Inc.	\$58,995. (Capital cost for air compressors)
Electrical Equipment Co.	\$29,738. for electric motors
Heyward Services Corp.	\$14,537. for valving

Following some discussion of this matter, Mr. Williams offered motion to grant the necessary budget amendment and approve the foregoing low bids as recommended by PWC, seconded by Mr. Dawkins and carried unanimously.

Councilman Dawkins stated to Mr. Muench that it was his understanding that a replacement had been hired to fill the vacancy of Assistant PWC Manager created by the resignation of Mr. Joe Stowe. Mr. Muench stated this was correct and that PWC had hired Mr. Tim Wood in this capacity and that Mr. Wood was a native of Great Britain, was a former teacher in the Fayetteville City School System and former City Manager of Lumberton. Mr. Muench stated the commission felt itself fortunate to have secured Mr. Woods services.

Council next gave consideration to an ordinance requiring the Building Inspector to correct conditions at 224 West Rowan Street. (This matter given a 90 day extension at the January 22, 1979 meeting, provided that they obtained a permit within ten days). The City Attorney presented this matter and stated that the City Housing Inspector indicated in a letter that as of this date, Mr. W.J. Wiggs, Ms. Janet McLeod and Ms. Rossie S. Wiggs, joint owners of 224 West Rowan Street had obtained a demolition permit for this substandard structure and requested that City Council take no further action. Council took no action on this matter as recommended.

Council next considered the proposed transfer of Street Maintenance functions to the City Engineering Department. (This matter continued from the April 9, 1979 meeting). Acting City Manager John Smith presented this matter and reminded Council that the study had been completed and the presentation made at the previous meeting and recommended approval of the transfer effective July 1, 1979.

Mr. Williams offered motion that the transfer of the Street Maintenance functions from the Street Department to the City Engineering be made as recommended, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to authorizing the City Attorney to collect delinquent paving assessments. The City Attorney presented this matter and stated that he had been attempting to collect these assessments since the first of the year. Some of the accounts are close to ten years old and if action is not taken shortly, the City will not be able to collect some of these amounts due to the statute of limitations. Under the tax statute, he stated, a tax lien sale is not a prerequisite to the foreclosure action. In his opinion, he stated, a tax lien sale would be a waste of money because of the advertising cost involved and the fact that there would probably be very few private parties that would bid for the liens. Therefore, he recommended that Council authorize foreclosure on the following

accounts:

Blackwell, Gloria	\$ 194.12
Blue, Roscoe	141.12
Blue, Roscoe	1,185.98
Cox, Catherine	304.28
Ford, John Jr.	563.06
Godwin, Lacy	1,027.04
Moore, J.C.	89.00
Nixon, Willie	129.65
Trustees, Antioch Church/God	466.26
Van Zant, Charles	511.71
Waitman, Gerald	70.44
Godwin, Lacy	2,900.80
Trustees, United Church of God of Antioch	1,317.20
Worsham, Olan	270.49
Campbell, Richard A.	236.52
Cherry, Ada	131.66
Davis, Wm. W. Heirs	279.81
Jessup, J.V., Const. Co.	38.88
McDuffie, Dan C.	127.47
Scarborough, Q.J. Sr.	675.61
Stubbs, L.E.	1,299.77
Trustees, Johnson Mem. Meth.	2,980.98
Wright, Joshua	168.46
Alexander, Louis	298.12
Allen, G. Wesley	158.46
Allen, Sylvia X.	894.50
Evans, James L.	961.43
Jessup, J.V.	357.80
McCallum, Dannie	164.72
Tucker, Mary	206.28
Wood, Ernest	165.46
Total	\$18,445.00

Following a brief discussion, Mr. Dawkins offered motion, seconded by Mr. Williams that the City Attorney be and he hereby is authorized and directed to collect the foregoing delinquent paving assessments in behalf of the City, motion carried unanimously.

Council next gave consideration to a revision to Section 22-45 of the Personnel Ordinance dealing with sick leave. The City Attorney presented this matter and stated that a change in the City's Personnel Ordinance, dealing with disability leave, was now required by Federal regulations and recommended Council's adoption of the amending Ordinance. The amendment would delete the word, "anticipated" from Section 22-45.

AN ORDINANCE AMENDING CHAPTER 22, PERSONNEL OF THE CITY CODE OF FAYETTEVILLE. (DISABILITY LEAVE). ORDINANCE NO. S1979-10.

Mrs. Evans introduced the foregoing ordinance and moved its adoption to revise Section 22-45 as recommended by the City Attorney, seconded by Mr. Williams and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1979.

Council next gave consideration to taxi driver permits. The Acting City Manager presented this matter and stated the following named persons were recommended by the Taxi Inspector, the Chief of Police and himself for taxicab driver permits:

William Henry Bowen	Robert Edward Nickerson
Mark E. Kominski	George Junior Hayes
Charlotte Ann Jibben	Theodore A. Zellars
Richard Lyle Gathaway	Kenneth S. Burch
Deborah Ann Charles	Thomas Michael Grancis
Hal Stephen White	Stephen Paul Shampine
Henry Lee Stewart, Jr.	William Christopher Delavalle
Richard Charles	James Robert Caulder
Silvio Wolfgang Jacob	Richard Evon Murray

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

Delegations:

Council recognized Mr. Bill Bowser, who requested a progress report on the affirmative action plan as it relates to minorities. Mr. Bowser was referred to the City's affirmative action coordinator. Mr. Bowser commented on the City's choice to go outside the City to hire a purchasing agent. Mayor Finch thanked him for his comments.

City Manager reports:

The City Manager reports were presented by Acting City Manager, John Smith.

Mr. Smith informed Council that he was in receipt of a letter from Mr. Arthur W. Cobb, President of the Downtown Fayetteville Association, requesting that the City lease office space in the Market House to the Association. The association has offered to pay \$50. per month or \$600. per year for the lease, he stated. If the Council gives favorable consideration to this request, Mr. Smith said he would recommend at a minimum the following conditions:

- 1) The Downtown Fayetteville Association be required to furnish sufficient liability insurance.
- 2) The association be liable for any taxes which might be charged to the Market House as a result of it being leased out.

Mr. Smith further recommended that City Council authorize the City Attorney to draw a lease, if desired.

Mr. Horace Thompson, of the Downtown Revitalization Commission was recognized and stated that Mr. Henry and his secretary had relocated into the Market House today and that the association would share the quarters with them. He stated the Downtown Revitalization Commission will pay the utilities out of their budget. He recommended approval of the Downtown Fayetteville Association's request at the nominal fee of \$600. per annum less the insurance premium.

Following some discussion, Mr. Hurley offered motion that Council endorse the leasing of the Market House to the Downtown Fayetteville Association and that a proper lease be drawn by staff and brought back to City Council on May 14 for reconsideration and that the lease be approved at \$550. per annum with the additional provision that the Council authorize the Acting City Manager to sign the lease, motion seconded by Mr. Williams and carried unanimously.

Council next gave consideration to the disposition of the roll out cart equipment. Mr. Smith informed Council in a memorandum that the 90 day test of the roll out cart system will be concluded at the end of April. A determination needs to be made prior to the end of this month as to the disposition of the lease of the equipment. Mr. Smith recommended an extension of the present contract on a thirty day basis, the lease of the equipment. The cost of extending the lease on the containers and the dumper units for thirty days will be approximately \$3,600. per month. If the Council desires to test additional areas of the City, there would of course be an additional cost involved in printing and postage as well as a considerable amount of staff time. Council may wish to postpone discussion or decision on this matter, he stated, and set a special meeting prior to the end of the month to discuss not only the test program, but also all of the ramifications of implementing the roll out system Citywide.

Following a brief discussion, Mr. Williams offered motion that the Council meet on this matter at 7:00 P.M., on Tuesday, May 1, in the Kyle House, seconded by Mr. Dawkins and carried unanimously.

Mr. Smith informed Council that he had received a request from the Cumberland County Heart Association for free parking. Mr. Smith recommended that this be considered by the policy committee.

Mr. Williams offered motion to follow the foregoing recommendation of the Acting City Manager and refer this request to the policy committee, seconded by Mr. Dawkins and carried unanimously.

Mr. Smith informed Council that he had received a request from Mrs. Virginia Satsky of the Fayetteville Chapter of Hadassah of the B'Nai B'rith, Beth Israel Synagogue to hold an art auction from 7 p.m. to 11 p.m. on May 6. Mr. Smith recommended approval of the request, subject to the City Attorney receiving the necessary letter, since May 6 is on a Sunday.

Mr. Williams offered motion to grant the foregoing request subject to the City Attorney receiving the necessary letter, seconded by Mr. Dawkins and carried unanimously.

Mr. Smith informed Council that he was in receipt of a request from the Church of Christ Disciples of the World, that the Ole Ship of Zion Crusade for Christ be permitted to take place on May 5, 1979, at 10 a.m. The Crusade will begin at Cumberland County Courthouse on Person Street and follow the route going to Hay Street, turning right on Hillsboro Street, down Murchison Road to Fayetteville State University. This request had been coordinated with Sgt. Pirro of the Fayetteville Police Department Traffic Division.

Mr. Hurley offered motion that the Council honor the request, seconded by Mr. Evans and carried unanimously.

Matters of interest to the City Council:

Mr. Hurley requested that the Acting City Manager look into the situation at


Glenville Park, Clark Park and Pope Park to see if uniform officers were on duty there, since the beginning of the park opening season. Mr. Smith acknowledged the request.

Mrs. Finch asked the City Engineer to investigate the possible installation of a left turn signal from Hay Street onto Highland Avenue, since considerable congestion existed at this location at certain hours of the day. The City Engineer acknowledged the request.

Mrs. Evans commented on the limited parking for Glenville Park and the City Attorney stated they are working on this situation.

Mr. Williams then offered motion, seconded by Mr. Dawkins and carried unanimously, that the Council enter into an executive session at 9:50 P.M. to consider a property transaction.

Council reconvened into regular session at 10:10 P.M. and adjourned this regular session upon motion made and duly seconded without taking any further action.


Maurice W. Downs
City Clerk

SPECIAL MEETING
TUESDAY
MAY 1, 1979
8:30 P.M.
COUNCIL CHAMBER
KYLE HOUSE

Present: Mayor Beth Finch

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

Others Present: John Smith, Asst. City Manager
Robert Cogswell, City Attorney

Following an informal discussion on the roll-out cart system of garbage collection which began at 7:00 P.M., Council, upon motion by Mrs. Evans, seconded by Mr. Williams and carried unanimously, voted to enter into this special session to transact business as to the Sanitation Department.

Mr. George then offered motion that the contracts concerning the garbage cans not be extended at this time, but that City Council and City Administration will continue to study options to see if there are any reasonable methods by which the work of the sanitation workers can be lightened in the near future, and any savings be effected also. Motion seconded by Mrs. Evans and carried unanimously.


Following some further discussion, Mr. Williams offered motion that the issue of the roll-out cart curbside garbage pickup system vs the backyard pickup be given to the voting public on a straw vote on June 19 per the conditions stated by the City Attorney earlier. Motion seconded by Mr. Hurley.

During discussion that followed, the City Attorney recommended against the straw vote reiterating that the City would have to conduct the vote in its entirety inasmuch as the vote could not be placed on the ballot without action by the General Assembly and the Cumberland County Board of Elections would be prohibited from handling it.

Following this, Mr. Hurley withdrew his second from the motion and Mr. Williams withdrew his motion for the straw vote.

Mr. Williams then offered motion to decide the issue by placing it on the agenda for the next regular meeting of the City Council to be held on May 14. Motion seconded by Mrs. Evans and carried unanimously.

This special session was then adjourned at 9:00 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MAY 14, 1979
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. John Smith, Acting City Manager
Mr. Robert Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

Absent: Mr. William G. Thomas, III (due to illness)

Mayor Finch called the meeting to order and the invocation was offered by City Attorney Cogswell. Following the invocation, Mayor Finch led the audience in the Pledge of Allegiance to the Flag.

Mayor Finch then came down to the audience and recognized Little Miss Fayetteville, Angela Dawn Grady, a very charming little 5 year old, welcomed her to the Council Meeting this evening and stated that all of the citizens of Fayetteville were appreciative of her efforts in representing her City and then presented her with a Market House charm pin.

Little Angela then responded with thanks and stated to the Mayor and Council that it was an honor for her to be here this evening and presented a gift to the Mayor. Following this, Little Angela was accorded a vigorous round of applause.

Mayor Finch then recognized members of the Fayetteville Youth Council: Sean Alvarez, the Youth Week Mayor; Johnny Little, Bobby Bosworth, Sharon Lindsay, Genevieve Exum, Wade Harrell, Russell Wofford, and others. Mayor Finch expressed the thanks of herself and Council for the Youth Council activities during Youth Week, and presented all of those present with City Flag pins. Sean Alvarez, then responded for the group and read a resolution of thanks adopted by the Youth Council to the Mayor and City Council for their assistance and cooperation.

The 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 April 23, 1979 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 May 1, 1979, were approved as submitted by the Clerk.

The Mayor informed Council that the City Manager had requested an executive session at the end of this meeting to discuss property acquisition and upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, such executive session was set.

Mayor Finch informed Council that the North Carolina Department of Transportation had issued a resolution of thanks to the City for hosting the Department of Transportation meeting this month and for the City's continued interest in transportation. Mayor Finch then turned the framed copy of the resolution over to John Monaghan, the Administrative Assistant to the City Manager for placement in the Kyle House.

Public Hearings:

A public hearing was held as continued from the April 23 meeting on confirmation of the assessment roll for the paving on Hull Road from Churchill Drive eastwardly to its dead end. This matter was continued from the April 23 meeting in order to give the City Engineer an opportunity to check complaints from the residents regarding construction. The City Engineer then presented this matter and stated that some of the property owners of the April 23 meeting had complained about a section of gutter ponding water in some of the bank slopes. He stated he had reviewed the construction and suggested that the City replace a section of curb and regrade bank slopes abutting two properties. He stated he had attempted to get this work accomplished last week but the contractor was unable to schedule this work at that time. He suggested to Council continuance of this public hearing until June 25 at which time, he believed all work would be completed.

There were neither proponents nor opponents present.

Mr. Williams then offered motion to continue this public hearing on Hull Road to the June 25, 1979 meeting, seconded by Mr. Dawkins and carried unanimously.

A public hearing had been published for this date and hour on consideration of the Urban Renewal plan for the Collier Drive Community Development Program, Program Year 1978/79. Mr. Richard Herrera, Executive Director of the Community Development Department, was present and presented this matter, stated that the Commission had approved a resolution under which relocation payments would be made for this program

and informed Council that the commission requested approval.

A Mrs. Mamie Thompson and a Mr. Douglas Hall, residents in the area, were recognized in favor. There was no opposition present.

Following a brief discussion, Mrs. Evans offered motion for approval of the plan as presented this evening and as requested by the Commission, motion seconded by Mr. George and carried unanimously.

A public hearing had been published for this date and hour on the consideration of an increase in bus fares of the Fayetteville Area System of Transit. Acting City Manager, John Smith presented this matter and reminded Council that this matter had been before Council previously and approved and this hearing tonight was to conform with UMTA's requirement that the matter be advertised and such advertisement had been made. There were no proponents present.

Mr. Clinton Harris, a local citizen, was recognized in opposition to the rescheduling of fares, stating that funds should be extended for pedestrian rights-of-way.

Following a brief discussion, Mr. Dawkins offered motion to follow the recommendation of the City Manager and the Transit Department and adopt the new fares effective July 1, 1979, seconded by Mr. Williams and carried unanimously.

Public hearings to be set:

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

- A. A request from Wachovia Mortgage Company to close a portion of Coronation Drive in Ascot Subdivision set for June 25, 1979.
- B. Consideration of the proposed Fiscal Year 1979/80 City of Fayetteville Budget, set for June 4, 1979.
- C. A proposed exchange of land between Fayetteville Technical Institute and the City of Fayetteville, set for June 25, 1979.

PWC Matters:

Council recognized PWC Manager, Ray Muench, who introduced Mr. Timothy Wood, the new Assistant PWC Manager. Council welcomed Mr. Wood aboard.

Mr. Muench presented a request to the Council from PWC to authorize the Mayor and City Clerk to execute four contracts for additional modifications leading to completion of the Cross Creek Wastewater plant. (Low bids for this work and award of contracts were approved at previous City Council meeting)

Mrs. Evans then offered motion, seconded by Mr. Williams for approval of the foregoing request and that the Mayor and Clerk be and they hereby are authorized and directed to sign said contracts, motion carried unanimously.

Mr. Muench then presented for Council's consideration, bids for purchases of various electrical conductors. The following were the low bids submitted and were recommended by PWC:

General Electric Supply	\$25,882.56
General Electric Supply	3,565.28
Mill Power Supply	7,607.25
General Electric Supply	1,463.63
Mill Power Supply	25,698.00
Mill Power Supply	23,212.80
General Electric Supply	31,050.00

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

Mr. Muench then presented several applications for water and/or sanitary sewer connections outside the city and they were approved as follows:

Upon motion by Mr. Hurley, seconded by Mr. Dawkins and carried unanimously, one one-inch water connection for Loyd W. Sills for a residence on River Road.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, one one-inch water connection for J.V. Butler at 2134 Cumberland Road.

Upon motion by Mrs. Evans, seconded by Mr. Dawkins and carried unanimously, one one-inch water and four inch sanitary sewer connection for 5013 Collins Street for John C. Lewis, also one four inch sanitary sewer connection for Luther M. Gore, Jr. for 5106 Higgins Street, also two one-inch water connections for Thomas P. Hall in Bonnie Doone Area.

Upon motion by Mr. Williams, seconded by Mrs. Evans and carried unanimously, one four-inch sanitary sewer connection for David J. Cameron on Camden Road and one

one-inch water connection for Walter Mulrooney on Legion Road. Mr. Muench then asked permission of the Council to present an additional matter, that of utility pole bids not on the agenda this evening and upon motion by Mr. Williams, seconded by Mr. Hurley and carried unanimously, such additional matter was approved for presentation at this time.

Mr. Muench informed Council that bids had been received for the purchase of various utility poles and that PWC recommended approval of the low bid. Mr. Muench then displayed a visual projection of the bids and stated that PWC recommended accepted of the low bid of the Koppers Company in the amount of \$24,624.65.

Following the presentation, Mr. Williams offered motion for approval and award the bid to the Koppers Company, seconded by Mrs. Evans and carried unanimously.

Council next gave consideration to a proposed ordinance requiring the Building Inspector to correct conditions at 725 Athens Avenue. (This was given a 6 month extension from October 30, 1978.)

The City Attorney presented this matter and stated that the Housing Inspector reported that on October 31, 1979, the owner, Mr. James Babb had obtained a building permit, but as of this date no repairs have been completed. The City Attorney stated that it was his understanding the condition of Mr. Babb's health has prevented his compliance with the code, and suggested a 90 day extension, granted conditionally that a building permit be secured within ten days.

Following a brief discussion, Mr. Williams offered motion, seconded by Mr. Dawkins and carried unanimously to grant the foregoing matter a 90 day extension provided a building permit was secured within ten days.

Council next gave consideration to the Roll-out Cart System for garbage and trash collection.

Mr. Dawkins introduced this matter with comments that serious consideration had been given by the Council to the problems of the elderly and to matters of terrain and topography as well as to beauty and appearance comparisons.

Mr. Hurley then offered the following comment and motion.

Due to the overwhelming positive response in the test areas for the proposed Roll-out System of garbage collection, and because of the significant substantial savings to the city in the future, and because of the overwhelming unpopularity of tax increases in general, and because of the impending fuel shortage I would like to make the following motion:

I move that the City Council instruct the staff to draft an ordinance to adopt the proposed Roll-out curbside system of garbage and trash collection as presented to Council by administration with the following stipulations:

1. For those who are unable physically to roll the containers to and from curbside, that they be instructed to write a letter to the city simply stating their inability and then it shall be the city's responsibility to roll the carts to and from curbside for them at no charge.
2. Those residents who are physically able however, but prefer not to roll the carts to and from the curb, the city will perform this service for them at an annual charge of \$26.00. (This represents approximately .50 per week).

Motion seconded by Mr. Dawkins.

The matter was then discussed at length with comments being offered by Councilmembers Williams, George and Evans.

Mayor Finch stated that although this was not a public hearing as such, she would and did recognize some comments from the large contingent of persons present in the audience on this matter.

Following this, City Attorney Cogswell suggested an amendment to the foregoing motion that following the word "administration", strike out the word "with" and add "including but not limited to" (stipulations).

Mr. Hurley and Mr. Dawkins considered the suggested amendment favorably.

Acting City Manager, John Smith suggested the advertising of bids for the carts and consideration of the suggested ordinance at the same time.

Following some further discussion, Mayor Finch called for a vote on the motion as amended, and the vote was as follows:

For: Councilmembers Markham, Hurley, Dawkins, Williams and Evans; Against: Councilmember George. Mayor Finch declared the motion carried by a vote of five for, and one against.

Mr. Williams then offered an additional motion to authorize the Acting City Manager to receive the bids for necessary equipment as soon as possible if the ordinance is adopted, motion seconded by Mr. Dawkins. Mayor Finch called for a vote on this motion and it was as follows: For: Councilmembers Markham, Hurley, Dawkins, Williams and Evans; Against: Councilmember George. Mayor Finch declared the motion carried by a vote of five for and one against.

Council next gave consideration to the award of bids for improving various streets.

The City Engineer presented this matter and stated that bids had been received for the following projects:

I. Drainage and paving:

1. Hunter Circle from Owen Drive to Owen Drive.
2. Bradford Avenue from Branson Street to Ellis Street
3. Willborough Avenue from Raeford Road to Cul de sac
4. Friendly Road from Owen Drive to Cul de sac
5. Devers Street from Hull Road to Ft. Bragg Road
6. Broadfoot Avenue extension from Branson Street to Simpson Street

II. Drainage, paving and water and sewer utilities:

1. Levy Drive from Robeson Street to Dixon Drive
2. Dixon Drive from Levy Drive to Edmonton Road

III. Moore Street drainage project.

IV. Intersection improvements:

1. Churchill Drive and Ft. Bragg Road
2. Cool Spring Street and Campbell Avenue
3. Campbell Avenue and Old Wilmington Road

V. Bus pull-out on Ft. Bragg Road abutting Honeycutt Recreation Center.

The City Engineer stated the contract is on a unit price basis for each item of construction and recommended awarding the contract to the low bidder, Johnson Brothers Paving and Utility Company, Inc. of Lillington, North Carolina based on the low unit price in the amount of \$725,898.52.

Mr. Williams then offered motion to follow the foregoing recommendation of the City Engineer and award the bid to Johnson, seconded by Mr. Hurley and carried unanimously.

Council next gave consideration to the revision of the traffic schedules.

The City Engineer presented this matter and stated the first proposed ordinance dealt with a changing a stop intersection at Ira Street and Cowan Street. City Engineer recommended adoption of the ordinance.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE NO. 6 "STOP INTERSECTIONS", IRA STREET-COWAN STREET. ORDINANCE NO. NS1979-42.

Mr. Williams 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 Ordinance Book NS1979.

The second ordinance dealt with the elimination of parking along Dick Street, the west side thereof. The City Engineer presented this matter and stated that he was in receipt of a request from three law firms located at 300, 310 and 330 Dick Street to eliminate parking on the west side of Dick Street from Halliday Street Campbell Avenue, excepting the 80 feet of on-street parking area located in front of Fayetteville Day Nursery School at 337 Dick Street. They contended, the City Engineer stated, that the width of the street-24 feet- is such that on street, parallel parking creates a hazard for moving traffic going through the area. The street is also used extensively by law enforcement vehicles from the law enforcement building. The City Engineer stated that he concurred in the request and that the elimination of street parking will also encourage utilization of the off-street parking areas. He recommended passage of the ordinance.

Council recognized Mr. Al Mitchell, who stated he parked on this street daily, and that the elimination of this parking could create a hardship for those who use the street for this purpose and flood the off-street parking areas beyond their capacities. Mr. Mitchell requested that this matter be delayed to the June 11 meeting for further study.

Following a brief discussion, Mr. George offered motion to postpone action on this

matter to the next regular meeting on May 29, and that the residents and business houses in the area be notified, seconded by Mrs. Evans and carried unanimously.

Council next gave consideration to a reapplication for a Federal Grant for a Traffic Signal System Needs Survey. The City Engineer presented this matter and stated that last year the city made application and a grant was approved in the amount of \$35,000 with additional \$15,000. committed by the City for a Signal System Needs Survey. The objective of the survey was to analyze the existing traffic signal system including various interconnecting progressing systems the City now has and to make long range city-wide improvements. The project was to utilize Federal funds administered by the Governor's Highway Safety Office. The original grant expenditures were supposed to begin on 10-1-78 in all phases completed by 3-30-79. The Governor's Highway Safety Office realized the original project time was short and advised that the project should be put on hold and a reapplication made for a new grant in the same amount to be applied for by the City and the project scheduled for a full year beginning 10-1-79. No City Federal Funds were expended under the old project.

We believe, he continued, accomplishing the project would be worthwhile to the City and to NCDOT. He recommended approval of the reapplication along with authorization and signing by the Mayor and Clerk.

Following some discussion of the request, Mrs. Evans offered motion to follow the foregoing recommendation of the City Engineer and approve the reapplication for the traffic Signal System Needs Study, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a request for a sign variance.

Council recognized Attorney Stacy Weaver for his clients, Mr. Jerry McCall and Mr. Charles McLaurin, to a request of the City Council for a variance of the setback requirement of two billboards in the right-of-way line located on the eastern side of Hillsboro Street and the northern side of the CBD Loop. There was a lengthy discussion of this request with particular attention being given to the ordinance recently adopted by City Council at the request of local citizens regulating the placement of such signs and/or billboards in the City.

Following this discussion, Mr. Williams offered motion that the request be denied, seconded by Mrs. Evans and carried unanimously.

Council next gave consideration to a proposed ordinance amending Chapter 17, "Licenses", of the City Code. The City Attorney presented this matter and stated that the proposed ordinance dealt with identification cards for entertainers, specifically Section 17-4(8).

Following a lengthy discussion of this matter, Mr. Williams offered motion to postpone action on this proposed ordinance until the June 11 meeting, seconded by Mr. George and carried unanimously.

Council next gave consideration to a request from Police Officer John P. Croom, of the Fayetteville Police Dept. for legal representation by the City Attorney. The City Attorney presented this matter with an explanation.

Following a brief discussion, Mr. Williams offered motion, seconded by Mrs. Evans and carried unanimously to approve the request of Officer Croom, motion carried unanimously.

Council next gave consideration to the renewal of the contract with Haigh and von Rosenberg, CPA, to audit the accounts of the City.

The Acting City Manager presented this matter and stated that this was a renewal of the contract for the coming year for the audit of the City's books. He stated the estimated total cost would be \$17,500.

There was a lengthy discussion as to requesting proposals for this service from other audit firms.

Following this discussion, Mr. Williams offered motion that action be delayed on this matter to the June 11 meeting and that Acting City Manager Smith contact the Institute of Government and the League of Municipalities about other cities requirements on five year basis and come back to the Council with a recommendation, motion seconded by Mr. George and carried unanimously.

Council next gave consideration to bids for radar units and motorcycle radios.

Purchasing Agent, Al Jordan presented these bids and recommended acceptance of the low bids on each.

Mr. Dawkins then offered motion, seconded by Mr. Williams and carried unanimously that Associated Engineering Sales be awarded the contract for seven hand-held radars and two vehicle mounted radars for \$5,255. and that General Electric Company be awarded the bid for seven motorcycle radios for their bid of \$10,675.

Council next gave consideration to a request from Eutaw Shopping Center Merchants

Association for permission to sponsor a pyrotechnics display on July 4, 1979 at Eutaw.

The Acting City Manager presented this matter and recommended approval.

Mr. Hurley then moved for approval of the foregoing request, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to a request from the Fayetteville Revitalization Commission for the streets around the Market House to be closed for the Fayetteville International Folk Festival on October 6, 1979. Mr. Bob Henry, Executive Director of the Commissioner presented the request and asked for approval.

Mr. Williams offered motion, seconded by Mrs. Evans for approval of the foregoing request, motion carried unanimously.

Council next gave consideration to three appointments expiring in May to the Board of Appeals on Dwellings and Buildings. Mayor Finch stated that Mr. Horace R. Humphrey and Mr. F. Paul McGwier, two of the incumbents had agreed to serve again if reappointed, but that Mrs. Nita Miller had declined to serve again. Mr. George then nominated Mr. Humphrey and Mr. McGwier to the Board of Appeals, nominations seconded and carried.

Mayor Finch then stated that these nominees would be considered with any other nominations for the third vacancy at the next meeting of the Council on May 29.

Delegations:

Council recognized Mr. Bill Bowser with comments on the use of revenue sharing funds on the roll-out cart system approved by Council earlier this evening.

Council also recognized Mr. Clinton Harris who stated to the Council that this City Government administration has a policy of chicanery against the citizens of this City. He stated that contrary to what was stated earlier, 90,000 person have not ridden the City buses in connection with the rescheduling of bus fares. He stated to Council that no public input had been made on the roll-out cart system prior to the test period.

Council then recognized Mr. Milton Mazarick, Chairman of the Advisory Parks and Recreation Commission, on a request that parking be permitted on the north side of Belvedere Avenue between 5 and 11 on weekdays and on Saturday and Sunday for the use of Glenville Park. He informed Council that he had talked with Dr. Max Abbott, Superintendant of City Schools and had received permission to use the grounds of Margaret Willis School for the use of persons desiring to use Glenville Park, but that they still needed more parking space.

Following some discussion, Mr. George suggested consideration of this matter at the next meeting of the Council, and this was approved.

Mr. George then asked for recognition from the audience of Dr. Jesse Williams, the County Health Director.

Mayor Finch recognized Dr. Williams and welcomed him on the occasion of his first visit to a City Council meeting. Dr. Williams was invited to make any remarks. Dr. Williams informed Council that the North Carolina Public Health Association would hold its convention in the City of Fayetteville in September 1981, with from 650 to 1000 persons present for the five day convention. Dr. Williams remarked that it would be his efforts in the future to hold this convention in the City of Fayetteville on a regular basis.

Dr. Williams stated that their success in having the association hold its convention here in the City of Fayetteville in 1981, was the culmination of an attempt on their part to show the state and the nation the good side of the City of Fayetteville. Dr. Williams was enthusiastically commended by the Mayor and Council for this announcement and for his efforts on behalf of the community.

City Manager reports:

Acting City Manager John Smith, made a brief statement on the report on the Park Police as requested by the City Council at the last meeting and reminded Council that he had earlier distributed correspondence to the City Council from the Chief of Police concerning this matter.

Mrs. Evans requested a Police Patrol of Clark Park immediately, stating that she had received numerous complaints from the residents of Sherman Drive last Sunday.

Mr. Smith stated that he would meet with the Chief of Police and the Recreation and Parks Director later on this matter, and report back to the City Council.

Council recognized City Attorney Cogswell, who stated that the charter has received its second reading before the General Assembly and informed Council that action needed to be taken to continue the City as a bird sanctuary. Mayor Finch replied that since this was not an agenda item for this evening it would not be considered at this time.

Acting City Manager Smith reported on Amtrack Service to the City and stated that this matter was still under consideration by Congress, but there was no anticipated loss of the present Amtrack service to the City.

Matters of interest to the City Council:

Mr. George stated he wished to extend congratulations to the Councilmembers on the Gargage Collection System action this evening even though he was opposed to the question, he was of the feeling that a critical point had been reached on the question.

Mrs. Evans offered suggestion that Council seek another exit and entrance into Clark Park.

Mr. Williams requested the Acting City Manager to provide information to the Council on excess City property.

Mayor Finch informed Council that the Downtown Revitalization Commission had requested Council to give approval to the proposed funding by the state for the State Office building which hopefully will be located in downtown Fayetteville. Mayor Finch was requested to write a letter indicating Council's approval.

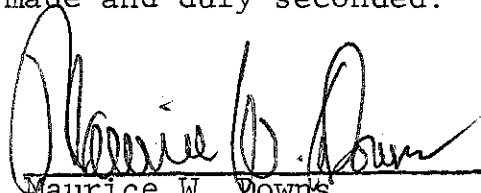
Mayor Finch informed Council that she had received a letter from Mr. W.T. Brown, a longtime member of the Advisory Recreation and Parks Commission in which Mr. Brown regretfully indicated his intention to resign.

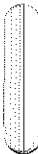
Council then moved into executive session at 10:30 P.M. to consider a property acquisition matter.

Council reconvened into regular session at 10:55 P.M.

Mr. Williams offered motion that City Council adopt resolutions authorizing the condemnation of a parcel of land on Levy Street and a parcel of land on Cool Spring Street, motion seconded by Mrs. Evans and carried unanimously.

Thereafter, all matters of business having been completed, this regular session was adjourned at 10:58 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MAY 29, 1979
7:00 P.M.

Present: Mayor Beth Finch

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

Absent: Mr. William G. Thomas, III, City Manager (due to illness)

Others Present: Mr. John Smith, Assistant City Manager
Mr. Bob Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and the Reverend Allan Griffin, of the Trinity Baptist Church on Hillsboro Street gave the invocation. Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch then recognized the Youth Council Representatives present in the audience this evening: Lin Hiller, Bud Hiller, Tammy Bunn and Robert Leath.

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 May 14, 1979, were approved as submitted by the Clerk.

At this point, Mayor Finch announced that Mr. Smith had requested an executive session at the end of this meeting. There were no objections voiced.

Public Hearings:

A public hearing had been published for this date and hour on the proposed annexation of 3402 Boone Trail. Annexation Technical Review Committee recommended approval.

Mr. Mitchell presented this matter and stated that this is approximately ½ Acre of land and it does adjoin the existing city limits line.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, EXTENDING THE CITY LIMITS LINE OF FAYETTEVILLE TO INCLUDE AN AREA LOCATED AT 3402 BOONE TRAIL. ANNEXATION NO. 79-4-224.

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 1979.

Public hearings to be set:

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, the following public hearings were set for June 25, 1979:

- A. Consideration of the rezoning from C1P Shopping Center District to C3 Heavy Commercial District or to a more restrictive zoning classification an area located on the southwest corner of the intersection of Southern Avenue and Owen Drive.
- B. Consideration of the rezoning from R5 Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located at 116 North Cool Spring Street.
- C. Consideration of the rezoning from R10 Residential District to C1 Local Business District or to a more restrictive zoning classification an area located at 611 Country Club Drive.
- D. Consideration of the intial zoning to R5A Residential District and R10 Residential District or to a more restrictive zoning classification an area located on the south side of Cliffdale Road on both sides of the All American Expressway.
- E. Consideration of the proposed annexation of the Burnett Avenue property located in Massey Hill.
- F. Consideration of the proposed satellite annexation of the Fayetteville Wesleyan Church property located on Legion Road.
- G. Consideration of amendments to the City's UMTA Grant project.

Planning Board matters:

Upon motion by Mr. Williams, Seconded by Mr. Dawkins and carried unanimously,

Bloom Furniture addition preliminary and final ClP review located at 504 McPherson Church Road was given conditional approval as recommended by the Planning Board.

Upon motion by Mr. Hurley, seconded by Mrs. Evans and carried unanimously, Walking Shores Section Three Subdivision preliminary and final revision review located on Walking Lane at Bloomfield Drive was given conditional approval as recommended by the Planning Board.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, Windtree Subdivision extension preliminary and final review located on Cliffdale Road was given conditional approval as recommended by Planning Board.

Public Works Commission matters:

Upon motion by Mr. Dawkins seconded by Mr. Williams and carried unanimously, the low bid of Cyclone-United States Steel Company for the purchase of chain link fencing to enclose the entire #2 peak load generator area in the amount of \$16,389. was approved as recommended by PWC.

Upon motion by Mrs. Evans, seconded by Mr. George and carried unanimously, the low bid of American Darling Valve Company for the purchase of 84 iron-body gate valves in the amount of \$15,071.88 was approved as recommended by PWC.

There being no further PWC matters, Mr. Muench and Mr. Wood were excused from the meeting.

The next item was the consideration of the elimination of parking on Dick Street. (This item continued from the May 14 meeting).

Mr. Bennett presented this matter and stated that all residents and property owners on this street had been notified by letter of this proposal and all were in favor.

Council recognized Mr. Tom Matsuba, of the firm of Blackwell, Thompson and Swearingen, representing the three firms and the tenants of that street and requested the no parking zone.

There was no opposition present.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106, OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 11, "PARKING PROHIBITED" - DICK STREET. ORDINANCE NO. NS1979-43.

Mr. Hurley 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 NS1979.

The next item was the consideration of an ordinance creating a new section 21-53, "Bird Sanctuary". (Continued from the May 14 meeting).

Mr. Cogswell presented this matter and stated in his memorandum he was advised that the charter amendment had been approved by the Senate and became effective May 11, 1979. Council needed immediately to adopt an ordinance establishing Fayetteville as a bird sanctuary.

AN ORDINANCE CREATING A NEW SECTION 21-53, "BIRD SANCTUARY", OF THE CITY CODE OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1979-11.

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 S1979.

The next item was the consideration of an ordinance amending Chapter 9, "Buildings" of the City Code.

Mr. Cogswell presented this matter and stated that the ordinance passed on February 12, left a space of \$0 - \$150. with no fee. The Inspection Department notified him that you wouldn't believe the number of buildings and additions that had been constructed for less than \$150. since the passage of that ordinance, therefore they are requesting that it be changed to read \$0 - \$500. That way everyone would buy a building permit.

AN ORDINANCE AMENDING CHAPTER 9, "BUILDINGS" OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1979-12.

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 S1979.

The next item was the consideration of an ordinance amending Chapter 3, Article VIII, "Variances" of the City Code.

Mr. Cogswell presented this matter and stated that he, the Planning Staff and the Inspection Department recommended that Chapter 3 be amended so that any variance of signs come before the Council.

AN ORDINANCE AMENDING CHAPTER 3, ARTICLE VIII, "VARIANCES" OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1979-13.

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 S1979.

The next item was the consideration of a Transit Department - NCDOT demonstration project: one-half fare plan for city/county employees.

Mr. Smith presented this matter and stated that he had received correspondence from the State Department of Transportation regarding pilot programs. Funds are available for these projects and a potential list of projects was submitted that the City of Fayetteville can undertake. The two items listed are two that DOT is interested in and would like us to submit full application for.

The first item is a one-half fare program for the city and county employees. It is a one year pilot program, at the end of one year period the city and county will have the option to continue the fare plan and assume the full cost of the funding or they may discontinue the program. For the demonstration period of one year, NCDOT will pay 90% of the cost of the project. It is hoped that ridership will increase and also be an energy conservation measure. If approved by the Council, it will be submitted to the County Commissioners for their consideration. City Administration recommends approval.

Mrs. Evans offered motion to adopt the plan for one year, seconded by Mr. Williams and carried unanimously.

The second, stated Mr. Smith, is the extension of "FAST" Bus service to Methodist College. Methodist College is the only major education center in our area not serviced by FAST. As an institution within the city limits and a major employer of the area they have requested transit services. The Department of Transportation will pay 50% of the cost of this extended service. The other 50% of the cost of this project will be paid for out of Section 5 funds from the Federal Government. The cost to the city will be zero. The estimated cost of this project will be approximately \$30,000. This is also a one year pilot program and the administration recommends approval.

Mr. Williams offered motion to adopt the plan for one year, seconded by Mrs. Evans and carried unanimously.

The next item was the consideration of bids for Recreation and Parks building and the Engineering building.

Mr. Bennett presented this matter and stated that bids were received on May 22 for construction of the two buildings and are tabulated on the attached sheets. It is recommended that the low bids be accepted and contracts be awarded for both buildings as follows:

For the Engineering Building:

R.N. Rouse & Co. for general contracting	\$106,947.
Haire Plumbing Co. for plumbing	9,103.
Clark Brothers Electrical for electrical	12,200.
Cape Fear Air-conditioning	12,500.

For Recreation and Parks building:

R.N. Rouse & Co. for general construction	\$105,313.
Haire Plumbing Co. for plumbing	8,365.
Clark Brothers Electric for electric	11,275.
Cape Fear Air-conditioning	12,500.

Mr. Williams stated that since the plumbing bid is less than \$10,000 and not necessary for a second bid and in the light of recommendation by the City Engineer, I move that we approve the low bidders for construction of the Engineering and Recreation and Parks buildings as presented, seconded by Mrs. Evans and carried unanimously.

The next item was the consideration of amendments to FY1978/1979 Budget.

1978-1979 BUDGET APPROPRIATION ORDINANCE AMENDMENT - CHANGE ONE.
ORDINANCE NO. NS1979-44.

Mrs. Evans introduced the foregoing ordinance and moved its adoption, seconded

by Mr. Hurley and carried: Mr. George voting no.

The next item was the consideration of two traffic ordinances.

Mr. Bennett presented this matter and stated that at the last meeting, the Chairman of the Recreation and Parks Advisory Commission recommended revision of the traffic ordinance along Belvedere Street from Pearl Street to Greenland, on the north side. His recommendation was that parking be allowed part rather than parking prohibited at all times as it is now. The schedule would be: Parking prohibited from 11:00 p.m. - 5:00 p.m. (Sunday - Friday), 11:00 p.m. - 8:00 a.m. (Friday - Sunday). Parking prohibited at all times on south side of Belvedere Street from Pearl to Greenland.

There was lengthy discussion on this matter. Mrs. Evans objected to the early hour of 8:00 a.m. on Friday - Sunday.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106, OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 11, "PARKING PROHIBITED" - BELVEDERE STREET. ORDINANCE NO. NS1979-45.

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

The next ordinance was the speed limit change on Pamalee Drive and McPherson Church Road.

Mr. Bennett recommended the 35 mph speed limit be changed to 45 mph on McPherson Church Road from Skibo Road south to Morganton; McPherson Church Road from Cliffdale Road south to the south corporate limits and Pamalee Drive from Murchison Road west to the western corporate limits.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 8, "SPEED CONTROL", PAMALEE DRIVE AND MCPHERSON CHURCH ROAD. ORDINANCE NO. NS1979-46.

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

The next item was the consideration of charging a user's fee to use park shelters in the City of Fayetteville parks.

Mr. Basinger, Director of Recreation and Parks Department, presented this matter and stated that for the past two years residents of the city had been complaining that the shelters are never available because of the non-residents reserving them. He had placed a time limit of four hours on the use of the shelters. A motion was passed by the Recreation and Parks Advisory Commission that a fee of \$10.00 be charged to non-residents to use shelters, seven days per week. The Recreation and Parks Department also recommends that residents and non-residents fill out an application for use of the shelter or facility. It is also recommended that a shelter should not be reserved more than thirty days in advance and used not more than four hours at one time.

Mr. Smith stated that this was a recommendation by the Recreation and Parks Advisory Commission and one that City Administration does support, however time is needed to work out some administrative policies and mechanisms for implementing this program. He recommended Council defer action for further study.

Mrs. Evans offered motion to defer this matter until administration has a program to present, seconded by Mr. Dawkins and carried unanimously.

The next item was the consideration of an ordinance requiring the City Building Inspector to correct conditions located at 405 Chatham Street, owned by Mr. Quincy J. Scarborough, Jr.

Mr. Cogswell presented this matter and stated this matter had come before Council on February 26, 1979, and an extension was given at this time. The property was inspected on May 22 and no improvements had been made not had a permit been acquired. It is recommended that the ordinance be adopted.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 405 CHATHAM STREET AND OWNED BY MR. QUINCY J. SCARBOROUGH, JR. ORDINANCE NO. NS1979-47.

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 in Ordinance Book NS1979.

Appointments:

Mayor Finch stated that there were three appointments to the Board

of Appeals on Dwellings and Buildings. At the last meeting, Mr. Horace Humphrey and Mr. Paul McGwier were nominated. There is one appointment remaining.

Mr. Williams nominated Mr. Doyle Hubbard, employed by Highland Lumber Company.

Mayor Finch stated that this nomination would be held until the next meeting.

Mayor Finch asked for a motion to confirm the appointments of Mr. Horace Humphrey and Mr. Paul McGwier.

Mr. George offered motion, seconded by Mr. Dawkins and carried unanimously, to reappoint Mr. Horace Humphrey and Mr. Paul McGwier to the Board of Appeals on Dwellings and Buildings for three year terms of office said terms to expire in May 1982.

Mayor Finch reminded Council that W.T. Brown had resigned from the Recreation and Parks Advisory Commission, this is an unexpired term until October, 1979, and asked for nominations for this unexpired term.

Mrs. Evans nominated Mr. Clyde (Mac) Turlington.

Mayor Finch stated that this nomination would be held until the next meeting.

City Manager's report

Mr. Smith announced the resignations of Lieutenant Ray Sellers of the Police Department and Larry E. Pleasants of the Fire Department.

Council noted the resignations.

Mr. Smith reminded Council that the public hearing for the Revenue Sharing Budget and the City Budget is set for June 4. He asked that Council consider budget hearing worksessions. He stated that the preliminary budget would be given to them on June 1.

Work sessions were set for June 7, 12, and 14 at 7:00 P.M. at the Kyle House.

Mr. Smith requested that the Personnel Committee meet within the next few weeks. Mrs. Evans replied that they would meet at his convenience.

Mr. Smith reported that Mr. Thomas had returned to work on a part-time basis.

Mr. Smith reported that the City Manager's secretary, Ms. Pat Brooks, had resigned and would be moving to Michigan. Ms. Sharon Harris of the Finance Department has been appointed the new secretary.

Matters of interest to the City Council:

Mr. Williams stated that he would like to have a meeting of the Building and Property committee and asked for a report on MICA.

Mr. Smith replied that MICA is in the process of a work schedule for the year.

Mr. Hurley asked the City Engineer to look into a left turn lane on Union Street at Rowan to decrease congestion.

Mr. Hurley announced that on May 30, at the Police Department there would be a meeting of all the heads of the Neighborhood Watch Programs at 7:00 P.M.

Mr. Dawkins asked Mr. Smith to check on the status of city tags and how they were selling. He also asked that Council place emphasis on Hay Street and Person Street during this revitalization plan. He also asked that Council look at sidewalk policy.

Mayor Finch asked Mr. Bennett to check the possibility of handicap parking spaces on Old Street or in the parking lot behind the Capitol. She also stated that she had calls in the office concerning the abuse of speed limit on Marlboro Street and asked that the police monitor it more closely.

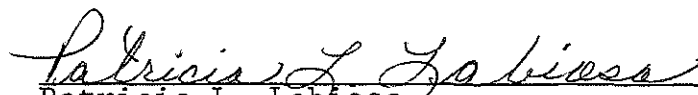
Mayor Finch announced that the State Legislature Special Committee on appropriations had declined to fund the State Office Building here. The project will be pursued and could be partially funded. She asked if Council concurred in sending along with the County Commissioners and Downtown Revitalization a telegram to the effect that this community is willing to aid in any way reasonable, the development of a State Regional Office building in Fayetteville. Council agreed.

At 8:20 P.M. Council convened into executive session.

Council reconvened into regular session at 8:32 P.M.

Mr. Williams offered motion that the administration be authorized to negotiate with property owners at Campbell Avenue and Wilmington Road for the acquisition of property for \$300.00, seconded by Mr. Dawkins and carried unanimously.

Thereafter, all matters of business having been discussed, this meeting was adjourned at 8:33 P.M. upon motion made and duly seconded.


Patricia L. Labiosa
Acting City Clerk

SPECIAL MEETING
AND
PUBLIC HEARING
MONDAY, JUNE 4, 1979
7:00 P.M. - CITY HALL

Present: Mayor Beth Finch

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

Also present: Mr. John Smith, Acting City Manager

Mayor Finch called the meeting to order and announced its advertised purpose was the conduct of a public hearing on the City of Fayetteville General Budget and the Revenue Sharing Budget for the fiscal year 1979-1980. She stated that requests would be received from the general public regarding these budgets. She stated the general budget would be considered first. She then recognized persons from the audience.

General Budget

Mrs. Blanche Hodul of the RSVP Program requested an additional \$600.00 over last years figure for the senior volunteers for senior citizens. The following persons were also recognized in support of this request: Mrs. Esther Pierce, Millie Hood, Mrs. Helen Hefern, Mr. Thad Cherry and a Dr. Bell, senior volunteers.

Phyllis McLeod, Director of the Fayetteville Museum of Art, next recognized and requested \$20,000. appropriation for the Museum activities for the coming year. She stated this was an increase of \$10,000. over last year to finance their expanded program. Mrs. Jean W. Hollstein, President of the Board of Directors, Mrs. Garrett Jones, Treasurer and Mr. Bruce Pulliam were also recognized in support of this request.

Revenue Sharing Budget

Mrs. Louise Saunders, Senior Citizens Advisory Council was recognized and requested \$50,000. for furnishings for the Senior Citizens Center.

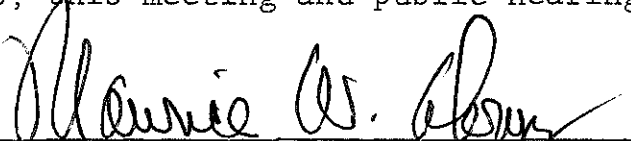
Lila Mays, 940 Waterless Street, was recognized and presented a petition for the paving and drainage of Waterless Street. There were about fifteen persons present in the audience in support of this request for funds for this purpose.

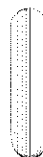
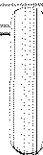
Mr. Thad Cherry was recognized in support of the request made by Mrs. Saunders for funds for furnishings for the Senior Citizens Center.

Mr. Clinton Harris, Chairman, Senior Citizens Roundtable, also recognized in support of Mrs. Saunders request, and made a request for \$1,000,000. for pedestrian rights-of-way (sidewalks) for the elderly, the children and the handicapped.

Mr. Bob Henry recognized with a request for funds for the site for the proposed State Office Building in downtown Fayetteville. He informed Council that it was his understanding that \$250,000. for this purpose had been approved last Saturday in Raleigh.

There then being no further requests, this meeting and public hearing was then adjourned upon motion and second.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JUNE 11, 1979
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. John Smith, Acting City Manager
Mr. Robert Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

Absent: Mr. William G. Thomas, III, City Manager (due to illness)

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

Mayor Finch recognized Fayetteville Youth Council Members Carol Yeager, Michelle Miller, Sammy Fleishman and John Kennedy.

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 May 29 were approved as submitted by the Acting City Clerk.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, minutes of a special meeting of June 4 were approved as submitted by the Clerk.

Public hearings to be set:

Upon motion by Mr. Williams, seconded by Mrs. Evans and carried unanimously, a public hearing was set for July 23 on the closing of a portion of Coronation Drive by the adoption of the following resolution:

PRELIMINARY RESOLUTION AND NOTICE OF INTENT TO CLOSE A PORTION OF CORONATION DRIVE. RESOLUTION NO. R1979-39.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, a public hearing was set for July 23 on the changing of the name of Parnell Drive to Marlboro Road.

Public Works Commission matters:

Council heard request from PWC Manager Muench for approval of an application for one four-inch sanitary sewer connection.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, approval was given for one four-inch sanitary sewer connection to existing main to serve a residence belonging to Mr. & Mrs. Richard Lee Clark at 2508 Nobie Street, outside the City as recommended by PWC. (Water service is not available).

Council next gave reconsideration to a contract with Haighand von Rosenberg to audit the accounts of the City of Fayetteville. (This item continued from the May 14 meeting).

In a memorandum to City Council, Acting City Manager Smith recommended award of the contract to the current firm of Haighand von Rosenberg CPAs for \$17,500. Because of the time factor involved and on a one year basis for the current fiscal year.

He proposed to City Council, the development of a selection process immediately upon adoption of the budget, and City would request proposals by written standards to be used to determine who would be given the audit contract. Pre-proposal conferences would be held with Finance Department and PWC with interested audit firms. Interviews would be conducted. Recommendation would then be made to City Council for a three year contract. Approval would also be requested from the Local Government Commission. The audit process could then begin.

Some of the factors to be considered, he continued, would be governmental audit experience, federal grant audit experience, municipal utilities and experience size and qualification of a firm's staff as well as that of the audit team and the cost of the audit. These guidelines would be developed within the next two months so that a selection can be made by the end of this calendar year so that the firm selected would have the necessary time to prepare for the audit. Deadline dates are stated in the memo, he stated.

Following a brief discussion, Mrs. Evans, offered motion to follow the recommendations of the Acting City Manager and award the audit contract to Haighand von Rosenberg for one year, and authorize the Acting City Manager to begin the selection process as outlined in the memo, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to the advertisement of proposed hangar leases. The City Attorney presented this matter and recommended approval of advertising leases with:

- A. J.J. Barnes, Inc. (new lease)
- B. J.J. Barnes, Inc.
- C. Rankin Brothers Company.

Following a brief discussion, Mr. Williams offered motion to follow the foregoing recommendation of the City Attorney and approve the advertising of the foregoing leases, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a request from First Union National Bank for street improvements along Ann and Bow Streets.

Council recognized Mr. John A. Corbett, Vice President and City Executive of First Union, who stated that construction on the bank's new main office at the corner of Bow Street and Green Street should be completed by October 1, and he felt that the underground utilities and street improvements should be commenced immediately so as not to hold up the opening of the bank as well as the parking lot for the City of Fayetteville. He further requested Council to improve the creek bank on the City's side of Cross Creek near the Green Street culvert which is eroding rapidly and that a small amount of rip-rap properly placed and covered with dirt and planted would not only control the erosion, but improve the visibility of the area.

City Engineer Bennett informed Council that the street improvements requested have been in the planning stage for a number of years. The City worked with First Union and obtained additional right-of-way along Bow Street. Widening had also been planned along Ann Street from First Union to Bow Street and the existing curbs and sidewalks within these two sections of streets are in dilapidated condition.

First Union is to rebuild the City's parking lot on the corner of Ann and Bow Streets in the immediate future. Construction of the parking lot and the street improvements could best be coordinated if the street improvements can begin immediately. The estimated cost for this street improvement is \$15,000. The City Engineer recommended approval of First Union's request.

Following a brief discussion, Mr. Hurley offered motion that the City Council instruct the City Engineer to proceed with the improvements on Ann and Bow Streets as requested by First Union and as recommended by the City Engineer and that the City Engineer come back with a recommendation on the improvement on the creek bank on the City side of Cross Creek near the Green Street culvert, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to an agreement with the Seaboard Coastline Railroad to install a railroad signal at McLamb Drive.

The City Engineer presented this matter and stated that the proposal from SCL was to place automatic traffic control devices at McLamb Drive, (Cantilever control) on the basis of the City bearing 90% of the cost and SCL bearing 10%. He stated SCL is agreeable to installation of the flashing light signals with SCL bearing 10% of the cost for the initial installation and thereafter sharing in the cost of maintaining the signals provided an agreement is approved by the City Council. The City Engineer stated that the proposed agreement provides for the City to pay \$33,390. and the railroad to pay \$3,710. for the total estimated installation cost of \$37,100. This was a line item approved in the present budget, but in the amount of \$22,000. which was a preliminary estimate, the additional funds are available from uncommitted street construction funds, the City Engineer stated. Also, the agreement requires that the City pay one-half of the annual maintenance cost which is estimated at \$325. A ratio of 90% City and one-half annual maintenance are standard for railroad signal installations. He recommended approval of the agreement.

Following a brief discussion, Mr. George offered motion to follow the foregoing recommendation of the City Engineer and authorize the installation and the agreement by the adoption of a resolution and that the Mayor and Clerk be, and they hereby are authorized and directed to sign said agreement for the City, motion seconded by Mrs. Evans and carried unanimously.

Council next gave consideration to the advertising of bids for the upgrading of Russell Street railroad crossings. The City Engineer presented this matter and stated that there has been considerable citizen and Council interest alike in upgrading the Russell Street railroad crossings. We have corresponded with the Seaboard Coastline Railroad, pointing out the deteriorating conditions of the crossings as well as the general track conditions. They have responded that they plan to begin in July or August with rebuilding this track from a point near Eastern Boulevard to a point just west of Donaldson Street intersection. During this track reconstruction, SCL will install the improved type railroad crossing materials if the city will furnish these materials. There are 13 crossings that should be improved during this project. The estimated cost for the materials is \$270,000. Four of these crossings are within the defined downtown district and we would suggest that these four be funded from the downtown traffic circulation fund at an estimated cost of \$70,000 and the remaining nine crossings could be funded from the uncommitted street construction funds at an estimated cost of \$200,000.

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The City Engineer concluded by stating that he believed that this is the opportune time to get the improvements accomplished and recommended approval of the project and that City Administration be authorized to proceed with the invitation of bids immediately so that materials will be on hand for the railroad crews to install in August.

Following a brief discussion, Mr. Dawkins offered motion to follow the recommendation of the City Engineer and approve the advertisement of bids for upgrading Russell Street railroad crossings, motion seconded by Mr. Williams and carried unanimously.

At this point, Mayor Finch informed the City Council that the City Attorney had requested an executive session on litigation at the end of this meeting. The Mayor stated that she will at that time accept a motion for an executive session.

Council next gave consideration to two proposed ordinances revising the traffic schedules.

The City Engineer presented these matters and on the first ordinance, informed Council that at the present time, the city does not have an ordinance of record to coincide with the existing state speed limit of 45mph along the section of Eastern Boulevard that is between the National Guard Armory and West Mountain Drive. This is not a proposed change in the speed limit he stated, but merely an updating of traffic schedule. He recommended adoption of the ordinance.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 8, "SPEED CONTROL", - U.S. 301 (EASTERN BOULEVARD) - STREET DESIGNATED 45 MPH. ORDINANCE NO. NS1979-48.

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

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1979.

On the second proposed ordinance, the City Engineer stated that Recreation and Parks Director, Ken Basinger had contacted him regarding a problem along Slater Avenue with a recommendation to prohibit parking. Mr. Basinger, in his letter to the City Engineer stated that problems are developing along Slater Avenue with spectators parking along the east side of the street which is adjacent to the ballfield. The problem is that the female ball players are having to listen to all types of vulgar and abusive language, plus the harassment that is directed at them. He requested consideration of an ordinance to ban parking on the east side of Slater Avenue from Langdon Street to the point where the existing ordinance begins. The City Engineer stated that parking is now prohibited on the west side of this street. This would cause no problem as far as vehicular parking is concerned, the City Engineer stated, inasmuch as a parking lot is provided adjacent to the ballfield for this purpose.

Clinton Harris, a local citizen, was recognized with comments on this proposed ordinance and with a suggestion and request that Council install lights at the E.E. Smith ballpark as originally proposed five months ago and this would, in his opinion solve the problem.

Following a brief discussion, Mr. Dawkins offered motion to adopt the ordinance as recommended, seconded by Mr. Hurley.

Following some further discussion, Mr. George offered substitute motion to continue this matter to the next regular meeting and request Parks Director Basinger and the Director of the Recreation Commission to give a recommendation on this item taking into consideration Council's action of several months ago in this same location. Motion was lost for lack of a second.

It was then suggested that the City Manager provide City Council with an historical background at the next meeting.

Mayor Finch then called for a vote on the motion for adoption of the ordinance and it carried by the following vote: For; Councilmembers Markham, Hurley, Dawkins, Williams and Evans. Against; Councilmember George.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 11, "PARKING PROHIBITED", SLATER AVENUE, EAST SIDE FROM A POINT 1200 FEET NORTH OF LANGDON STREET NORTHWARDLY FOR 170 FEET. ORDINANCE NO. NS1979-49.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1979.

Council next gave consideration to taxi permits.

The Acting City Manager presented this matter and stated that the following named persons were recommended by the Taxi Inspector, the Chief of Police and himself for taxi driver permits:

Robert Forrest Farthing
 Richard Wayne McKenzie
 William McDougal
 Kenneth Robert Calp
 Jonathan Bethea

Charles David Houston
 William Stuart Andrews, Jr.
 Harold Houston
 Tyrone Eugene Copening

Mr. Williams then offered motion for approval of the taxi driver permits for the aforementioned as recommended, seconded by Mr. Hurley and carried unanimously.

Council next considered appointments to various boards and commissions.

Mr. Hurley then offered motion that nominations be closed and that Mr. Doyle Hubbard be appointed to the Board of Appeals on Dwellings and Buildings by acclamation for a three year term of office to run to May 1982, motion seconded by Mr. Williams and carried unanimously.

Mr. Dawkins then offered motion that nominations be closed and that Mr. Clyde (Mac) Turlington be appointed to the Advisory Recreation and Parks Commission by acclamation to serve the balance of the term of Mr. William T. Brown resigned, which runs to October 1979, motion seconded by Mr. Williams and carried unanimously.

On three appointments to the Airport Commission, Mayor Finch informed Council that the incumbents, Bernard Stein, Robert Hasty and Charles Clark will serve again if reappointed.

Mr. Williams nominated Mr. Stein, Mr. Dawkins nominated Mr. Hasty and Mrs. Evans nominated Mr. Clark and Mr. Hurley nominated Mr. Cyrus J. Faircloth.

Mayor Finch stated that three of these nominations would be confirmed at the next meeting.

On one appointment to the Civil Service Commission, Mayor Finch stated that Dr. Herbert Vick, the incumbent, would serve again if appointed. Mr. George nominated Dr. Vick. Mayor Finch stated this nomination would be confirmed at the next meeting.

On one appointment to the Public Works Commission, Mayor Finch stated that Mr. Robert Butler, the incumbent, would serve again if reappointed.

Mr. Dawkins nominated Mr. Butler, Mr. George nominated Mr. William (Bill) Bowser.

Mayor Finch stated that one would be confirmed at the next meeting.

On one appointment to the PWC Retirement Plan Board of Trustees, Mayor Finch stated the incumbent, Mr. Harold Linder, has declined to serve again inasmuch as he would be moving out of the country.

Mr. George nominated Mr. L. Bradford Morton.

Mayor Finch stated that this nomination would be confirmed at the next meeting.

One appointment to the Joint Planning Board, Mayor Finch stated that the incumbent, Mr. John Collie has declined to serve again.

Mr. Williams nominated Mrs. Virginia Thompson, Mr. Hurley nominated Mr. Robert M. Shuler.

Mayor Finch stated these nominations would be confirmed at the next meeting.

Delegations:

Council recognized Mr. Bill Bowser, with comments on notices to senior citizens regarding revenue sharing public hearings and the use of revenue sharing funds for the benefit of the poor and the aged.

Council also recognized Mr. Horace Thompson, Chairman of the Fayetteville Revitalization Commission, who offered comments to Council on the passage by Council on First Union's request for improvements on Ann and Bow Streets. Mr. Thompson stated to Council that the commission had no prior knowledge of this request coming before Council this evening and asked Council that the Revitalization Commission be informed on these matters inasmuch as the consulting firm of CHNNB retained at a cost of \$75,000. to study Downtown Revitalization matters needed to be kept informed. This also applied, Mr. Thompson said, on the possible treatment by the City of the bank of the Cross Creek at the Green Street culvert adjacent to the new First Union Bank as it relates to the Cross Creek Linear Park.

A lengthy discussion followed between Council and Mr. Thompson with Council reminding Mr. Thompson that the Ann Street-Old Street improvements were considered several months ago and approved and that a recommendation only from the City Engineer had been requested concerning the bank of Cross Creek.

Mr. Hurley suggested that the administration inform Downtown Revitalization Commission as Mr. Thompson requested.

City Manager Reports:

Acting City Manager Smith gave a report to Council on the sale of city auto tags to date.

Mr. Smith also reminded Council of the budget discussion on Tuesday night and of the invitation to department heads that they be present at this budget discussion.

Mayor Finch informed Council that City Manager Bill Thomas had returned to his duties and extended the profound thanks of the Council to Acting City Manager John Smith for filling in during Mr. Thomas' absence.

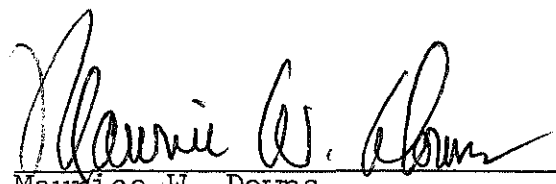
Council recognized City Attorney Cogswell who gave a brief report on the Adult Entertainment Dispersal Ordinance passed by Council in February of this year and stated that preliminary findings indicate the effectiveness of this ordinance in limiting these activities.

Matters of interest to City Council:

Mr. Hurley informed Council of a meeting of Downtown Revitalization Commission and invited Councilmembers to be present.

Mr. Dawkins then offered motion, seconded by Mr. Williams and carried unanimously, that Council convene into executive session to consider litigation at 8:40 P.M., & motion carried unanimously.

Council reconvened into regular session at 8:45 P.M. and adjourned, upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JUNE 25, 1979
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 Dr. Jerry Burton of First Christian Church offered the invocation. Mayor Finch then led the assembly in the Pledge of Allegiance to the Flag.

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

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 June 11 were approved as submitted by the Clerk.

Public Hearings:

Reconsideration was given to confirmation of the assessment roll for the paving of Hull Road from North Churchill Drive eastwardly to its dead end. (This public hearing continued from the April 23 and May 14 meetings.) The City Engineer presented this matter and stated that work was not as yet finished on this street and requested a continuance of this public hearing for two weeks. There were neither proponents nor opponents present.

Mr. Williams then offered motion to follow the foregoing recommendation of the City Engineer and continue this public hearing until July 9, seconded by Mr. Hurley and carried unanimously.

A public hearing had been published for this date and hour on the rezoning from C1P Shopping Center District to C3 Heavy Commercial District or to a more restrictive zoning classification of an area located on the southwest corner of the intersection of Southern Avenue and Owen Drive. Planning Board recommended approval.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM C1P SHOPPING CENTER DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF SOUTHERN AVENUE AND OWEN DRIVE. ORDINANCE NO. NS1979-50.

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

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1979.

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 116 North Cool Spring Street. Planning Board recommended approval.

Attorney Robert H. Butler was recognized for the petitioner for the purpose of construction of a law office at this site. 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 116 NORTH COOL SPRING STREET. ORDINANCE NO. NS1979-51.

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 NS1979.

A public hearing had been published for this date and hour on the rezoning from R10 Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located at 611 Country Club Drive. Planning Board recommended denial.

There was no opposition present.

Following a brief discussion, Mrs. Evans offered motion to deny the foregoing petition for rezoning, seconded by Mr. Dawkins and carried unanimously.

A public hearing had been published for this date and hour on the initial zoning to R5A Residential District and R10 Residential District or to a more restrictive zoning classification of an area located on the south side of Cliffdale Road on both sides of the All American Expressway. Planning Board recommended approval.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO ZONE INITIALLY TO R5 RESIDENTIAL DISTRICT AND R10 RESIDENTIAL DISTRICT AN AREA LOCATED ON THE SOUTH SIDE OF CLIFFDALE ROAD ON BOTH SIDES OF THE ALL AMERICAN EXPRESSWAY. ORDINANCE NO. NS1979-52.

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 NS1979.

A public hearing had been published for this date and hour on the proposed annexation of the Burnett Avenue property. The City Attorney presented this matter and recommended continuance of this public hearing to July 23, due to the boundary of the area proposed for annexation.

Mrs. B.L. Sessoms an area resident, Mrs Betty Baxely, and area resident, and Mr. Jim Cooper, representing Burlington Industries were recognized in favor of the annexation and not opposed to same.

There was no opposition present.

Following a brief discussion, Mr. Williams offered motion to continue this public hearing to July 23, seconded by Mr. Dawkins and carried unanimously.

A public hearing had been published for this date and hour on the proposed satellite annexation of the Fayetteville Wesleyan Church property located on Legion Road. The Annexation Technical Review Committee recommended denial of this annexation.

Mr. William Butler of the Wesleyan Church was recognized for the annexation and stated that the church will relieve the Council of the Sanitary Sewer extension.

Mr. Ray Muench, PWC Manager, informed Council that he did not know how long before the new sanitary sewer plant will be ready to serve this location and recommended against annexation. There was no opposition present.

Following a brief discussion, Mr. Williams offered motion to continue this public hearing to July 9, refer this matter back to the committee and that Mr. Butler submit a letter to City Administration on the sanitary sewer proposal, seconded by Mr. Dawkins and carried unanimously.

On the next agenda item, which was the consideration of a request from Wachovia Mortgage Company to close a portion of Cornation Drive in Ascot Subdivision, the City Attorney informed Council that this matter was on the agenda in error and the public hearing is actually for July 23.

Public hearings to be set:

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

August 12, 1979:

The Consideration of amendments to the City's UMTA Grant project.

July 23, 1979:

- A. Consideration of rezoning from C3 Heavy Commercial District and R6 Residential District to R5A Residential District or to a more restrictive zoning classification of an area located on the southeast corner of the intersection of Whitfield and Camden Road.
- B. Consideration of the rezoning from R6 Residential District to P2 Professional District or to a more restrictive zoning classification an area located at 1328 and 1330 Ramsey Street.
- C. Consideration of the rezoning from R10 Residential District to P2 Professional District or to a more restrictive zoning classification an area located on the West side of Ramsey Street between Old Plantation Road and Hillview Avenue.
- D. Consideration of the rezoning from R10 Residential District to C1P Shopping Center District or to a more restrictive zoning classification an area located on the north side of U.S. 401 By-Pass (Pamalee Drive) between Van Buren Avenue and Helen Street.

- E. Consideration of the rezoning from R5 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification an area located at 325 B Street.
- F. Consideration of the rezoning from R5 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification an area located at 705 A Robeson Street.
- G. Consideration of the rezoning from R6 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification an area located at 1040 Camden Road.
- H. Consideration of the initial zoning to R10 Residential District or to a more restrictive zoning classification an area located at 3402 Boone Trail.

Planning Board matters:

Upon motion by Mrs. Evans, seconded by Mr. Dawkins and carried unanimously, conditional approval was given to All American Plaza (formerly Hickman Subdivision) revision preliminary and final review located on Owen Drive at the All American Expressway.

Upon motion by Mr. Williams, seconded by Mrs. Evans and carried unanimously, conditional approval was given to Windtree Subdivision Extension preliminary and final review located on Cliffdale Road at Owen Drive Expressway.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, conditional approval was given to Windtree Villas (Windtree Extension) revision preliminary and final review located off Cliffdale Road near the All American Expressway.

PWC Matters:

PWC Manager Muench presented this matter.

Upon motion by Mr. Hurley, seconded by Mr. Dawkins and carried unanimously, the low bid by Mill-Power Supply Company in the amount of \$18,464. for the purchase of four three-phase sectionalizers was approved as recommended by PWC.

Council next gave consideration to resolutions approving three proposed hangar leases at the Airport. (This matter continued from the June 11 meeting.)

The City Attorney presented this matter and stated these leases had been advertised and that no upset bids had been submitted to the City Clerk.

RESOLUTION AUTHORIZING THE LEASE OF FAYETTEVILLE MUNICIPAL AIRPORT
PROPERTY CORPORATE HANGAR LEASE TO J.J. BARNES, INC. (EXISTING HANGAR).
RESOLUTION NO. R1979-40.

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

RESOLUTION AUTHORIZING THE LEASE OF FAYETTEVILLE MUNICIPAL AIRPORT
PROPERTY CORPORATE HANGAR LEASE TO J.J. BARNES, INC. RESOLUTION NO. R1979-41.

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

RESOLUTION AUTHORIZING THE LEASE OF FAYETTEVILLE MUNICIPAL AIRPORT
PROPERTY CORPORATE HANGAR LEASE TO RANKIN BROTHERS CO. RESOLUTION NO. R1979-42.

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

Copies of all of the foregoing resolutions are on copy in the Clerk's office in Resolutions Book R1979.

Council next gave consideration of approval of an amendment to the FY 78-79 PWC Budget.

The City Manager presented this matter and recommended approval.

Mr. Williams offered motion to approve the foregoing as presented and as recommended by the City Manager, seconded by Mr. George and carried unanimously.

Council next gave consideration to the adoption of the proposed FY79-80 Budget Ordinance. The City Manager presented this matter and recommended adoption.

Following a brief discussion, Mrs. Evans offered motion that the Council have a special meeting before adoption of the ordinance at 7:30 P.M., Tuesday, June 26 in the Kyle House for further consideration of the Fy79-80 Budget Ordinance, seconded by Mr. Markham and carried unanimously.

On item 8, consideration of an ordinance amending Chapter 14 of the City Code, Garbage, trash and weeds (roll-out cart ordinance) and on item 9, consideration of the award of bids for the roll-out carts, the City Manager advised Council that they should continue action on these items on account of the action taken on item 7, the new budget.

Following a brief discussion, Mr. Williams offered motion to cancel tomorrow's meeting and that items 7, 8, and 9 be placed at the end of the agenda tonight, motion seconded by Mrs. Evans and carried unanimously.

Council next gave consideration to the award of bids for the refuse transfer station. The City Engineer presented this matter and recommended approval an addition of 5% to the contingency fund. City Manager pointed out that next year's funds were included in this bid and suggested deferral of this item until the end of the meeting.

Mrs. Evans then offered motion to defer this item to the end of the meeting, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to an ordinance amending Section 17-24 of the Fayetteville City Code, Article I, "Licenses" for yard sales. The City Attorney presented this matter and stated the request came from the Inspection Dept. and that the ordinance would delete the 5 day waiting period in advance of a proposed sale as unnecessary.

AN ORDINANCE AMENDING CHAPTER 17, ARTICLE I, "REGULATIONS", OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, "YARD SALES". ORDINANCE NO. S1979-14.

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

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1979.

Council next gave consideration to an ordinance amending Section 17-29, of the Fayetteville City Code, Article II, "License Schedules". The City Attorney presented this matter and stated this proposed ordinance amended or added to the city license tax schedule kept on file in the office of the City Tax Collector. The ordinance would affect book stores, cafes, restaurants, cafeterias, lunch counters, lunch stands, and public eating places, hotels, adult hotels, night clubs and cabarets, he stated.

Following some discussion, Mr. George offered motion to defer this matter to the July 23 meeting, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to an offer to exchange a certain parcel of property located within the city of Fayetteville for another parcel of land owned by Fayetteville Technical Institute. The City Engineer presented this matter and stated that this concerned right-of-way needed from FTI for Hull Road and Devers Street, and also was a request from FTI to exchange land with the City. This item also concerns former Fayetteville City School property abutting the old Horace Sisk Junior High School now owned by FTI. Also a right-of-way matter needs clearing up along Devers Street between Hull Road and Honeycutt Recreation Center as well as a strip of right-of-way from FTI on the south side of Hull Road immediately east of Devers Street. FTI proposes that the city convey a small tract of land located on the southwest corner of the Honeycutt property in exchange for all of the rights-of-way needed by the City. This matter had been advertised, the City Attorney Concluded.

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

Council next gave consideration to a request for the Downtown Fayetteville Association to cover downtown parking meters during the International Folk Festival on October 6, 1979. The request was from Fran Munsey, the Executive Director.

Mr. Hurley offered motion to approve the request, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to the approval of meeting pavement of one-half of the fees for services rendered and successfully concluding the New Hope Dam matter for the City of Fayetteville and Cumberland County. The City Manager presented this matter and reminded Council that Attorney Rudolph Singleton had appeared before them on several occasions in the past, making reports on the progress of the dam. The total fees, the City Manager stated, were \$13,007.04. The City's share would be one-half this amount or \$6,503.52. The City Manager recommended approval.

Mr. Williams offered motion, seconded by Mr. Dawkins and carried unanimously for approval of the payment of \$6,503.52.

Council next gave consideration to a request from Downtown Fayetteville Association to close the first block of the streets around the Market House to traffic on July 4, from 12:30 to 5:30 P.M. for the Special Celebration of the

4th of July. Fran Munsey, the Executive Director, was to have presented this request but was not present in the audience at this time so this item was delayed pending her arrival.

Moving on to the next item, Council next considered a request for the closing of Hull Road to thru traffic between Bragg Road and Devers Street during the American Cancer Society Benefit run on August 18, between the hours of 8:00 A.M. and 12:00 noon. This request was presented by Colbert L. Dilday, the Crusade Chairman in a memorandum to the City Manager.

Following a brief discussion, Mr. Hurley offered motion for approval of the foregoing request, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to a request for a variance as to setback requirements for a ground sign located at Bordeaux Shopping Center.

In a letter from the Inspection Superintendant, Ms. Deborah D. Stankwitch, the proprietor of the "Chopping Block", a beauty salon in Bordeaux Shopping Center, has made application for a permit to erect a sign up to the right-of-way at 1740 B Village Drive. The proposed sign will be 8 feet in height and 3 x 4 feet in dimension.

Mr. Tom Fields of the Inspection Dept. presented this request. Ms. Stankwitch was also recognized and stated this variance was requested because of the location of her shop in an alley behind Bordeaux Shopping Center. Policy of the Boreaux Management Office deters tenants from placing signs in the parking lot of the shopping center as much as practicable, therefore, if the ground sign is placed in the desired location, it will fail to meet the above mentioned setback requirements.

Council also recognized Mr. Sledge, Bordeaux Center Management, who also requested approval.

Following some discussion of this matter, Mr. Hurley offered motion to postpone this matter until the next regular meeting, seconded by Mr. Dawkins and carried, Mrs. Evans voting no.

Mr. Hurley also offered motion to request the planning staff to check this matter and bring back a recommendation to City Council at the next regular meeting, motion seconded by Mr. Dawkins and carried; Mrs. Evans voting no.

Title

Council next gave consideration for funding under III of the Older Americans Act for equipment for the Senior Citizens Multi-purpose Center. John Monaghan, Administrative Assistant to the City Manager presented this matter and stated that title III of the Older Americans Act of 1965 provides funding for states in planning regions for the support of services for older adults. The allocation to Region M for fiscal year 79-80 includes \$6,885. set aside for the support of these centers in Cumberland County. It is proposed that these funds used to purchase equipment for the Senior Citizens Multi-purpose Center which will be constructed on Blue Street later this year. It was recommended that the Council authorize City Administration to submit this application to Region M and that the required per cent local match which amounts to \$765. come from the contingency line item in the FY 79-80 General Revenue Sharing Budget. Also, if additional funds become available, it is requested that City Administration be authorized to submit a project revision to include these funds and that the local match be adjusted accordingly, he concluded.

Following a brief discussion, Mrs. Evans offered motion for approval of the foregoing and for the submission of a grant application to Region M and to authorize the City Manager to make the project revision for additional funds as requested, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to take necessary action to correct conditions of substandard housing at several locations in the city.

The first location was 620 Frink Street owned by Mr. Willie Williams. The Housing Inspector reported that Mr. Williams had not made the necessary repairs to his property and had made no attempt to remove the rubbish on the lot.

Mr. Williams was present and was recognized and requested an extension of time to make the necessary corrections.

Following a brief discussion, Mr. Williams offered motion to postpone this matter to the next meeting and receive a report from the Inspection Dept., seconded by Mrs. Evans and carried unanimously.

The next location was 607 Link Street. The Housing Inspector stated that Mr. and Mrs. Lacy Chavis had not made the necessary repairs to the property and requested Council to take the necessary action by the adoption of an ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE CITY CODE. LOCATED AT 607 LINK STREET AND OWNED BY MR. AND MRS. LACY CHAVIS. ORDINANCE NO. NS 1979-53.

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 NS1979.

The next location was 136 Trevino Drive, owned by Mr. Cecil Highsmith. The Housing Inspector stated that Mr. Highsmith had not removed an existing wall which had been declared dangerous and requested Council to take the necessary action.

Following a brief discussion, Mr. Williams offered motion to delay action on this matter to July 9, seconded by Mr. Dawkins and carried unanimously.

Council next considered a request by the Housing Inspector to take no further action to correct conditions at two locations in the City.

The first location was 1908½ Murchison Road, owned by Mrs. Ossie Harvey, who the Building Inspector stated, had made numerous repairs and requested City Council take no further action at this time.

Mr. Hurley offered motion, seconded by Mr. Dawkins and carried unanimously, to take no further action at this time on this matter.

The next location was 110 Dunn Road, owned by Mr. Gordon L. Williams. The Housing Inspector stated that Mr. Williams had obtained a building permit and numerous repairs had been completed and requested that the Council take no further action at this time.

Mr. Williams offered motion, seconded by Mr. Dawkins and carried unanimously, to take no action on this matter at this time.

Council next considered appointments to various boards and commissions.

Council then considered three appointments to the Airport Commission. There were four nominees for the three positions. The votes were cast and Mayor Finch declared the following named elected to the Airport Commission to serve two year terms of office to run to June 1981: Cyrus J. Faircloth, Robert A. Hasty and J. Bernard Stein.

Council next considered one appointment to the Civil Service Commission. There was one nominee. Mr. George offered motion for the appointment of Dr. Herbert W. Vick by acclamation vote to the Civil Service Commission for a four year term of office to run to June 1983, seconded by Mr. Williams and carried unanimously.

Council next considered one appointment to the Public Works Commission. Two nominees had been named for this position: Mr. Bill Bowser and Mr. Robert H. Butler. Votes were cast for Mr. Bowser and Mr. Butler and Mayor Finch declared Mr. Butler reappointed to the Public Works Commission for a three year term of office said term to run to June 1982.

Council next considered one appointment to the PWC Retirement Plan Board of Trustees. One nomination had been made and Mr. George offered motion to appoint Mr. L. Bradford Morton, Jr. by acclamation vote for a five year term of office, said term running to June 1984, motion seconded by Mr. Williams and carried unanimously.

Council next considered one appointment to the Joint Planning Board. Two nominations had been made, that of Mr. Robert M. Schuler and Mrs. Virginia Thompson. The votes were cast and Mayor Finch declared Mrs. Virginia Thompson elected to the Joint Planning Board for a four year term of office, said term running to June 1983.

Council next considered two appointments to the Fayetteville Revitalization Commission. Mr. Hurley nominated Mrs. Carole B. Goforth and Mr. Dawkins nominated Mr. Neil Reichle. Mayor Finch stated that these nominations would be considered at the next meeting.

Council then reconsidered item 16 on the agenda, the Downtown Fayetteville Association's request concerning the 4th of July. Council recognized Fran Munsey, the Executive Director, who stated the association is sponsoring a special 4th of July celebration downtown and would like to request that the first block of the streets around the Market House (Person, Gillespie, Green and Hay) be closed to traffic on July 4th from 12:30 P.M. to 5:30 P.M.

Mr. Dawkins then offered motion to approve the request to close the streets and cover the meters and for the parade on July 4th, seconded by Mr. Williams and carried unanimously.

Delegations:

Council recognized Mr. Clinton Harris on a request for information concerning a \$20,000. appropriation for lights for the E.E. Smith high school ballfield. Assistant City Manager, John Smith, informed Council that he had been unable to locate any information concerning a \$20,000. appropriation.

Following some discussion of this matter, Mrs. Finch informed Mr. Harris that they will continue to work on this matter.

Council recognized Mr. Bill Bowser who asked the City's role in the operation of the dog pound. Mayor Finch informed Mr. Bowser that the City does have dog wardens. Mr. Bowser registered a complaint concerning a dog which was shot on Newark Street. Mayor Finch requested time and dates. Mr. Bowser informed Council that it was impossible to use the crosswalk on Green Street at the U.S. Post Office. Mr. Bowser also informed Council that he understood an individual was given a ticket for jaywalking at 10:00 P.M. on Person Street recently.

Council recognized Mrs. Sadie McDonald who lives in the Southeast Fayetteville Redevelopment Commission Area along Wilmington Road who registered a complaint about the undergrowth in this neighborhood and a dark wooded area, vacant houses with persons hanging around. She requested lights for the streets and clearance of the undergrowth.

Mayor Finch informed her that she had discussed this problem with Mr. Richard Herrera of the Redevelopment Commission and he is checking on this tonight and will report back.

City Manager reports:

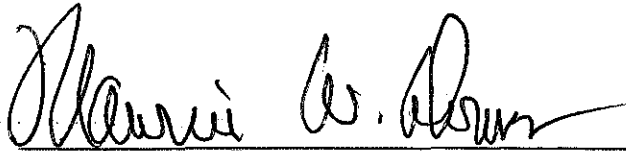
The City Manager reminded Council that they should consider adopting the parking facilities ordinance also on Tuesday night.

Mrs. Evans then offered motion to rescind her motion setting the meeting tomorrow night, seconded by Mr. George but failed.

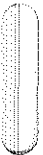
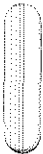
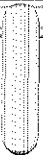
Mr. Williams then offered motion to reconsider his previous motion on item #7, motion seconded by Mr. Dawkins and carried unanimously.

Mr. Williams then offered motion to rescind the action setting the meeting on June 26, seconded by Mr. Dawkins and carried unanimously.

Mr. Williams then offered motion to continue this meeting to tomorrow night, June 26, 1979, at 7:30 O' Clock P.M. in the Kyle House to consider agenda items 7, 8, 9, and 10, seconded by Mr. Dawkins and carried unanimously.



Maurice W. Downs
City Clerk



ADJOURNED MEETING
7:30 P.M.
TUESDAY, JUNE 26, 1979
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. Robert Cogswell, City Attorney

Mayor Finch called this special session, continued from the June 25 regular meeting, to order for the announced purpose of reconsideration of the FY1979-1980 Budget Appropriation Ordinance, related matters, and the FY1979-1980 Parking Facilities Appropriation Ordinance.

Mr. Dawkins asked the City Manager if Council could have a 2¢ reduction in the ad valorem tax rate and include \$200,000. for an aerial platform fire truck.

The City Manager replied in the affirmative since the fire truck purchase would spread over a two year period due to the length of time to draw specifications, advertise for bids, and have the truck built and delivered.

Considerable discussion followed.

Following this discussion, Mrs. Evans offered motion to adjust the budget to keep the tax rate at 64¢ and approve a \$200,000. reserve for the truck for the Fire Department and the balance placed in the contingency fund. Motion seconded by Mr. Dawkins.

Following some further discussion, Mayor Finch called for vote on the motion and it was as follows: FOR: Councilmembers Hurley, Markham, Dawkins and Evans. AGAINST: Councilmembers George and Williams.

Following some further discussion, Mr. Hurley offered motion to adopt the FY1979-1980 Budget Appropriation Ordinance as revised. Motion seconded by Mr. Dawkins.

Mr. George requested that the minutes reflect that he will vote only for Schedule B, Debt Service Fund, but no other part of the budget ordinance.

Mayor Finch then called for vote on the motion to adopt the budget ordinance and it was as follows: FOR: Councilmembers Evans, Hurley, Markham and Dawkins. AGAINST: Councilmembers George and Williams.

The Budget Ordinance Title appears below:

1979-1980 BUDGET APPROPRIATION ORDINANCE. ORDINANCE NO. NS1979-54.

A copy of the above ordinance is on file in the Clerk's office in Ordinance Book NS1979.

Council then gave consideration to an ordinance amending Chapter 14 of the City Code "Garbage, Trash, & Weeds". (the roll-out cart collection system)

The City Attorney presented the ordinance and there followed review and discussion.

After this, Mr. Markham offered motion for adoption of the ordinance subject to the amendment to Sec. 14-5 (b) and the alternative to Sec. 14-5 (c). Motion seconded by Mrs. Evans. Mayor Finch called for a vote on the motion and it was as follows: FOR: Councilmembers Evans, Hurley, Markham and Dawkins. AGAINST: Councilmembers George and Williams.

Council then gave consideration to the award of bids for the roll-out carts.

Mr. Al Jordan, the City Purchasing Agent, presented this matter.

Mr. Jordan stated that bids were solicited from seven firms. Only four responded and the bids were competitive in amount ranging from \$824,854.50 to \$635,100. He recommended that the low bid of Zarn, Inc. be accepted for eighteen thousand (18,000) roll-out carts and thirty (30) hydraulic dump units, in the amount of \$635,000. less lease credits of \$4,500. and that special bid condition number six be invoked for acquisition of an additional one thousand (1000) Rubbermaid roll-out carts at the bid price of \$35,890. less lease credits of \$4,500. Total award with lease credits equals \$661,990.

Mr. Williams offered motion to award the low bid as recommended by the City Manager and City Purchasing Agent to Zarn, Inc. and special bid condition #6. Motion seconded by Mr. Dawkins and carried, Mr. George voting against.

Council next gave consideration to the award of bids for the Refuse Transfer Station.

The City Engineer presented this matter and stated that on Wednesday, June 20, bids were received on this project which includes the structure for containing the refuse transfer station machinery, installation of machinery, and bathroom facilities for the operating personnel. The low bids were as follows:

<u>CONTRACTORS</u>	<u>GENERAL</u>	<u>PLUMBING</u>	<u>ELECTRICAL</u>
Patrick Construction	\$289,414.		
Valley Plumbing Company		\$12,700.	
Watson Electric Company			\$10,660.

He recommended awarding the contracts to the aforementioned low bidders for each category of construction and for budget purposes adding 5% and earmarking \$329,000. in the budget due to some unit price bids in the contracts.

Mr. Williams offered motion to award the low bids aforementioned as recommended, approving the 5% and earmarking the \$329,000. Motion seconded by Mr. Hurley and carried unanimously.

Council next gave consideration to the Parking Facility - 1979-1980 Budget Ordinance.

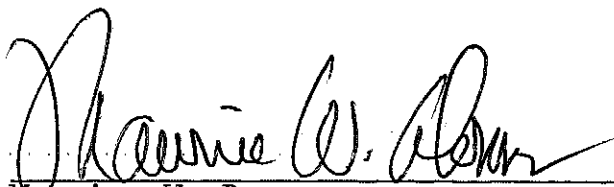
Mr. Dawkins offered motion for adoption of the ordinance as presented, seconded by Mr. Williams and carried unanimously.

The Ordinance Title appears below:

PARKING FACILITY - 1979-1980 BUDGET ORDINANCE. ORDINANCE NO. NS1979-55.

Assistant City Manager John Smith gave a report on the E.E. Smith ballfield lights. He stated that the minutes reflect that funds requested for the ballfield were transferred by City Council to the tennis courts.

Thereafter this special session was adjourned at 10:00 p.m. upon motion made and duly seconded.



Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JULY 9, 1979
7:00 P.M.

Present: Mayor Beth Finch

Council Members: George Markham, Bill Hurley, J.L. Dawkins, Mildred Evans,
Marion C. George.

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

Absent: Councilman Wayne Williams and City Attorney, Bob Cogswell

Mayor Finch called the meeting to order and the Reverend Larry Smith, Pastor of the Church of the Nazarene, offered the invocation. Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

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

The City Manager requested an executive session of the Council at the end of this meeting to discuss a land transaction.

The first order of business was the approval of minutes and upon motion by Mr. Dawkins, seconded by Mr. Hurley and carried unanimously, minutes of the regular meeting of June 25, were approved as submitted by the Clerk.

Upon motion by Mr. Dawkins, seconded by Mr. Hurley and carried unanimously, minutes of an adjourned meeting of June 26, were approved as submitted by the Clerk.

Public hearings:

Council gave reconsideration to the confirmation of the assessment roll for the paving of Hull Road from North Churchill Drive eastwardly to its dead end. (This matter continued from several previous meetings of the Council). The City Engineer presented this matter and stated that all corrections have been made to the street and the assessment roll ready to be confirmed at \$4.00 per foot. The City Engineer recommended approval. There were no proponents present.

Mrs. Lanna Peoples of 2035 Rock Avenue was recognized and objected to full assessment for her property since it does not front on Hull Road. City Engineer informed Council that it is their policy to assess at the full rate, inasmuch as the value of the property is increased whether it fronts or not.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER
IMPROVEMENT OF HULL ROAD FROM NORTH CHURCHILL DRIVE EASTWARDLY TO ITS
DEAD END. ORDINANCE NO. NS1979-56.

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

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1979.

Council next gave reconsideration to the proposed satellite annexation of the Fayetteville Wesleyan Church property located on Legion Road. (this public hearing continued from the meeting of June 25). The Annexation Technical Review Committee recommended denial of this annexation based on the following reasons: that consideration of this petition be more feasible once the proposed new Rockfish Sewage Treatment plant is completed. Until such time the extension of sewer on this site would not be practical nor cost effective.

The Reverend Wayne Chandler, Pastor of Wesleyan Church was recognized with question as to why the annexation was recommended for denial. The City Manager reiterated the committee's reason and in addition stated that this is a small, one lot satellite annexation and although the Council may agree to conditional annexation due to the sanitary sewer, should the church not be built, the Council would be obligated by law, to run the cost prohibitive sewer line.

Following a brief discussion, Mr. Dawkins offered motion to follow the recommendation of the Annexation Technical Review Committee and deny this satellite annexation, motion seconded by Mrs. Evans and carried unanimously.

Public hearings to be set:

Upon motion by Mr. Dawkins, seconded by Mrs. Evans and carried unanimously, a public hearing was set for August 27, 1979, giving notice of intent to close a portion of Cude Street in Massey Hill, by the adoption of the following resolution:

A PRELIMINARY RESOLUTION AND NOTICE OF INTENT TO CLOSE A PORTION OF CUDE STREET. RESOLUTION NO. R1979-43.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1979.

Public Works Commission matters:

Mr. Muench presented the following bids for the purchase of various sizes and types of electrical transformers and recommended award of the following low bids meeting specifications.

Three 167 KVA, 12 KV - 277V

Bidder

Rigby Electric Supply Company \$ 3,798.00

Fifteen 100 KVA 13.2 KV - 120/240V

Rigby Electrical Supply Company 13,050.00

Two 2500 KVA 12 KV - 480/277V

Maddux Electrical Supply 24,784.00

Five 50 KVA, 14.4 KV- 240/120V

Mill-Power Supply Company 3,809.50

Five 100 KVA, 7.2 KV - 240/120V

Maddux Electrical Supply 4,915.00

Three 167 KVA, 7.2 KV - 240/120V

Maddux Electrical Supply 3,189.00

Twenty-five 25 KVA 7.2 KV-120/240V

Rigby Electrical Supply Company 8,437.00

Twenty 50 KVA 7.2 KV - 120/240V

Rigby Electrical Supply Company 10,680.00

Four 100 KVA 7.2 KV - 120/240V

Rigby Electrical Supply Company 3,120.00

One 150 KVA 24.9 KV - 208/120V

Maddux Electrical Supply Company 2,641.00

One 150 KVA 12.4 KV - 208/120V

Maddux Electrical Supply Company 2,327.00

Three 300 KVA, 12.47 KV - 208/120V

Maddux Electrical Supply 8,703.00

Three 750 KVA, 12.47 KV - 480/277V

Rigby Electrical Supply Company 20,994.00

One 1500 KVA 3Ø PM 12470/420/277V

Rigby Electrical Supply Company 8,375.00

Upon motion by Mr. Hurley, seconded by Mr. Dawkins and carried unanimously, the foregoing low bids were approved and awarded as recommended by PWC.

Mr. Muench informed Council that PWC intended to hold a public hearing on July 31, at 7:30 P.M., here in the Council Chamber to consider the plan for the Rockfish Sewage Treatment plant and immediately following that public hearing, hold another public hearing on the environmental impact. Mr. Muench invited the Mayor and Councilmembers to be present.

Council next gave reconsideration to a variance as to set-back requirements for a ground sign located at Bordeaux Shopping Center. (this matter continued from the June 25 meeting).

Council recognized planner Al Mitchell, who stated that at the last meeting

Council had referred this matter to the Planning Department for study. Planner Mitchell stated that after an on-sight inspection, including a discussion with the shopping center manager, it was the Planning Staff's recommendation that the requested sign variance not be granted for the following reasons:

1. There is more adequate area on-sight and in the same location to accomodate the proposed sign.
2. At most, one parking space may be eliminated.
3. No basis can be shown to justify the granting of a variance in accordance with Section 3-80 guidelines, and furthermore, approval would establish an undesirable precedent since adequate area exists on-sight.

The petitioner was not present in the Council Chamber.

Following a brief discussion, Mr. Dawkins offered motion to follow the foregoing recommendation of the Planning Staff and deny the variance request, seconded by Mr. George and carried unanimously.

Council next reconsidered action to correct conditions at two locations in the City of sub-standard housing conditions. (this matter continued from the June 25 meeting, at which time these matters were referred back to the Inspection Dept. for restudy.

The first location was 620 Frink Street owned by Mr. Willie Williams.

The City Housing Inspector informed Council that on June 26, 1979, a building permit had been obtained by the owner and that at this time, it was recommended that no further action be taken on this structure. The Housing Inspector stated additionally that rubbish still remains to be cleaned off the lot.

Mr. Williams was recognized and informed Council that he had obtained a building permit and is continuing to clean the rubbish off the lot.

Mrs. Evans stated that Mr. Williams will get some help from a local agency.

Following some discussion, Mr. George offered motion to grant an additional 60 days extension to Mr. Williams to clean the rubbish from his lot under the supervision of the City Housing Inspector, motion seconded by Mr. Hurley and carried unanimously.

The next location was lot 136 Trevino Drive owned by Mr. Cecil Highsmith of Green Valley Estate. The Housing Inspector reported that as of this date, Mr. Highsmith had not removed the existing wall and recommended Council take necessary action.

Following a brief discussion, Mr. Dawkins offered motion that since Councilman Williams was not present this evening that this matter be deferred to the July 23 meeting, seconded by Mrs. Evans and carried unanimously.

Council next gave consideration to the preservation of the Thornton House on Maiden Lane. (this matter given a four month extension at the December 4, 1978, meeting and additional three month extension at the April 9, 1979, meeting).

Council recognized Mr. Reginald Barton, Chairman of the Historic Fayetteville Foundation, Inc., who informed them that the committee and members of the foundation are meeting with interested persons to relocate the Thornton House in the downtown area. He requested an additional extension of time for this purpose.

Following a brief discussion, Mrs. Evans offered motion to grant an additional three months extension, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a proposed ordinance prohibiting parking along the south side of Person Street near the entrance to PWC drive-in window.

The City Engineer presented this matter and stated that Mr. Tim Wood, Assistant Manager of PWC had sighted a traffic congestion problem at this location. During periods of peak use of the PWC drive-in window, vehicles back up from the driveway onto Person Street. Mr. Wood has suggested that the two parking places between Person Street and the driveway be removed so that the back-up of vehicles waiting to get to the drive-in window, will not block one of the Person Street lanes. Mr. Bennett stated that he concurred in the suggestion and recommended the adoption of the proposed ordinance.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 11 - PARKING PROHIBITED - PERSON STREET-SOUTH SIDE- FROM THE EAST CURB BY THE OLD WILMINGTON ROAD EASTWARDLY FOR 110 FEET. ORDINANCE NO. NS1979-57.

Mr. Hurley introduced the foregoing ordinance and moved its adoption as recommended by the City Engineer and as requested by the PWC, seconded by Mr. George and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1979.

Council next gave consideration to the adoption of a resolution accepting Amendment No. 1 to the grant agreement with the Federal Aviation Administration for airport runway improvements by increasing the grant by \$7,955. to provide additional wind cones and two additional taxi-way signs.

Mr. Earl Dennnis, the Airport Manager presented this matter and stated that these items were the requirements by the FAA for safety measures. He informed Council that the total cost would be \$9,944. of federal grant funds and that the cost to the City would be \$999.

Resolution title:

RESOLUTION AUTHORIZING ADOPTING, APPROVING, ACCEPTING AND RATIFYING THE EXECUTION OF AMENDMENT NO. 1 TO GRANT AGREEMENT FOR PROJECT NO. 6-37-0021-05 BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. R1979-44.

Mrs. Evans introduced the foregoing Resolution and moved its adoption as recommended by the Airport Commission, seconded by Mr. George and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1979.

Council next gave consideration to appointments.

The first was one appointment to the Board of Adjustments, said appointment to expire in July 1979. This matter presented for information this evening.

Mayor Finch informed Council that the incumbent, Dr. Stacy Haire (alternate) had been contacted and had agreed to serve again if appointed.

Mr. Dawkins nominated Dr. Stacy Haire.

Mayor Finch stated this matter would be carried over to the next meeting of the Council on July 23 for action.

Council next considered two appointments to the Fayetteville Revitalization Commission. At the last meeting of the Council, on June 25, Mrs. Carol G. Goforth and Mr. Neil Reichle were nominated to fill these vacancies. There were no further nominations.

Following a brief discussion, Mr. Hurley offered motion to close nominations and that Mrs. Goforth and Mr. Reichle be appointed by acclamation to serve three year terms each with an expiration date of June 1982, motion seconded by Mrs. Evans and carried unanimously.

No delegations requested recognition.

City Manager reports:

The City Manager informed Council that he had received a request from Mr. Albert Wagoner, Chairman of the Fayetteville Cumberland County Senior Citizens Advisory Commission that the City support the cost of sending one individual to attend a meeting of senior citizens in Asheville at a cost of \$82.80 which is one-half the total cost of \$165.60 and one-half be borne by the County. The City Manager stated that these funds could be used from City Council contingency fund.

Following a brief discussion, Mrs. Evans offered motion to approve the foregoing request in the sum of \$82.80, seconded by Mr. Dawkins and carried unanimously.

The City Manager informed Council that the North Carolina League of Municipalities meeting would be held in Winston Salem this year on October 28, 29, and 30. Mr. Thomas informed Council he wished to make reservations for this meeting immediately in order to place Mayor and Councilmembers in the convention motel next to the convention center. Council requested the City Manager to make block reservations immediately and cancellations considered for those unable to attend at a later date.

The City Manager also informed Council of the National League of Cities meeting to be held in Las Vegas, Nevada on November 24 thru 28 this year and requested Council to inform him on reservations. The City Manager was also requested to make seven reservations for the Mayor and City Council immediately.

The City Manager requested Councilman Markham to have a meeting of the Policy Committee to consider drainage policy.

Mr. Markham set a meeting for the Policy Committee for 7:00 P.M., Monday, July 16, in the Council room in the Kyle House.

The Mayor informed Council that Mr. Jim Gray, Director of the City Transit Department, had been appointed to the North Carolina Public Transit Advisory Council.

Mayor Finch also informed Council that Mr. Charles Clark, a former member of the Airport Commission had presented a flag to the City which had been presented to him by former Congressman Alton Lennon as a gift to the City. Mayor Finch informed Council that this flag had flown over the Capitol Building in Washington. Councilmembers expressed thanks to Mr. Clark for his generous donation of this exceptional flag.

The City Manager informed Council that he and Mr. Richard Herrera, of the Community Development Department and others, had looked at the Southeast Fayetteville Area to observe the lighting and the wooded areas, upon a complaint last meeting of a Mrs. Hays. The City Manager stated that PWC will correct the lighting condition on the streets in this area. He stated that the wooded areas are partially public and partially privately owned property. He requested Council's guidance as to what extent he should go toward clearance of the City's property inasmuch as it was natural woodlands.

Following some discussion, Mr. George recommended that a copy of the City Manager's memorandum be sent to Mrs. Hayes and the Mayor suggested a visit to Mrs. Hayes by the City Manager, Mr. Herrera and others to inform them of the results of the visit to the area. Council requested the City Manager to proceed at his own discretion with clearance in the publicly owned wooded area.

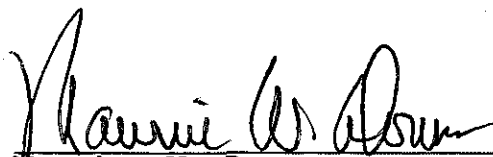
Matters of interest to the Council:

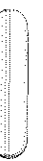
Mr. Hurley suggested that the City Clerk keep track of appointments to all committees and inform Council of impending term expirations.

The City Manager informed Council of the death of City Electrical Inspector Charles Singleton on Sunday, July 8, following an extended illness. He further informed Council of the funeral to be held at 2:00 P.M. Wednesday, July 11 at Cape Fear Baptist Church at East Fayetteville.

This concluded items on the regular agenda and Mr. Dawkins then offered motion at 8:00 P.M. that Council convene into executive session to consider a land transaction, seconded by Mrs. Evans and carried unanimously.

Council reconvened into regular session at 8:15 P.M. and adjourned upon motion made and duly seconded.


Maurice W. Downs
City Clerk



SPECIAL MEETING
1:00 P.M.
FRIDAY, JULY 20, 1979
COUNCIL CHAMBER
KYLE HOUSE

Present: Mayor Beth Finch

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

Council Members Absent: Mildred Evans and Marion George

Others Present: W. G. Thomas, III, City Manager
John Smith, Asst. City Manager
Robert M. Bennett, City Engineer

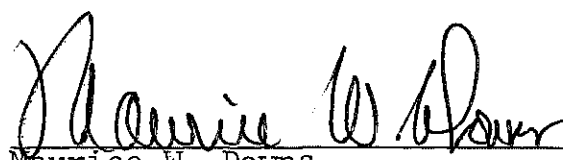
Mayor Finch called this special session to order for the purpose of hearing a presentation by the City Manager.

The City Manager suggested that Council may wish to enter into an executive session to hear the presentation.

Mr. Williams then offered motion that the Council enter into an executive session for the purpose of discussing a land transaction, seconded by Mr. Dawkins and carried unanimously.

Council then, upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously adjourned the executive session and reconvened into the special session.

Council then, upon motion by Mr. Dawkins, seconded by Mr. Markham, and carried unanimously, adjourned at 1:15 P.M.


Maurice W. Downs
City Clerk

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REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JULY 23, 1979
7:00 P.M.

Present: Mayor Beth Finch

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

Council Member Absent: J.L. Dawkins

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 Mike Aiken, of the Fayetteville Urban Ministry. Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch recognized a Fayetteville Youth Council Representative in the audience.

The first order of business was the approval of minutes and upon motion by Mr. Williams, seconded by Mr. Hurley and carried unanimously, minutes of the regular meeting of July 9, were approved as submitted by the Clerk.

Public Hearings:

Council reconsidered the proposed annexation of the Burnett Avenue Property located in Massey Hill. (This item continued from the June 25 meeting). The Annexation Technical Review Committee recommended approval.

City Attorney Cogswell informed Council that this matter had been advertised on June 29, July 6, 13, and 20. There were several persons from the area recognized in favor of the annexation. Mr. James Cooper, Counsel for Burlington Industries was recognized in opposition. Mr. Cooper informed Council that he was not aware this matter was coming up again this evening and was not prepared to submit an argument. Council reminded Mr. Cooper that the matter had been advertised four times in the newspaper and that he was present at the last meeting when this new hearing was set.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE, NORTH CAROLINA, TO INCLUDE THE BURNETT AVENUE AREA. ANNEXATION ORDINANCE NO. 79-7-225

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 Annexation Ordinance Book 1979.

Council next gave reconsideration to a resolution and order to close a portion of Coronation Drive in Ascot Subdivision on Raleigh Road. (This matter continued from the June 11 meeting). The City Attorney informed Council that this matter was advertised on June 15, 22, 29 and on July 6. The City Engineer presented this matter and stated that this request came from the Wachovia Mortgage Corporation of Winston Salem through Mr. James M. Kizer, P.E. of Moorman, Little, Kizer, Consulting Engineers. There were no proponents present.

The following named appeared in opposition: Natherline Mathis, Barbara Teal, Faye Taylor, Joyce Kershaw, Gene Kelly and Dr. and Mrs. Phillip Ramsey, (by proxy), all of Blythewood Avenue Area in Ascot.

Following the opposition arguments and discussion by the Council, Mr. Williams offered motion to deny the request, seconded by Mr. George and carried unanimously.

A public hearing had been published for this date and hour on a petition to rezone from C3 Heavy Commercial District and R6 Residential District to R5A Residential District or to a more restrictive zoning classification an area located on the southeast corner of the intersection of Whitfield Road and Camden Road. Planning Board recommended approval.

Attorney Jim Cooper was recognized in favor for the Fayetteville Metropolitan Housing Authority and Burlington Industries. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM C3 HEAVY COMMERCIAL DISTRICT AND R6 RESIDENTIAL DISTRICT TO R5A RESIDENTIAL DISTRICT AN AREA LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF WHITFIELD AND CAMDEN ROAD. ORDINANCE NO. NS1979-58.

Mr. Williams 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 on the rezoning from R6 Residential District to P2 Professional District or to a more restrictive zoning classification an area located at 1328 and 1330 Ramsey Street. Planning Board recommended approval.

There were neither proponents nor opponents present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R6 RESIDENTIAL DISTRICT TO P2 PROFESSIONAL DISTRICT AN AREA LOCATED AT 1328-1330 RAMSEY STREET. ORDINANCE NO. NS1979-59.

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 NS1979.

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 the west side of Ramsey Street between Old Plantation Road and Hillview Avenue. Planning Board recommended approval.

Mr. Mike Starling, the petitioner, was recognized in favor and stated he wished to construct an office building in the area. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORIDINANCE TO REZONE FROM R10 RESIDENTIAL DISTRICT OT P2 PROFESSIONAL DISTRICT AN AREA LOCATED ON THE WEST SIDE OF RAMSEY STREET BETWEEN OLD PLANTATION ROAD AND HILLVIEW AVENUE. ORDINANCE NO. NS1979-60.

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 a petition for rezoning from R10 Residential District to ClP Shopping Center District or to a more restrictive zoning classification of an area located on the north side of U.S. 401 By-Pass (Pamalee Drive) between VanBuren Avenue and Helen Street. Planning Board recommended denial of the request for rezoning from R10 Residential District to ClP Shopping Center District for the entire tract and approval of ClA Area Commercial District for only that portion of the site to the east of the Cain Road extension.

Attorney Gardner Altman was recognized for the property owner in favor of ClP zoning. Mr. Altman stated that the area was being altered because of the new Cain Road connection and 401 By-Pass widening. He stated the existing traffic count would increase as a result of these changes occurring in the area, and that this site would not be suitable for residential development because it would be situated at the intersection of two major thoroughfares.

The following named persons were recognized in opposition to the proposed rezoning: Mr. Elvis Lewis, representing Green Valley Subdivision property owners, Mr. Bill Parish, Forest Hills Subdivision and Col. Wilton J. Ingeman of Forest Hill Drive in Forest Hills Subdivision who all stated that this matter had been before Planning Board and City Council several times in the past ten years and each time the property owners in the area had presented their objections to the commercialization of this residential area.

Following some discussion, Mr. Williams offered motion to grant R10 to ClP to the area on the east side of Cain Road, motion seconded by Mr. Markham. Mayor Finch called for a vote and it was as follows: For: Councilmembers Williams and Markham. Against: Councilmembers George, Evans and Hurley.

Mr. Hurley then offered motion that the east side of Cain Road be rezoned ClA and the west side of Cain Road be zoned Professional, motion seconded by Mr. Williams.

Mr. George then offered substitute motion that the rezoning request be denied and that the City take long range plans to study the acquisition of the property and beautifying it for public purposes or attempting to get a private developer to do likewise, motion seconded by Mrs. Evans. Mayor Finch then called for a vote on the substitute motion and it was as follows: For: Councilmembers Evans and George. Against: Councilmembers Markham, Hurley and Williams. Mayor Finch declared the motion lost and called for a vote on Mr. Hurley's original motion. The vote was as follows: For: Councilmembers Markham, Hurley and Williams: Against Councilmembers Evans and George. Mayor Finch declared the motion carried.

The City Attorney Cogswell then advised Mayor Finch that since this was an ordinance amendment which would require a two-thirds vote it must have a second reading. Mayor Finch declared the motion carried on first reading and set a second reading for the next meeting of the Council on August 13.

A public hearing had been published for this date and hour on the rezoning from R5 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification of an area located at 325 B Street. Planning Board recommended approval. There were neither proponents nor opponents present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R5 RESIDENTIAL DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED AT 325 B STREET. ORDINANCE NO. NS1979-61.

Mr. Hurley 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 a petition for rezoning from R5 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification of an area located at 705 A Robeson Street. Planning Board recommended approval.

A Mr. Rease Williams, the petitioner was recognized in favor. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R5 RESIDENTIAL DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED AT 705A ROBESON STREET. ORDINANCE NO. NS1979-62.

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

A public hearing had been published for this date and hour on a petition for rezoning from R6 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification of an area located at 1040 Camden Road. Planning Board recommended approval.

Mrs. Eileen Odom, representing Commonwealth Real Estate, the petitioner was recognized in favor. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R6 RESIDENTIAL DISTRICT OT C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED AT 1040 CAMDEN ROAD. ORDINANCE NO. NS1979-63.

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 initial zoning to R10 Residential District or to a more restrictive zoning classification of an area located at 3402 Boone Trail. Planner Al Mitchell reminded Council that this was a newly annexed area and the Planning Board recommended approval of R10. There were neither proponents nor opponents present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE TO R10 RESIDENTIAL DISTRICT AN AREA LOCATED AT 3402 BOONE TRAIL. ORDINANCE NO. NS1979-64.

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

Copies of all of the foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1979.

City Council next moved to the setting of several public hearings. City Attorney Cogswell was recognized and requested Council to delete Item B from the setting of a public hearing. Item B was consideration of a preliminary resolution and notice of intent to close a portion of Maiden Lane.

Council then upon motion by Mr. Williams, seconded by Mr. George and carried unanimously set public hearings as follows for the following two items:

August 13, 1979:

Consideration of the lease of Fayetteville Municipal Airport property to the Southern National Bank.

August 27, 1979:

Consideration of the rezoning from PND Planned Neighborhood District to R5A Residential District or to a more restrictive zoning classification of an area located south of Cliffdale Road adjacent to Buckhead Creek.

Planning Board matters:

Planner Al Mitchell presented six Planning Board matters as follows:

Upon motion by Mrs. Evans, seconded by Mr. Williams and carried unanimously Parnell Street off Raeford Road was changed to Marlboro Road as recommended by the Planning Board.

Upon motion by Mr. Williams seconded by Mrs. Evans and carried unanimously conditional approval was given to Raleigh Road Shopping Center addition and subdivision (formerly Tart property) preliminary and final review located on Raleigh Road at Country Club Drive as recommended by the Planning Board.

Upon motion by Mr. Williams, seconded by Mrs. Evans and carried unanimously conditional approval was given to TeraGardens Apartments preliminary and final group development review located on Law Road near Raleigh Road as recommended by the Planning Board.

Upon motion by Mr. Williams, seconded by Mrs. Evans and carried unanimously conditional approval was given Rivercliff Subdivision extension preliminary and final review located on Eastwood Avenue at the Cape Fear River as recommended by the Planning Board.

Upon motion by Mr. Hurley, seconded by Mr. Williams and carried unanimously conditional approval was given Hillendale Subdivision extension preliminary and final review located on Rosehill Road as recommended by the Planning Board.

Upon motion by Mr. Williams, seconded by Mr. Hurley and carried unanimously conditional approval was given Greenwood Homes, Section 5, Part II, Subdivision preliminary and final review located on Spruce Street and Forest Hill Drive as recommended by the Planning Board.

Public Works Commission matters:

PWC Manager Muench presented a report from the PWC of an increase in sanitary sewer monthly charges inside and outside the city to be effective on all utility bills rendered on and after October 1, 1979. Mr. Muench informed Council that the increase would from 50% to 60% of the water bill. Mr. Muench displayed projections and statistics as to how this proposed increase will affect residential, commercial, and industrial customers of PWC. Mr. Muench reminded City Council that the PWC sewer rates were still the lowest in the state.

Following a brief discussion of Mr. Muench's presentation, Mr. Hurley offered motion to follow the recommendation of PWC and endorse the rate increase, seconded by Mrs. Evans and carried unanimously.

Mr. Muench reported additionally to the Council that street lighting in the southeast had been completed as requested by the Council.

Council next gave reconsideration to a request from the Housing Inspector to take necessary action to correct substandard conditions at 136 Trevino Drive. (This matter continued from the July 9 meeting). The Housing Inspector reported again that Mr. Cecil Highsmith of Green Valley Estates had not taken the necessary action to remove the existing wall and requested the Council to take necessary action.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY AT LOT 136 TREVINO DRIVE OWNED BY MR. CECIL HIGHSMITH. ORDINANCE NO. NS1979-65.

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

Council next gave consideration to a request for a waiver of interest for sanitary sewer assessment for Lots 86 thru 91 on Neville Street from a Mr. Charles Robert Smith.

The City Attorney introduced this matter and stated in a memo to Council that he had thoroughly investigated this request and that he had carefully examined the records of this particular assessment project and when the preliminary assessment roll was made up, it reflected that Lots 86 thru 91 on Neville Street were owned by J.T. Squires. Obviously a mistake was made when the assessment roll was made up in not assessing these lots to Mr. Smith since he had acquired them in March 1972. It would appear that the notices went to the previous owner and what disposition he made of them is not known. Whatever the circumstance, Mr. Smith was not aware of the assessment until the city started collection procedures against him for the collection of this assessment which, by that time had accumulated interest. Based upon this, the City Attorney stated that he was of the opinion that Council is authorized to grant Mr. Smith's request as it relates to Lots 88 thru 91 but not as it relates to Lots 86 and 87. As of the date of Mr. Smith's request, total interest due on Lot 86 thru 91 was \$209.70. On a pro rated basis the amount of interest city is authorized to relieve would be \$139.80.

Following a brief discussion, Mr. George offered motion for the waiver of the interest in the amount of \$139.80, seconded by Mrs. Evans and carried unanimously.

Council next gave consideration to an ordinance amending Chapter 12, Fire Protection and Prevention, of the City Code of Ordinances. Fire Chief Thurman Bishop presented this matter and stated that the purpose of the proposed ordinance is the adoption of the 1976 issue of the Fire Prevention Code as recommended by the American Insurance Association. The present ordinance reflects the adoption of the 1970 edition and should be updated. Chief Bishop indicated that there may be some opposition to this move, in that two sections of the new edition prohibit the use at a self service gas pump of the device that can be used to lock the handle in an open position while gas is being pumped into a car.

Following some discussion of this matter, Mr. Williams offered motion for adoption of the ordinance approving the Fire Prevention Code of 1976, seconded by Mr. Hurley and carried unanimously.

The title of the foregoing ordinance appears below:

AN ORDINANCE AMENDING CHAPTER 12, "FIRE PROTECTION AND PREVENTION" OF THE CITY CODE OF ORDINANCES, FAYETTEVILLE, NORTH CAROLINA, SECTION 12-1. ORDINANCE NO. S1979-16.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1979.

Council next gave consideration to an airport use agreement between the Fayetteville Airport Commission and Atlantis Airlines, Inc. Council recognized Airport Commission Chairman, Bernard Stein, who presented the proposed agreement and recommended its approval.

Following a brief discussion, Mr. Williams offered motion for approval of the foregoing agreement as recommended by the Airport Commission 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. George and carried unanimously.

A copy of said agreement is to be placed in the files of the Airport Manager.

Council next gave consideration to the approval of an amendment to the State Grant Project 75-01 to the airport to reduce the amount by \$38,000. in unobligated funds. These funds have been reallocated to state share of the air carrier apron overlay. Council again recognized Mr. Stein who stated that this is an accumulation of allocations over the past year and represents some savings affected by the Airport Commission such as some bids coming in lower than expected. This represents a savings of \$38,000. for the state and \$38,000. for the city. We have requested that \$38,000. back plus \$100,000. so that the Airport Commission can add two inches of concrete to the apron project, Mr. Stein stated. FAA will only participate in 6 inches, not eight inches. The Airport Commission is planning for additional air traffic in the near future so eight inches is being considered over six inches at this time to save money. The state agrees and is putting in 50% of the funds to provide eight inches which will handle anything flying today. So, this is the reason for the \$38,000. reduction in the past year and the addition of the \$138,000. back from them again, he concluded.

Following a brief discussion, Mr. Hurley offered motion for approval of the amendment as recommended and as requested, seconded by Mr. George and carried unanimously.

Council next gave consideration to a proposed ordinance amending the City Code, Traffic Schedule Number 10, to permit only the parking of attended vehicles in front of the airport terminal. The Assistant City Manager presented this matter and stated that considerable difficulty is being experienced at the airport, particularly during peak air traffic hours with vehicles parking immediately in front of the air terminal and such vehicles being left unattended for periods longer than the allowed five minutes. The proposed ordinance, he stated, would declare a five minute zone for attended vehicles only in front of the airport passenger terminal. Said road, designated Terminal Road, and said zone being 255 feet in length from the western end of the Limousine Parking zone. He stated further that another consideration is being given to changing the present gate structure at the short term parking lot to permit payment upon leaving rather than upon entering, which would eliminate the necessity of customers having to park their cars and leaving them to seek change for the parking gate.

Following some discussion, Mrs Evans offered motion for adoption of the ordinance as recommended by the Airport Commission, seconded by Mr. Williams and carried unanimously.

The ordinance title appears below:

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 10- LOADING AND UNLOADING ZONES (FAYETTEVILLE AIRPORT). ORDINANCE NUMBER NS1979-66.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book 1979.

Council next gave consideration for authorizing the Mayor to sign Project Completion Agreement for urban renewal projects in the following areas;

- A. Murchison Road Redevelopment Area, N.C. R-90
- B. Southeast Neighborhood Development Program N.C. A-7
- C. Wilmington Road Neighborhood Development Program, N.C. A-10

Council recognized Mr. Richard Herrera, Executive Director of the Community Development Department, who stated that we are rapidly approaching the financial settlements stage of the urban renewal categorical grant programs in which the City of Fayetteville, the Fayetteville Redevelopment Commission and the Department of Housing and Urban Development were involved. In an effort to achieve financial settlement, certain documents must, by regulation, be exchanged among the parties involved.

The City of Fayetteville is respectfully requested to outline the subsidized housing stock in comparison to our relocation efforts and to outline the responsibility contained in the documents.

I respectfully request that the documents be approved and that the Mayor be authorized to sign these documents. The Board of Commissioners of the Fayetteville Redevelopment Commission passed a resolution on July 11, authorizing acceptance of the agreements, he concluded.

Following a brief discussion, Mrs. Evans offered motion for approval of agreements for Murchison Road, Southeast Neighborhood and Wilmington Road Neighborhood as requested by the Commission and to authorize the Mayor to sign said agreements in behalf of the City, seconded by Mr. Hurley and carried unanimously.

Council next gave consideration to a resolution ordering the destruction of Finance Department documents which have been recorded on microfilm. The City Manager presented this matter and recommended adoption of the resolution.

RESOLUTION AUTHORIZING THE DESTRUCTION OF FINANCE DEPARTMENT DOCUMENTS
WHICH HAVE BEEN RECORDED ON MICROFILM. RES. NO. R1979-45.

Mr. Williams 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 R1979.

Mayor Finch then suggested to Council that they may wish to give consideration to a late agenda item, #19 at this time. Council agreed.

Council then gave consideration to Item 19 which was consideration of the approval of a resolution authorizing the execution of the cooperation agreement between the City of Fayetteville and the Fayetteville Metropolitan Housing Authority.

Housing Authority Director, Harry Jones was recognized and stated that this is basically a procedural requirement from HUD. We are in the process of acquiring two projects on Melvin Place and Point Place to correct some serious structural deficiencies which exist due to erosion problems. The agreement simply states that the city will provide certain essential public services to our property in exchange for our paying to city payments in lieu of taxes. The projects consist of 110 units and were constructed under a program called the Section 23 Program as amended under the Housing Act of 1937 and the request here is that these particular projects are not owned by the Housing Authority but privately owned through the local non-profit corporation. So, to convert ownership to the Housing Authority, we have to come to the City as a requirement to get your blessing that you will provide these public services to us and we ask you for consideration of this particular request.

Following some discussion, Mr. Williams offered motion, seconded by Mr. Hurley and carried unanimously to approve the resolution authorizing execution of the agreement.

Council next gave consideration to taxi driver permits. The City Manager presented this matter and stated the following named are recommended for taxi driver permits by the Taxicab Inspector, the Chief of Police and himself:

Bradley V. Wood	John Dewey Perrault
Marilyn Tadlock Tadlock	Joseph Couser
Linda Long Mitchell	David Carl King
Walter Claude Baird, III	Billie Ray Bryant

Mr. Williams offered motion to approve taxicab driver permits for the aforementioned as recommended, seconded by Mr. Markham and carried unanimously.

Council next gave consideration to an appointment to the Board of Adjustment. At the last meeting Dr. Stacy Haire, the incumbent was nominated for reappointment.

Mr. Williams then offered motion that nominations be closed and that Dr. Haire be reappointed by acclamation to the Board of Adjustment for a three year term of office said term running to July 1982, motion seconded by Mr. George and carried unanimously.

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

City Manager reports:

The City Manager informed City Council that due to an oversight the special downtown tax district levy was not adopted for the new fiscal year. Mr. Thomas stated that this levy amounts to 10¢ per \$100. evaluation and would yield approximately \$100,000. The City Manager requested the adoption of Change No. 1 to the current budget.

Mr. George offered motion for adoption of Change No. 1, seconded by Mrs. Evans and carried unanimously.

The City Manager informed Council that the LaFayette Carriage which is presently housed in the Anderson Street Library and which is owned by the Fayetteville Independent Light Infantry needed to be relocated due to the library need for the space. Mr. Thomas recommended placing the carriage in the City Hall lobby and asked if there were any objections from City Council to his doing this. Mayor Finch stated that there was a need for an information desk in the lobby instead, but asked Council's opinion.

Following a brief discussion, the City Manager was requested to consider the placement of the carriage in the lobby as well as the placing of an information desk there.

The City Manager then called on City Engineer Bennett who stated that a traffic signal could now be placed at the intersection of Hull Road and Devers Street if Council so desired.

Mr. Williams then offered motion, seconded by Mr. Hurley and carried unanimously that such traffic signal be placed at that location.

Matters of interest to City Council:

Mr. Hurley suggested that the highway between Ramsey Street and Raeford Road was known variously as Country Club Drive, Pamalee Drive and 401 By-Pass. He suggested that Council may want to give consideration to standardizing the name of this stretch of highway. Planner Al Mitchell was asked to check on this matter and to report back to the Council with a recommendation.

Mr. Hurley informed Council that a problem existed with unemployed individuals loitering under the Market House. He asked what could be done to correct this situation. The City Attorney stated that individuals must be charged with the violation of an existing law or ordinance in order to be removed. Mr. Hurley stated that instances of drunkenness and littering had also been observed in this location by these individuals. It was suggested that the Police Department be asked to check this out.

Mr. Hurley stated that a report had been received from CHNMB on downtown revitalization and suggested that the City Council consider at its next meeting, a discussion meeting on this matter.

In connection with this, Mr. Hurley informed Council that the Revitalization Commission has scheduled a visit to Wilmington on September 4, to look at their downtown area.

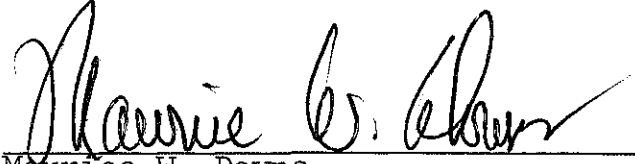
Mr. Williams set a meeting of the Buildings and Properties Committee for 7:00 P.M. on Monday, July 30, at the Kyle House to consider city owned properties which are neither in current use nor planned to be used by the city in the future and the Prince Charles Hotel.

Mrs. Evans suggested a meeting of the Liaison Committee.

Mrs. Finch informed Council that a meeting of the Appearance Committee be scheduled shortly.

Mayor Finch informed the City Engineer that a number of requests have been received for reducing the speed limit on Ruth Street which was being used extensively as a connector street between Raeford Road and Morganton-Ft. Bragg Roads. Mayor Finch suggested the placement of a children at play sign in the street. The City Engineer replied that this is not a standard sign, is not enforceable and recommended against its placement. The City Engineer was requested to study this matter further.

Thereafter, all matters of business having been completed, this session was adjourned at 10:00 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

★ See Aug. 13, 1979 mins to amend. mws



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
AUGUST 13, 1979
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 Tom Spence, Pastor of Peace Presbyterian Church offered the invocation. Following this, Mayor Finch led the Pledge of Allegiance to the Flag.

Mayor Finch then presented the following City employees with service pins:

Five Years:

Joy McCowan - Finance Department
Timothy Playforth - Fire Department
Harry Auten - Inspection Department
William Ussrey - Recreation and Parks Department

Ten Years:

James Thomas - Fire Department
Larry McCaskill - Recreation and Parks Department

Fifteen Years:

Agnes Bundy - Engineering Department
Bobby Averitt - Fire Department
Darryl Page - Fire Department

Mayor Finch stated that Mr. Jimmy Jones, Head of the Street Department, could not be present this evening to receive his fifteen year pin due to being on leave of absence, but that it would be presented to him at a later date.

Mayor Finch recognized Fayetteville Youth Council representatives present in the audience.

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 a special meeting of July 20, were approved as submitted by the Clerk.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, minutes of the regular meeting of July 23, were approved as amended to change the dollar amount figure of Special Downtown Tax District levy yield from \$100,000. to \$46,000., as it appeared in the minutes of July 23, first paragraph, page 105.

Mayor Finch informed Council that the City Manager and City Attorney had requested an executive session to consider a land transaction and possible litigation at the end of this meeting.

Public Hearings:

A public hearing had been published for this date and hour on the consideration of lease of Fayetteville Municipal Airport property to the Southern National Bank.

The City Attorney presented this matter and stated that this was a renewal of the current lease and a new provision was a rent increase from \$155.00 per month to \$217.50 per month. There were neither proponents nor opponents present.

Mr. Williams then offered motion, seconded by Mrs. Evans and carried unanimously to approve the new lease as presented.

Council next gave reconsideration to a zoning matter, the amending ordinance of which had been adopted on first reading at the July 23 Council meeting. The area involved being located on the north side of U.S. 401 By-Pass (Pamalee Drive) between VanBuren Avenue and Helen Street. Mayor Finch reminded Council and stated to those present in the audience, that this was not a public hearing, said public hearing had been held on July 23, but was to consider the second reading of the ordinance. Mayor Finch stated that the motion which had carried at the July 23 meeting, being made by Mr. Hurley and seconded by Mr. Williams, was to rezone a tract on the east side of Cain Road to C1A and an area on the west side of Cain Road to Professional.

Mrs. Evans then offered a motion to readvertise a new public hearing. This motion was ruled out of order by the chair as being not legal.

Mr. Williams then called the question and the vote was 4 to 2 in favor.

Mayor Finch then called for the vote and it was as follows: For the motion to rezone: Councilmembers Markham, Hurley, Dawkins and Williams. Against the motion to rezone: Councilmembers Evans and George. Mayor Finch declared the motion carried and the rezoning effected.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R10 RESIDENTIAL DISTRICT TO C1A AREA COMMERCIAL DISTRICT THAT TRACT ON THE EAST SIDE OF CAIN ROAD, AND PROFESSIONAL DISTRICT OF THAT TRACT ON THE WEST SIDE OF CAIN ROAD AS LOCATED ON THE NORTH SIDE OF 401 BY-PASS (PAMALEE DRIVE) BETWEEN VANBUREN AVENUE AND HELEN STREET. ORDINANCE NO. NS1979-67.

A copy of this ordinance is on file in the Clerk's office in Ordinance Book NS1979.

A public hearing had been published for this date and hour on the consideration of an amendment to the City of Fayetteville UMTA Capital Transit Grant. The Assistant City Manager presented this matter and informed Council that legal advertisement had been made and the application placed on file in the Clerk's office, but not in the Transit Department. He suggested that this public hearing be continued to September 24, in order to comply with Federal regulations.

There were neither proponents nor opponents present, but a lady was recognized in behalf of the handicapped for the passage of the amendment.

Mr. Williams then offered motion to continue this public hearing to September 24 as recommended by the Assistant City Manager, seconded by Mr. Dawkins and carried unanimously.

Upon motion by Mr. Hurley, seconded by Mrs. Evans and carried unanimously, a public hearing was set for August 27, 1979, on a petition for the annexation of Captain Moorehead's Restaurant in the Yadkin Road Area.

Public Works Commission matters:

PWC Manager Muench presented these matters.

Upon motion by Mrs. Evans, seconded by Mr. Williams and carried unanimously, an application was approved for one one-inch water connection to the existing main to serve Roadway Express, Inc. (commercial establishment) approximately 3/4 of a mile east of the Cargill Plant on River Road as recommended by PWC.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously an application was approved for one one-inch water and one four-inch sanitary sewer connection to existing main to serve a proposed building on property at the northeast corner at the intersection of Owen Drive and Camden Road as recommended by PWC. Mr. Muench stated that both of the foregoing property owners had agreed to petition for annexation.

The next item on the agenda was the consideration of the moving the Old McArthur House on Ramsey Street to the First Presbyterian Church property. Mr. Muench stated that he had no additional information on this matter and that the date for moving the house was unknown and that he did not place this item on the agenda this evening. He did state, however, in answer to questions the Old McArthur House, located on the east side of Ramsey Street near Corder Vossler and across the street from the Old Sawmill (Expo Center) will be moved by Bentley House Moving Contractors to a site on the First Presbyterian Church property between the east side of the educational building and Bow Street Fire Station. He stated that this old structure is another project with interest to a wide-spread group. The City, the Historical Society, the church and other interested citizens.

Following a brief discussion, Mr. Williams offered motion to continue this matter to the next regular meeting on August 27, seconded by Mr. Markham.

Mrs. Evans then offered substitute motion that the City Manager investigate this matter and bring it back to the Council for recommendation, seconded by Mr. Dawkins and carried unanimously.

This concluded the PWC matters and Mr. Muench was excused from the meeting.

Council next gave consideration to an ordinance requiring the Building Inspector to correct conditions at 725 Athens Avenue. (Continued from May 14, 1979 meeting) Housing Inspector E.L. Bryant informed Council that the property owner had secured a building permit and recommended no action.

Mrs. Evans then offered motion to take no action on this matter, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration on bids for the air carrier ramp overlay and several other Airport Commission matters.

Council recognized Mr. Cy Earnhart of the Airport Commission who requested approval of bids for air-carrier concrete ramp overlay. The Airport Commission recommended the contract be awarded to Cumberland Paving Company for eight inch overlay for \$671,125.

Mr. Hurley offered motion to make the foregoing award as recommended to Cumberland Paving Company, seconded by Mr. Dawkins and carried unanimously.

Mr. Earnhart then requested Council consider approval of FAA Grant Agreement for participation of six-inch overlay only.

Mrs. Evans offered motion to follow the recommendation of the Airport Commission, seconded by Mr. Dawkins and carried unanimously.

RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING AND RATIFYING THE EXECUTION OF GRANT AGREEMENT FOR PROJECT NO. 6-37-0021-06 BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. R1979-45A.

A copy of this Resolution is on file in the Clerk's office in Resolutions Book R1979.

Mr. Earnhart requested approval of Council in the Airport share of the cost of eight-inch overlay in the amount of \$112,355.

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

Mr. Earnhart then asked Council's consideration in dedicating the new baggage claim room at the Airport Terminal to Mr. Charles C. Clark in appreciation for his services as a member of the Airport Commission. Mr. Earnhart stated that it is the desire of the Commission to erect a plaque in the baggage claim room in honor of Mr. Clark.

Mrs. Evans then offered motion to follow the foregoing recommendation of the Airport Commission in the dedication and erection of the plaque, motion seconded by Mr. Dawkins and carried unanimously.

Council congratulated Mr. Earnhart on his selection as the new chairman of the Airport Commission.

Council next gave consideration to an ordinance amending Chapter 28, "Taxicabs" of the City Code.

The City Attorney presented this matter and informed Council that the present Limousine Franchise will expire on September 30, and this new ordinance would permit taxicabs to make pick-ups at the Airport. They are now permitted to transport passengers to the Airport but not pick the up under the terms of the franchise. The City Attorney stated that inasmuch as this is a franchise arrangement, it would require two readings by the City Council.

Following a brief discussion, Mr. Hurley offered motion, seconded by Mrs. Evans to adopt the ordinance amending Chapter 28, "Taxicabs" of the City Code of the City of Fayetteville on first reading, motion carried unanimously.

Council next gave consideration to an ordinance imposing a lien against real property for the demolition cost of a sub-standard structure incurred at the Singleton property located on Bevil Street.

Housing Inspector E.L. Bryant stated the building was demolished on July 28, 1979, at a cost of \$500. and if Council approved this ordinance it will effect a lien against the real property for the demolition cost incurred.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$500. AGAINST PROPERTY LOCATED AT 417 BEVIL STREET AND OWNED BY Mr. ARTHUR L. SINGLETON. ORDINANCE NO. NS1979-68.

Mr. Williams introduced the foregoing ordinance and moved its adoption, at 8:00 P.M., seconded by Mr. Dawkins and carried unanimously.

A copy of this ordinance is on file in the Clerk's office in Ordinance Book NS1979.

Council next gave consideration to an ordinance amending Chapter 17, "Licenses" of the Code of Ordinances of the City. (Roadside peddlers or itinerant merchants). The City Attorney presented this matter and stated that this had been requested by the Fair Business Practices Committee of the Fayetteville Chamber of Commerce.

Council recognized Mr. A. Howard Bullard, chairman of the Fair Business Practices Committee, who stated that his committee had been trying to find a way to deal with roadside peddlers or itinerant merchants. Roadside peddlers are growing in numbers and are very prevalent at key intersections within the city and county. There have been many complaints from members of the Chamber engaged in all

types of business who would like to see roadside peddlers be required to obtain a license to operate. Many times these peddlers are operating without a license and seem to choose significant highway corners where local traffic is congested. The Chamber, at their meeting on April 18, unanimously passed a motion amending Chapter 17, to restrict roadside peddlers in the city limits. The Chamber sincerely requests City Council to adopt the proposed City ordinance.

AN ORDINANCE AMENDING CHAPTER 17, "LICENSES" OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1979-17.

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

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1979.

Council next gave consideration to an ordinance amending Chapter 14, "Garbage, Trash and Weeds", of the Fayetteville City Code of Ordinances. The City Attorney presented this matter and recommended adoption, stating that this ordinance would provide some additional provisions to the garbage and refuse collection ordinance adopted by Council on June 25, 1979.

AN ORDINANCE AMENDING CHAPTER 14, "GARBAGE, TRASH AND WEEDS" OF THE FAYETTEVILLE CITY CODE OF ORDINANCES. ORDINANCE NO. S1979-18.

Mr. Hurley 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 S1979.

Council next gave consideration to the adoption of a resolution approving amendments to the lease agreement between the City and the Fayetteville Area Chamber of Commerce, Inc. for the Horne House. The City Attorney presented this matter and stated that there had been some modifications in the lease since the Council approved it. He stated that paragraph 7, explains in specific detail the tax relationship if taxes are ever levied on the property; and that paragraph 20, indicates the Chamber had to assign the lease in order to obtain the \$40,000. from Home Federal Savings and Loan, and that paragraph 22, spells out when the premises shall be opened for public tours and permits tours on weekends. The City Attorney stated that if Council was in agreement it should adopt the resolution.

RESOLUTION AUTHORIZING THE LEASE OF THE HORNE HOUSE TO THE FAYETTEVILLE AREA CHAMBER OF COMMERCE, INC. RESOLUTION NO. R1979-46.

Mr. Williams introduced the foregoing resolution approving the amendments 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 R1979.

Council next gave consideration to an ordinance amending Chapter 5, "Alcoholic Beverages", of the Fayetteville City Code.

The City Attorney presented this matter and stated that with the advent of the mixed drink sales in Cumberland County, it is necessary to amend the sections of the city code dealing with alcoholic beverages. Accordingly, the proposed ordinance, the provisions of which would hopefully eliminate any confusion and any inconsistencies that might exist, since the present code only deals with beer and wine. Also with the approval of the concessionaire's lease at the Fayetteville Municipal Airport which would permit sale of alcoholic beverages in the restaurant area, Section 5-17 needs to be amended.

Following a brief discussion, Mr. Williams offered motion for adoption of the ordinance as recommended by the City Attorney, motion seconded by Mr. Dawkins.

Following some further discussion, Mrs. Evans offered substitute motion to approve Section 5-16, "Sales on Sundays" and present the balance of the ordinance provisions to the Airport Commission at a later date and approve subject to their approval, motion seconded by Mr. Dawkins.

Mayor Finch called for a vote on the substitute motion and it failed unanimously.

Mayor Finch then called for a vote on the original motion for adoption 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 original motion lost.

Mrs. Evans then offered motion to approve Section 5-16 of the Ordinance, seconded by Mr. Williams.

Following some further discussion, Mr. George offered motion to amend Chapter 5 as presented with the understanding that any portion that pertains to the Airport commission will be considered at the request of the Airport Commission, seconded

by Mr. Williams and carried: Mrs. Evans voting no. The Ordinance title appears below.

AN ORDINANCE AMENDING CHAPTER 5, "ALCOHOLIC BEVERAGES" OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. S1979-19.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1979.

Council next gave consideration to the award of a contract for the installation for two civil defense sirens. The City Engineer presented this matter and stated that some time ago, the City purchased two sirens for installation at Tokay Recreation Center and E.E. Smith Senior High School. Bids were recently opened for installation of these sirens and we recommend awarding the contract to the low bidder, Clark Brothers, Inc. for their bid of \$1,750. and an additional \$500. should be budgeted for the electrical services by PWC.

Mr. Williams offered motion to follow the foregoing recommendation of the City Engineer and award the bid to Clark Brothers Electric for \$1,750., seconded by Mr. Hurley and carried unanimously.

Council next gave consideration to two ordinances revising the City Ordinance Traffic Schedules No. 6 and 14. The City Engineer presented this matter and stated that the proposed ordinances are for the purpose of updating these two traffic schedules. Most of the changes were brought about by new subdivision streets.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 6, "STOP INTERSECTIONS". ORDINANCE NO. NS1979-69.

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

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 14, "YIELD RIGHT-OF-WAY. ORDINANCE NO. NS1979-70.

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

Copies of the foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1979.

Council next gave consideration to a resolution of condemnation concerning acquiring right-of-way on Ft. Bragg Road at the intersection of Churchill Drive.

The City Engineer presented this matter and stated that sometime ago, the City entered into an agreement with NCDOT for upgrading the intersection of Churchill Drive and FT. Bragg Road. The plan called for widening along the south side of Ft. Bragg Road, west of Churchill Drive. The proposal required 4.5 feet of widening. The appraisal for the 4.5 feet is \$550. This offer has been made to the executors of the estate but has been rejected. The executors state that they will recommend that no less than \$2,000 to the other eight heirs. The City Engineer stated he believed that there is no way that an agreement can be reached on an equitable price and therefore recommended adoption of the condemnation resolution.

A RESOLUTION AUTHORIZING CONDEMNATION OF A PARCEL OF LAND FOR TRAFFIC IMPROVEMENT. RESOLUTION NO. R1979-47.

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

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1979.

Council next gave consideration to updating the rehabilitation maximum income limits for Community Development Block Grant Program. Mr. Richard Herrera, Executive Director of the Community Development Department was recognized and stated that the present limits are too low and are set for low income individuals. The Commission feels that there is a need to update the maximum income limits for persons of moderate income. Mr. Herrera requested approval of the following maximum incomes without review as approved by the Fayetteville Redevelopment Commission. The Commission however, respectfully requests the qualification for the maximum income not be made retroactive from the date of approval and that the Fayetteville Redevelopment Commission have the authority to review the program at the end of each fiscal year.

MAXIMUM INCOMES WITHOUT REVIEW

<u>Persons Per Household</u>	<u>Gross Maximum Income</u>
1	\$ 6,685.00
2	7,660.00
3	8,590.00
4	9,565.00
5	10,170.00
6	10,760.00
7	11,375.00
8+	11,415.00

MAXIMUM INCOMES WITH REVIEW

<u>Persons Per Household</u>	<u>Gross Maximum Income</u>
1	\$ 7,720.00
2	8,330.00
3	9,340.00
4	10,400.00
5	11,060.00
6	11,700.00
7	12,370.00
8+	12,410.00

Following some discussion of the request, Mrs. Evans offered motion to follow the recommendation of the Fayetteville Redevelopment Commission and approve the updating of the income limits, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration for a request for funds in the amount of \$ 721.00 to be used for local matching funds in order to obtain available funds through the North Carolina Division of Aging to expand Homemaker-Home Health Aide Services. Mrs. Sharon Hindle, Executive Director of the Cumberland County Coordinating Council on Older Adults, Inc. was recognized and stated that the purpose of her requesting funds in the amount of \$721. to be used for local matching funds in order to obtain available funds through the North Carolina Division of Aging, (\$5,051.) to expand Homemaker-Home Health Aide Services. If the City Council agrees to allocate the matching funds, she stated the money will be used to expand the Homemaker-Home Health Aide Services in the City of Fayetteville. The Homemaker-Home Health Aide Program has been in operation since January 1978, she stated. The Homemaker-Health Aide provides personal care assistance to Home-bound incapacitated older adults. Examples of the services they provide include bathing, grooming, preparation of meals, light housekeeping, assistance with prescribed exercises, transfer of patient from bed to chair and help in re-establishing activities of daily living. Persons are not given the service if they have family members or other responsible persons able to perform the service, she stated. Currently the Homemaker-Home Health Aids are senior age employed through Title 5 of the Older Americans Act and must be over the age of 55 and they are permitted to work only four hours a day. Mrs. Hindle's request was supported by Mr. R. Walt Beach, Associate Director of Cape Fear Valley Hospital, Robert F. Willis, MD, Associate Director of Fayetteville Area Health Education Foundation, Inc., Elizabeth A. Hudspeth, RN, Nurse Administrator, Home Health Services of Cumberland County, Inc., Mrs. Bonnie Nicholson and Mrs. Ann Green of the Cumberland County Department of Social Services.

Following a brief discussion, Mrs. Evans offered motion to award the \$721. to the Coordinating Council as requested by Mrs. Hindle, motion seconded by Mr. Williams and carried unanimously.

No delegations were recognized.

City Manager reports:

The City Manager stated that instead of presenting the MICA work program for Fiscal Year 79-80, he would postpone this to the information meeting on August 20, along with information on the appearance committee, Recreation and Parks Grant, and the MICA program.

The City Manager informed Council that he had received a request from Mr. Don B. Pfefferle, Jr. Physical Director of the YMCA for permission for the "Stryders" runners club to hold a 3 day marathon run as part of the International Sports Festival, which will begin on the last weekend of September. YMCA will host the final day of competition on Sunday, September 30. The run will begin Sunday morning at 9:00 A.M. and be 13.1 miles long. He request that Council approve the run. The City Manager recommended approval.

Mrs. Evans offered motion for approval of the foregoing request, seconded by Mr. Williams and carried unanimously.

The City Manager stated he had received a request from Mr. Kenneth E. Basinger, Director of the Recreation and Parks Department for permission to hold the second annual Fun-Run. The Parks Department is now planning for the second annual run scheduled for Sunday, October 30, at 4:00 P.M. The race route will be from the Market House to the Winn Dixie Store (10,000 meters) on Raleigh Road across from Methodist College. It is anticipated that 2,000 runners will compete this year.

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

The City Manager stated he had received a request from the Fayetteville Police Club to hold the club's gospel sing on November 2, 1979, at Reeves Auditorium at Methodist College.

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

Mrs. Finch reminded Council of the reception for General Tackaberry, the new Post Commander, at 7:00 P.M. on August 20, the date of the information meeting and suggested that another time be chosen for the information meeting. It was decided to reset the meeting for 8:00 P.M. in the Kyle House.

Matters of interest to the City Council:

Council gave consideration to the request of Mr. Hurley of establishing the meeting dates with the Downtown Revitalization Commission. Mr. Hurley suggested the first Monday of each month or a luncheon meeting. Following some discussion, Mr. Hurley was requested to check with the Commission on a first Monday or luncheon meeting time and come back to the Council.

Mrs. Evans suggested that City Administration investigate notices to individuals on zoning matters, other than the legal ads which appear in the paper, inasmuch as people complaining that they received no notice of these meetings before Planning Board and before the City Council. Planner Al Mitchell stated that the Planning Department has conducted a survey on methods of notice and that they are still checking this matter and will report back to Council.

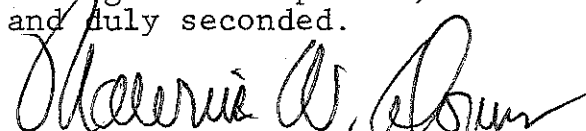
Mr. Dawkins then offered motion that Council convene into executive session to consider a land transaction and a possible litigation at 9:30 P.M., seconded by Mr. Williams and carried unanimously.

Council reconvened into regular session at 9:40 P.M. and Mayor Finch called on Mr. Thomas to present a matter.

Mr. Thomas informed Council that he had received an offer from Mr. Quincy Scarborough to sell to the City, a building owned by him and located on Person Street at Liberty Point.

Mr. Williams offered motion that the City Manager be requested to notify Mr. Scarborough that due to limited funds, the City is unable to consider the purchase of this property at this time, motion seconded by Mr. Dawkins and carried unanimously.

Thereafter all matters of business having been completed, this meeting was adjourned at 9:43 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk



SPECIAL MEETING
KYLE HOUSE
MONDAY, AUGUST 20, 1979
9:00 P.M.

Present: Mayor Beth Finch

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

Council Member Absent: Marion George


Others Present: Mr. William G. Thomas, III, City Manager
Mr. John Smith, Assistant City Manager
Mr. Robert Cogswell, City Attorney

Mr. Williams offered motion that the Council enter into a special meeting, seconded by Mr. Markham and carried unanimously.

Mr. Williams rendered a report from the Buildings and Properties Committee which recommended that Architect John J. Rose be employed by the City to study and make recommendations concerning the best uses of the Prince Charles Hotel at a cost of \$5,000 and such study to be completed within 90 days.

Mr. Dawkins offered motion that the committee's recommendations be approved, seconded by Mr. Hurley and carried unanimously.

Council adjourned at 9:10 P.M. upon motion made and duly seconded.



William G. Thomas, III
Deputy City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
AUGUST 27, 1979
7:00 P.M.

Present: Mayor Beth Finch

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

Council Member absent: Wayne Williams

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 Dr. John Y. Todd, III, Minister of McPherson Presbyterian Church offered the invocation. Following the invocation, Mayor Finch led the audience in the Pledge of Allegiance to the Flag.

Mayor Finch recognized Fayetteville Youth Council representatives, Carol Yeager, and Ann Yeago, present in the audience to observe Council proceedings and thanked them and the Youth Council for the gift of "Back to School Apples" for each of the members.

First order of business was the approval of minutes and upon motion by Mr. Dawkins, seconded by Mr. Hurley and carried unanimously, the minutes of the regular meeting of August 13, were approved as corrected to read "Mr. Hurley instead of Mrs." on page 109, middle paragraph, dealing with the taxicab ordinance.

Upon motion by Mr. Dawkins, seconded by Mrs. Evans and carried unanimously, minutes of a special meeting of August 20, were approved as submitted.

Public hearings:

Mayor Finch announced that agenda item 9, on this evenings agenda was actually advertised as a public hearing and as such would be moved up and be agenda item 2c. Mayor Finch also stated that regarding agenda item 12, the City Engineer had requested that this item be deleted.

The first public hearing was the consideration of a satellite annexation of the TMB Investments and adjacent properties (Captain Moorehead's Restaurant) located on the north side of Yadkin Road adjacent to Beaver Creek.

The Annexation Technical Review Committee recommended denial of this satellite annexation based on a finding that it would not be practical from an operational standpoint to provide fire and police protection, garbage pick-up and other city services to a satellite area as small as the subject area proposed for annexation.

Council recognized Attorney Herb Thorpe, for the request, who stated that they would waive the right to water and sanitary sewer extensions temporarily to PWC's benefit.

Following other remarks, Mr. Thorpe requested deferral of this public hearing to a subsequent meeting for an opinion of the Attorney General as to the legality of this waiver. Mr. Thorpe also informed Council that he had discussed fire protection and the availability of water for such with Fire Chief Thurman Bishop.

Mayor Finch then called for any opposition to this annexation and informed the Council that a telephone call in opposition to the annexation had been received from Mrs. William Allen of 5047 Yadkin Road.

Following some discussion, Mr. Hurley offered motion to continue this public hearing to October 8, as requested and that the City Attorney be instructed to seek the opinion of the Attorney General concerning this proposed annexation, seconded by Mrs. Evans and carried unanimously.

A public hearing had been published for this date and hour on the proposed rezoning from PND to R5A Residential District or to a more restrictive zoning classification of an area located south of Cliffdale Road adjacent to Buckhead Creek. Planning Director, Cliff Strassenburg, stated that the Planning Board's recommendation is for approval of this rezoning.

Mr. Dohn Broadwell, the petitioner, was recognized and stated that a forty foot easement would be built to provide access to this site. He stated additionally that this request would allow the builder to add five feet on to the residences. No one appeared in opposition to the request.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM PND PLANNED NEIGHBORHOOD DISTRICT TO R5A RESIDENTIAL DISTRICT AN AREA LOCATED SOUTH OF CLIFFDALE ROAD ADJACENT TO BUCKHEAD CREEK.
ORDINANCE NO. NS1979-71.

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

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1979.

Mayor Finch then announced that Council would consider item 9 on the agenda this evening, but renumbered item 2c and designated for a public hearing at this time.

The item was the proposed closing of Cude Street between Camden Road and Henry street. The City Attorney presented this matter and stated that the adjoining four property owners had put top soil over the street and sowed grass and since that time, no traffic had used the street as a travelway. The property owners have requested the city to take official action to abandon the street, pointing out that it is not needed as a public travelway, due to its substandard width. The City Engineer recommended approval of the property owner's request. The City Attorney informed Council that proper notices had been mailed to the property owners and the proper legal notice advertised on this matter.

Mr. Cecil Ellis, one of the property owners, was recognized in favor of the street closing. There was no opposition present.

RESOLUTION AND ORDER CLOSING A PORTION OF CUDE STREET BETWEEN CAMDEN ROAD AND HENRY STREET. RESOLUTION NO. R1979-48.

Mr. Dawkins introduced the foregoing resolution and order and moved its adoption closing this portion of Cude Street as petitioned, seconded by Mr. George and carried unanimously.

A copy of this Resolution is on file in the Clerk's office in Resolutions Book R1979.

Public hearings to be set:

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

September 10, 1979

A petition for annexation of the northeast corner of Camden Road and Owen Drive.

September 24, 1979

The levying of assessments for the paving on McLamb Drive from Murchison Road to the northwest corner of Lot 13, Block A, Plat Book 18, Page 44, by the adoption of the following resolution:

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENTS ON MCLAMB DRIVE. RESOLUTION NO. R1979-49.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1979.

The rezoning from P1 Professional District to P2 Professional District or to a more restrictive zoning classification of an area located at 907 Hay Street.

The initial zoning to R5A Residential District, R6 Residential District and M2 Heavy Industrial District or to a more restrictive zoning classification of an area located between Burnett Street, Eugene Street and the Seaboard Coastline Railroad.

Planning Board matters:

Planning Director Cliff Strassenburg presented these matters.

Upon motion by Mrs. Evans, seconded by Mr. Dawkins and carried unanimously, the Nationwide Insurance Building (Fayetteville Mall II Addition) preliminary and final ClP review located on Ravenhill Road at Raeford Road was approved conditionally as recommended by the Planning Board.

Upon motion by Mrs. Evans, seconded by Mr. Hurley and carried unanimously, conditional approval as recommended by the Planning Board was given to McDonaldland Park addition to McDonald's Restaurant preliminary and final ClP review located on Raeford Road at Emeline Avenue.

Upon motion by Mr. Hurley, seconded by Mr. Markham and carried unanimously, conditional approval was given as recommended by the Planning Board to VanStory Hills, Section 7, Part E, Subdivision preliminary and final review located at Thorncliff Drive at Huntington Road.

This completed Planning Board matters.

PWC Matters:

PWC Manager Muench presented these matters.

Upon motion by Mr. Dawkins, seconded by Mr. Hurley and carried unanimously, approval was given to an application by James H. and Arlene Buie for one one-inch water connection to existing main outside the city to serve a new residence at lot 16 and 17 Deland Court as recommended by PWC.

Mr. Muench stated that these property owners will apply for annexation.

The next PWC item was consideration of a proposed resolution amending the retirement plan of the Public Works Commission. Mr. Muench informed Council that he did not have complete information on this matter as yet as anticipated and requested deferral.

Mrs. Evans offered motion to defer this matter to the next regular meeting of the Council on September 10, seconded by Mr. George and carried unanimously.

Mr. Muench then requested Council's consideration of the next three items on the Council agenda, those items being items 5b,e, and f, all related to each other. The three items were the release of liability by the Windtree Associates, a North Carolina Partnership and Northstate Constructors, Inc. a North Carolina corporation, a release deed by the City of Fayetteville and f, a new easement to the City of Fayetteville by H.S. Floyd and Van G. Dickens, a North Carolina partnership and Windtreet Associates. Mr. Muench stated that the foregoing items cover the following situation:

PWC had an easement for an interceptor sanitary sewer across grantor's property. Grantor constructed an apartment building which encroached on the easement area and was too near the actual interceptor sanitary sewer pipe. PWC requested that property owners relocate the interceptor sanitary sewer pipe at the owner's expense (approximately \$1,000) release City of Fayetteville from any liability because of said apartment building construction and grant a new easement for that part of the relocated interceptor sanitary sewer. Mr. Muench requested approval as presented and that the Mayor and Clerk be authorized to sign the necessary documents to effect the foregoing. The City Attorney signified that he approved of the transactions in behalf of the city.

Mrs. Evans offered motion for approval of the foregoing as recommended and as requested by PWC and that the Mayor and Clerk be, and they hereby are authorized and directed to sign said documents in behalf of the city, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a proposed agreement between the Board of Commissioners of Cumberland County and PWC for the extension of water and sanitary sewer along Cedar Creek Road at I-95 underpass. Mr. Muench requested approval and that the Mayor and Clerk be authorized to sign the necessary agreement. The City Attorney signified his approval of the request.

Following a brief discussion, Mr. Dawkins offered motion to enter into the agreement as requested by PWC 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 Mrs. Evans and carried unanimously.

Council next gave reconsideration to an ordinance amending Chapter 28, "Taxicabs" of the City Code of the City of Fayetteville on second reading. The City Attorney presented this matter and reminded Council that they had adopted this ordinance on first reading at the August 13 meeting.

AN ORDINANCE AMENDING CHAPTER 28, "TAXICABS" OF THE CITY CODE OF THE CITY OF FAYETTEVILLE. (TAXICABS AUTHORIZED TO OPERATE ON AIRPORT PROPERTY). ORDINANCE NO. S1979-20.

Mr. Dawkins 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 S1979.

Council next gave consideration to recommendations from the Development Process Study Commission concerning Plat and Plan review procedures. This matter was presented by Mr. Henry C. Player, Jr., Chairman of the Development Process Study Commission. Mr. Player stated to Council that at its regular meeting on June 26, the Commission unanimously adopted two proposals aimed at improving the local, county and municipal process for review and approval of development plats and plans. The first proposal was to recommend that local subdivision regulation ordinances and zoning ordinances be amended to provide a uniform minimum 12 working day period for staff review of plats and plans. Specifically, the commission recommends that the staff submission deadline for plats and plans be established at 12 working days prior to the meeting date at which the Joint Planning Board would officially consider such plats and plans. That review agencies will review plats and plans and submit their comments to the Planning Staff no later than seven working days prior to the Planning Board meeting and that the Planning Staff will submit its preliminary recommendations

to the developers for discussion no later than five working days prior to the Planning Board meeting. This would allow more time for inter-agency review and coordination and for discussion between Planning Staff and developers regarding proposed recommendations and requirements. Second recommendation was that Fayetteville, Hope Mills, and Spring Lake subdivision regulation ordinances and zoning ordinances be amended to give the Joint Planning Board authority to take final action on all plats and plans except those involving requests for variances or contested conditions of approval. The purpose of this proposal is to speed up the process of plat and plan approval and to relieve governing body of the routine time-consuming action of officially approving plats and plans that have already been determined by the Joint Planning Board to meet all standards and requirements for local zoning and subdivision ordinances.

The City Attorney informed Council that these recommendations would require ordinance amendments before passage.

Mr. Player stated that his commission was only requesting City Council to refer these matters to the Planning Board for study and recommendation at this time.

Following some discussion, Mr. George offered motion to refer these recommendations to the Planning Board and Planning Staff for a recommendation giving due consideration to the expressed wishes of the City Council here tonight, regarding the second recommendation and regarding appointments to the commission, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to an ordinance amending Chapter 17, "Licenses" of the City of Fayetteville. The City Attorney presented this matter and stated that this ordinance was related to the licenses ordinance enacted by Council at the last meeting and adds a new subsection (n), providing for the sale of fresh vegetables and produce from curbside stands, or in a similar fashion shall be exempt from provisions of this section, provided that seller first obtains permission from the property owner to conduct the selling activity and no privilege license is otherwise required for the sale of such vegetables and produce. The City Attorney recommended adoption.

AN ORDINANCE AMENDING CHAPTER 17, LICENSES OF THE CITY CODE OF FAYETTEVILLE, ADDING THERETO A NEW SUBSECTION (n). ORDINANCE NO. S1979-21.

Mr. Hurley 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 S1979.

The next item on the agenda was item 9, which Mayor Finch reminded Council was the public hearing on the closing of a portion of Cude Street which had already been handled.

Council next gave consideration to an agreement (revision of an existing agreement) for the city to maintain traffic signals on a reimbursement basis for the North Carolina Department of Transportation.

The City Engineer presented this matter and stated that the reason for this revision of the agreement for maintaining traffic control devices, is that interconnected systems are partially inside and outside the city limits. Some of the systems exist and some are planned and the one maintenance agency should certainly maintain all of the interconnected systems. The City Manager stated additionally that this agreement was on a reimbursement basis to the city for such maintenance. Mr. Bennett requested Council's approval of this agreement by the adoption of a resolution and to authorize the Mayor and Clerk to sign said agreement.

Following a brief discussion, Mrs. Evans offered motion, seconded by Mr. Dawkins and carried unanimously, for the adoption of a resolution approving the agreement and that the Mayor and Clerk be, and they hereby are authorized and directed to sign said agreement in behalf of the city.

Council next gave consideration to bids for railroad grade crossing material for Russell Street.

The City Engineer presented this matter and stated that on June 11, 1979, the Council authorized inviting bids for crossing materials to be installed at 13 locations along Russell Street. Bids have been received and a complete tabulation is submitted this evening. Improved railroad crossing materials have been on the market for many years, however, common use of various materials have already existed for the last two or three years. There have been some failures which cause initial installations to require a replacement. Our investigation revealed failures have occurred on different railroads with various materials under various conditions, therefore, we cannot recommend against or for any particular material unless it has been evaluated or tested under similar conditions in the same locality. He recommended purchasing three types of materials for the following groups of crossings:

<u>COMPANY</u>	<u>GROUP OF CROSSINGS</u>	<u>FEET</u>	<u>BID AMOUNT</u>
Meadowbrook Enterprises, Inc.	C-1 #2, 6, 7, 11, & 13	829	\$171,569.84
Goodyear Tire & Rubber Co.	C-2 #1, 3, 4, & 5	274	64,635.67
Cobra Railroad Friction Produces	C-3 #8, 9, 10, & 12	226	<u>36,160.00</u>
Bid total amount:			\$272,365.51

The City Engineer requested approval of the foregoing recommended bidders, under proposal C by groups.

Following some discussion, Mr. Dawkins offered motion for approval of the foregoing bids as recommended by the City Engineer subject to review by the City Attorney, seconded by Mrs. Evans and carried unanimously.

The next item considered was item #12, which was a request that the City of Fayetteville establish a loading and unloading zone on Franklin Street and adjacent to the Ideal Cleaners property so that delivery and pick-up vehicles could have access to their business.

The City Engineer had requested deletion of this from the agenda this evening for further study. The City Engineer informed Council that he had talked with Dr. G. Wesley Allen, the owner of the property, and he agrees that no provision for loading - unloading zones or off-street parking had been provided along this portion of Franklin Street, and that he had discussed an alternate solution on Person Street. He stated he was not prepared at this time to make a recommendation however.

Council took no action and agreed to deletion of this item and for consideration at a later meeting.

Council next gave consideration to a request for permission to deviate from provisions established for the primary fire code at 214 Dick Street. The City Attorney presented this matter. In a letter to the Building Inspector, Fire Marshall Leon Lancaster stated that the request was to change fire district lines to exclude 214 Dick Street, and that Mr. H. Mac Tyson had called him concerning the possibility of changing the fire district lines at Dick Street and Halliday Street to exclude 214 Dick Street. Mr. Tyson wants to remodel this old house and convert it to be used as an office building for lawyers.

The Fayetteville Fire District is opposed to any change that would reduce the fire district. There is a need to change the fire district lines, but only to enlarge the fire district so that we may include some buildings that are now excluded.

The house in question at 214 Dick Street is a fine old home located in an area where some houses have been remodeled and improved the appearance of the area. The Fire Department, is in favor of this house being remodeled if approved by the Inspection Department, but not to change the fire district line. In a further memorandum to the City Manager, Mr. Albritton, of the Inspection Department, stated that due to the location of the building and the statement of the City Fire Marshall, he recommended that City Council approve the application as requested by the applicant.

Following a brief discussion, Mrs. Evans offered motion to follow the foregoing recommendation of the Inspection Department, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to the adoption of two identical resolutions approving the application by the Fayetteville Metropolitan Housing Authority to HUD for preliminary loans for low rent public housing. Mr. Harry Jones, Executive Director of the Authority was recognized and presented this matter and requested passage of the resolutions approving applications for two \$25,000 grants for low rent public housing.

Following a brief discussion, Mr. Hurley offered motion to approve the foregoing request by the adoption of the resolutions, seconded by Mr. Markham and carried unanimously.

Council next gave consideration to taxicab driver permits.

The City Manager presented this matter and stated that the following named have filed application with the Taxicab Inspector for taxi driver permits and have been approved by the Chief of Police and the Taxi Inspector:

Diomedes Martinez, Margaret Cartwright Morelli, Raymond Rodriguez, John Clyde Britt, Jr., William J. Luce and Clinton Thomas Williams, Jr.

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

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

City Manager reports:

City Manager reported on the status of the proposed relocation of the McArthur House located on Ramsey Street and discussed briefly at last Council meeting. The City Manager stated that at the request at that meeting of Council, he had talked with Mr. Greg Holmes, Chairman of the Commission, First Presbyterian Church, who informed him that the Commission was not ready to take any action on this matter and requested that Council forget it for now.

The City Manager informed Council that the following named persons from the Fire Department were recommended for promotion by the Civil Service Commission and the Fire Chief:

To Captain:

George C. Hall and Steve Russell

To Lieutenant:

Jerome Q. Smith and Richard L. Walker

Mr. Dawkins then offered motion that the foregoing promotions be approved as recommended, seconded by Mr. Hurley and carried unanimously.

The City Manager reported the following resignation from the Fire Department, effective August 23, 1979:

James Mark Lambert

Mr. Hurley offered motion, seconded by Mr. Dawkins to accept the resignation with regret, motion carried unanimously.

Council next gave consideration to budget amendments. The City Manager presented this matter and stated that the first amendment was for the transfer of \$5,000 from City Council Contingency, Other Appropriations to Professional Services, Other Appropriations for architectural services for the Prince Charles Hotel. The City Manager stated that this amount may be reduced to \$2,500. due to a possible grant.

The second amendment was for the transfer of \$1,000. from City Council Contingency, Other Appropriations to the Cemetery Department for the purchase of two fireproof filing cabinets for the protection of Cemetery records.

The City Manager stated that the foregoing amendments were in the form of a budget ordinance amendment change #1, to the 1979-1980 budget and requested adoption of the ordinance amendment.

1979-1980 BUDGET ORDINANCE AMENDMENT-CHANGE #1. NS1979-72.

Mrs. Evans introduced the foregoing ordinance amendment Change #1 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 NS1979.

The City Manager informed Council that he had received a letter from the Ft. Bragg International Folk Festival Coordinator stating that Ft. Bragg had been invited by the Festival Committee to participate in Festival activities in downtown Fayetteville on Saturday, October 6, 1979, and that several military units would like to participate by running in a military jogging competition. The units would like to run a 6.2 mile course utilizing Ramsey Street beginning at Methodist College and ending in front of the old courthouse on Gillespie Street, starting at 8:30 A.M. and ending at 10:00 A.M. He requested permission to use Ramsey Street for the military jogging competition.

Mr. Hurley offered motion for approval of the foregoing request, seconded by Mrs. Evans and carried unanimously.

The City Manager informed Council that he had received a letter from the Fayetteville Jaycees who stated that the Jaycees, the Bordeaux Runners and Coca Cola are in the planning stage for a run this fall. The run, named the Veterans Day Run is set for November 11, 1979. The route of the 6.2 mile run will start at the Jaycee Fairgrounds to Gillespie Street, to the Market House, Green Street to Rowan Street, to Bragg Boulevard, Robeson Street, left on Whitfield Drive to Southern Avenue, from Southern Avenue back to Gillespie Street and back to the fairgrounds for the finish. Their race will begin at 2:00 P.M. and end around 3:30 P.M.

Mr. Hurley offered motion for approval of the foregoing request, seconded by Mrs. Evans and carried unanimously.

The City Manager informed Council that at the information meeting on August 20, regarding the statement of intent on the Recreation and Parks, that no action is

required by the City Council, but a complete report will be made once finalized.

This completed the City Manager's reports.

Council then recognized Attorney Richard Wiggins, representing Mr. Don Clayton, owner of Putt Putt Golf Course. Mr. Wiggins informed Council that Mr. Clayton was interested in conducting two roller skating activities on the City streets and sidewalks.

The first activity would be on September 23, for a roller skate activity to be conducted in Montclair Subdivision. The second activity would be on Thanksgiving Day and would involve a skating activity from Putt Putt on Ft. Bragg Road to St. John's Church on Green Street. Mr. Wiggins requested Council's approval and that he will coordinate the activities with the Police Department.

The City Attorney reminded Council that a City Ordinance prohibited skating on the streets in the City.

Mr. Wiggins informed Council that the skating activities would be restricted primarily to the sidewalks and that a portion of Montclair Subdivision was outside the corporate limits of the city anyway.

Following some discussion of this request, Mr. Hurley offered motion to instruct the City Attorney to draw an ordinance amendment to allow such skating events, seconded by Mr. Markham and carried unanimously.

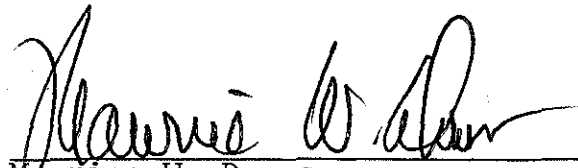
Matters of interest to City Council:

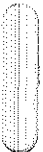
Mr. Hurley informed Council that at their request, he had discussed the monthly meetings with the Revitalization Commission and that the opinion was that an evening meeting be suggested rather than a luncheon meeting.

Following a brief discussion, Mr. Dawkins offered motion that the meeting date be the first Tuesday of every other month beginning in October, seconded by Mrs. Evans and carried unanimously.

Mr. Hurley reminded Council of the Revitalization's Wilmington trip on September 4.

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


Maurice W. Downs
City Clerk



SPECIAL MEETING
THURSDAY
AUGUST 30, 1979
12:00 NOON
CONFERENCE ROOM
KYLE HOUSE

Present: Mayor Beth Finch

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

Also Present: Mr. William G. Thomas, III, City Manager
Mr. John Smith, Asst. City Manager
Mr. Robert Cogswell, City Attorney

Mayor Finch announced this special meeting had been called to hear information from the City Attorney concerning matters of litigation which is to be presented in an executive session.

Mr. Williams then offered motion that Council enter into a special session at this time, seconded by Mr. Hurley and carried unanimously.

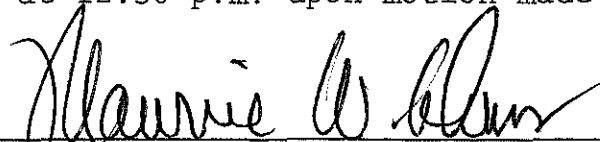
Mr. Williams then offered motion that Council convene into executive session at this time to consider matters of litigation. Motion seconded by Mr. Dawkins and carried unanimously.

Mr. Williams then offered motion for adjournment of the executive session and reconvene into special session, seconded by Mr. Dawkins and carried unanimously.

Mr. Williams then offered motion that Council authorize the City Attorney to enter into negotiations with Mrs. Edna Conniffe to settle the lawsuit. Motion seconded by Mr. Markham and carried unanimously.

Mr. Hurley then moved that Council authorize the City Manager to settle a claim with Firemans Fund Insurance Company as a result of damage to a City Police Department vehicle on April 19, 1979, motion seconded by Mr. Dawkins and carried unanimously.

This special session was then adjourned at 12:30 p.m. upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
SEPTEMBER 10, 1979
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. Tim Wood, PWC Asst. Manager

Mayor Finch called the meeting to order and the Reverend Charles L. Pollock, Minister of Christ United Methodist Church offered the invocation. Following this, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch recognized Fayetteville Youth Council Members, Kelly Cook and Lee Hobgood, present in the audience to observe Council proceedings.

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 27, were approved as corrected to reflect Mr. Ray Muench as PWC Manager, rather than PWC Attorney, as indicated at the top of the page.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, minutes of a special meeting of the Council of August 30, were approved as submitted by the Clerk.

The City Manager requested an executive session of the Council at the end of this meeting to consider a land transaction matter.

Public hearings:

A public hearing had been published for this date and hour on a petition for the annexation of a tract of land consisting of 0.45 acres and located at the northeast corner of Camden Road and Owen Drive. (The Barbara Shaw property). The Annexation Technical Review Committee recommended approval. An auto parts sales operation is presently under construction on this site.

There were neither proponents nor opponents present.

Following some discussion, Mrs. Evans offered motion for the approval of annexing this property by the adoption of an annexation ordinance, seconded by Mr. Hurley and carried unanimously.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE THE BARBARA SHAW PROPERTY LOCATED AT THE NORTHEAST CORNER OF CAMDEN ROAD AND OWEN DRIVE.
ANNEXATION ORDINANCE NO. 79-9-226.

A copy of the foregoing ordinance is on file in the Clerk's office in Annexation Book 1979.

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

A. October 8, 1979:

An amendment to the housing assistance plan.

B. October 22, 1979:

An amendment to the 1979-1980 Community Development Application.

C. December 10, 1979:

Sixth year entitlement Community Development funding.

D. September 24, 1979:

An amendment of rent provisions-Airport concession agreement.

Public Works Commission matters:

Mr. Tim Wood, Assistant PWC Manager presented these matters.

The first matter was consideration of the approval of changes in the Public Works Commission Retirement Plan approved by PWC Retirement Plan Board on August 17, and by PWC during a regular meeting on August 24. The Public Works Commission recommends approval, Mr. Wood stated.

Mr. Wood displayed a projection indicating a tabulation of proposed retirement

plan changes consisting of:

1. Employee contributions: an increase of 3.5% of annual pay over the present 3%.
2. Normal retirement benefit: an increase of 1.75% of average annual pay times years of service as compared to the present 1.5%.
3. An increase of interest on employee contributions from 3 to 5%.
4. Relative to vested interest, 100% with 10 years of employment or service compared to the present-none.

Following a brief discussion, Mrs. Evans offered motion for approval of the foregoing changes as requested by PWC, seconded by Mr. George and carried unanimously.

The next PWC item was an ordinance amending and restating the Employees Retirement Plan of the PWC, of the City of Fayetteville as outlined above.

AN ORDINANCE AMENDING AND RESTATING THE EMPLOYEES RETIREMENT PLAN OF THE PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. NS1979-73.

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

This completed the PWC matters and Mr. Wood was excused from the meeting.

Council next gave consideration to an ordinance imposing a lien against real property located on Lot 136 Trevino Drive for the demolition cost incurred in removing a foundation wall ordered demolished by City Council on July 23.

The City Attorney presented this matter and stated that the Housing Inspector informed him the foundation wall was demolished on August 22, at a cost of \$300. When approved by the City Council, this ordinance will 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 \$300. AGAINST PROPERTY LOCATED AT LOT 136 TREVINO DRIVE IN GREEN VALLEY ESTATES, SECTION 3, AND OWNED BY MR. CECIL HIGHSMITH. ORDINANCE NO. NS1979-74.

Mr. Williams introduced the foregoing ordinance and moved its adoption, at 7:15 P.M., seconded by Mr. Dawkins and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1979.

Council next gave consideration to ordinances establishing a loading-unloading zone on the south side of Person Street near Franklin Street. The City Engineer presented this matter and stated that the property owner owning the property beside the landscaped area, on the south side of Person Street, near the Franklin Street intersection had requested a loading zone to serve one of his tenants, the Ideal Cleaners. We believe, the City Engineer stated, this loading zone should be established on Person Street and will serve a number of businesses along Person Street as well as the Ideal Cleaners which faces onto Franklin Street.

The proposed loading zone is where Dick Street at one time intersected with Person Street and there was a section of Person with parking prohibition near the old Dick Street intersection. To accomplish this, three ordinances must be adopted. One to rescind the old parking prohibited ordinance, another to establish the loading-unloading zone and a third to establish metered parking between the proposed loading-unloading zone and the western margin of Franklin Street.

There followed some discussion of this request.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 11-PARKING PROHIBITED - PERSON STREET. ORDINANCE NO. NS1979-75.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 10-LOADING AND UNLOADING ZONE-PERSON STREET. ORDINANCE NO. NS1979-76.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 13-PARKING METERS-PERSON STREET. ORDINANCE NO. NS1979-77.

Mr. Williams introduced the foregoing three ordinances and moved their adoption, per the request, motion seconded by Mr. George and carried unanimously.

Copies of the foregoing three ordinances are on file in the Clerk's office in Ordinance Book NS1979.

Council next gave consideration to a resolution accepting the installation of

pavement markings at some school zones and some railroad approaches on city streets from NCDOT and the Federal Highway Administration.

The City Engineer presented this matter and stated that the North Carolina Department of Transportation is administering a Federal Highway Safety Program which is making available some thermo-plastic pavement markings at school zones and railroad crossings. This program makes these pavement markings available on city streets at no expense to the city. The city needs only to request these markings being installed. The City Engineer suggested adoption of the proposed resolution requesting the markings be installed.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, THERMO-PLASTIC PAVEMENT MARKINGS. RESOLUTION R1979-50.

Mr. Williams then 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 R1979.

Council next gave consideration to an amendment to the Horne House lease.

The City Attorney presented this matter and stated that after beginning the lease, it was realized that the facts did not fit the written statement as they relate to the possibility of a fire or other casualty. Accordingly, the following explanations of paragraph 17 and 18, as revised are submitted to you. Furthermore, keep in mind that if there is a fire, the fund from which payments will be made to Home Federal Savings and Loan, will be the insurance proceeds and not the advanced rent payments. An apportionment of the advanced rent payments would only occur if the note is paid off.

Paragraph 17-provides that in the event of fire and a total destruction the lease terminates. Apportionment of the rent shall be determined by Paragraph 18. In case of a partial destruction, repairs are limited by the insurance proceeds. The City shall make the determination of whether or not there is a total or partial destruction and in so doing shall seek the advice of professional groups.

Paragraph 18. If the note is unpaid to Home Federal at the time of the casualty, Home Federal is paid off in accordance with the amortization schedule and the Chamber receives nothing because their loan will be paid off. If the note is paid off at the time of the casualty, the Chamber receives a pro-rata refund of the rent. The City Attorney stated that he and the City Manager had met with the President of the Chamber of Commerce and they recommended City Council adoption of the amendments to the lease.

Following a brief discussion, Mrs. Evans offered motion for adoption of the amendments as presented by the City Attorney, seconded by Mr. Dawkins and carried unanimously.

A copy of these amendments will be recorded and will then be placed on file in the City Clerk's office with the original lease.

Council next gave consideration to bids for furnishing a diesel tractor for the Cemetery Department. The City Manager presented this matter and stated that the low bid from Vause Farm Equipment Co. in the amount of \$4,626. was recommended.

Mr. Williams offered motion, seconded by Mr. Hurley and carried unanimously, that the low bid of Vause Farm Equipment Co. be accepted as recommended,

Council next gave consideration to bids for furnishing two compact pick up trucks for the Recreation and Parks Department.

The City Manager presented this matter and stated that the low bid was submitted by Carr Toyota, Inc. (bid #1) in the amount of \$10,078. He stated further that there were special funds allocated for the increased maintenance of the park areas, \$9000. being allocated for the purchase of 2 small pick up trucks and recommended that Council allocate an additional \$1,078. to cover the low bid of \$10,078. from Carr Toyota, Inc.

Mr. Williams then offered motion, seconded by Mr. Hurley and carried unanimously, that Council allocate an additional \$1,078. to cover the low bid of \$10,078. from Carr Toyota Inc. and award the bid to the low bidder, Carr Toyota Inc. as recommended.

Council next gave consideration to bids for furnishing microfilm equipment to be purchased under the Governor's Highway Safety Program Project #79-01-02-K-315-18 for the Police Department. The City Manager presented this matter and recommended that the bid proposal from the low bidder, Cavin's Business Products, Inc. in the amount of \$26,534.38 be accepted. The low bid consists of \$24,587.70 plus \$947.68 sales tax. The City Manager also informed Council that a representative from Eastman Kodak Co., one of the bidders, was present tonight, and requested permission to be heard concerning his bid. It was also pointed out to City Council that a representative from Cavin's, the low bidder, was also present this evening.

Following some discussion among Council, it was decided to hear one or both of the representatives.

The representative from Eastman Kodak Co., a Mr. Stocks, was then recognized and requested a reevaluation of the criteria for the equipment and stated that he desired to meet with the purchasing agent and the Police Department to revalue said criteria.

Mr. Neil Griffin, representing Cavin's Business Products was then recognized and informed Council that Cavin Products had been doing business in the City of Fayetteville for a number of years, that Cavin met the specifications for the equipment and further will provide the system and service required. He requested that Council vote on the issue tonight and that Cavin be awarded the bid on the basis of their meeting the specifications and their low bid.

Following some discussion, Mrs. Evans offered motion to accept the low bid by Cavin's Business Products, Inc. as recommended, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to bids for furnishing a plain paper copying machine for City Hall. The City Manager presented this matter and recommended that the low bid from Gamma Products, Inc. in the amount of \$2,409.58 be approved.

Mr. Williams then offered motion, seconded by Mr. Markham and carried unanimously that the low bid from Gamma Products Inc. be accepted as recommended.

Council next gave consideration of bids for furnishing a diesel tractor with mid-mount rotary mower for the Recreation and Parks Department. The City Manager presented this matter and recommended that the low bid from Cumberland Tractor Co. in the amount of \$4,293. be accepted.

Mr. Williams then offered motion, seconded by Mr. Dawkins and carried unanimously that the low bid of Cumberland Tractor Co. be accepted as recommended.

Council next gave consideration to a grant application to the Governor's Crime Commission.

The City Manager presented this matter and stated that the application is to the Governor's Crime Commission for a grant in the amount of \$126,762.20 of Federal funds and \$7,042.35 of State funds with a local match of \$7,042.35. The purpose of this application is to concentrate special efforts over the next 12 months in attacking the problem of breaking and entering. The City has experienced a rash of burglaries over the last several months and there is a need for a special concentrated effort in this area.

One of the key components in this program will be the surveillance of selected target houses using a tactical security alarm system which allows a unit of investigators to monitor a number of houses which are likely targets for a burglary and thereby catch the criminals in the act. The funds provided under this grant will be used to provide for a special team of investigators and specialized equipment, the City Manager stated. The City Manager displayed a projection indicating the cost distribution for personnel and equipment. The City Manager then recommended approval of the filing of the grant application.

There then followed considerable discussion of this request and this matter, particularly regarding the cost distribution between personnel and equipment.

Following this discussion, Mrs. Evans offered motion to accept the grant application as recommended, seconded by Mr. Dawkins.

Following some further discussion, Mr. Williams offered substitute motion to refer this matter back to the City Administration and Police Department for further consideration to give greater funding consideration to man power and less to equipment, seconded by Mr. Hurley.

Mayor Finch then called for a vote on the substitute motion and it was as follows: For the motion; Councilmembers George, Williams and Hurley. Against the motion; Councilmembers Evans, Dawkins and Markham.

Mayor Finch declared a tied vote, cast her vote against the substituted motion and declared it defeated. Mayor Finch then excused herself from the chair as a member of the Governor's Crime Commission, requested Mayor Pro-tem Dawkins to assume the chair and call for the vote on the original motion of approval on this matter.

Mayor Pro-tem Dawkins then assumed the chair and called for the vote on the original motion to accept the grant application as put by Mrs. Evans, seconded by Mr. Dawkins and the vote was unanimously for passage. Mayor Pro-tem Dawkins declared the motion carried.

Council next gave consideration to taxi driver permits. The City Manager presented

this matter and stated that the following persons had filed applications with the Taxi Inspector for a taxi driver permit and are recommended by the Chief of Police, the Taxi Inspector and himself:

Larry Thomas Ray, Leslie Wayne Pierce, Karen Ann Willis, Jack Richard Thompson, Jr., Mamie C. Parker, Clinton Thomas Williams, Jr.

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 an appointment to the Planning Board. (Mrs. Virginia Thompson, a recent appointee, having resigned having accepted an appointment to the County Board of Commissioners)

Mr. Markham nominated Mr. Ernest E. Cain to fill this vacancy. There were no further nominations. Mayor Finch then stated that in accordance with policy this nomination and appointment would be reconsidered at the next meeting of the Council.

Council next considered three appointments to the Education Development Council of the Fayetteville City School System. In a memorandum to the Council, Dr. R. Max Abbott, Superintendent of the City Schools stated that two appointees needed to be replaced and one position was vacant on the Council. Therefore, the City Council is asked to appoint three members whose terms would expire in June 1982. There were no nominations and Mayor Finch declared that this matter would be reconsidered at the next meeting also.

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

Mayor Finch did recognize however, and acknowledge the presence this evening in the assembly room, of two young sons of Councilman Wayne Williams, present to observe Council proceedings.

City Manager reports:

The City Manager stated that in preparation for the International Folk Festival on October 6, City Administration has formed a small team of workers to clean up the sidewalks, roadways, street rights-of-way and other City properties. Special emphasis will be placed on the weeds that have grown in the city sidewalks, curbs, and gutters, he stated.

The group will be composed of CETA workers under the supervision of the Street Division in the Engineering Department, and it will be necessary to augment the work force with part time or temporary employees as the work progresses. The Inspection Department will coordinate with the team by enforcing the ordinance regarding the overgrown lots.

Some essential items of equipment necessary are needed to complete the project. This equipment being such items as string type weed cutters, rotary cutting equipment, sling blades, and the like. He recommended that \$1800. be transferred from the City Council's Contingency Fund to the Engineering Department for the purchase of the equipment indicated.

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

Council next gave consideration to positions to be added to the City work force. The City Manager recommended that 3 positions be added to the City work force, effective October 1, 1979. They were a building custodian for City Buildings, a painter for City Buildings and an Administrative clerk for the Purchasing office. The above positions have been filled by CETA employees who because of the CETA 18 month employment limitation must be terminated at the end of September. The three positions are essential to effective city operations and should become regular city positions, he stated. If this recommendation is approved, the cost to the city during this fiscal year will be approximately \$20,000. This additional cost can be funded from account number 11-660-02, salary adjustments, he concluded.

Following a brief discussion, Mr. Williams offered motion to follow the foregoing recommendation of the City Manager and approve the positions, seconded by Mr. Markham and carried, Mr. George voting no.

Council next gave consideration to the Second Annual Senior Citizens Day with Local Government. The City Manager stated that he had received a memorandum from Mr. Kenneth E. Basinger, Director of Recreation and Parks Department requesting permission to have the Second Annual Senior Citizens Day with Local Government on Monday, October 15, beginning at 9:30 A.M. The department would like for all department heads to meet at the Recreation Department at 9:30 to meet their representatives. The program will continue until 12:00 Noon, he stated, and at that time the Legislative body and all the department heads will be honored with a covered dish dinner at Tokay Recreation Center by the Senior Citizens.

Following a brief discussion, Mr. Williams offered motion, seconded by Mr. Dawkins and carried unanimously, that approval be given the foregoing request and that October 15 be declared Second Annual Senior Citizens Day with Local Government.

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

Command Sergeant W.L. Davis, date of hire July 22, 1964.

Sandra E. Poole, date of hire January 14, 1974.

Sergeant Harry E. Arter, date of hire October 21, 1969.

Council noted the resignations.

The City Manager informed Council that Veterans Day, a City Employee Holiday, will fall on Sunday this year, and that in accordance with the Personnel Ordinance, City Employees will observe Monday, November 12 as a city holiday. Monday, November 12, is also a regular meeting date for the City Council. The City Manager asked City Council if they wished to meet on another date and stated he was bringing this matter to their attention now due to the necessity for scheduling public hearing dates. It was also mentioned that the National League of Cities convention would fall this year beginning Saturday, November 24, and that possibly the second meeting of the Council in November on November 26, should be cancelled or rescheduled.

Following some discussion, it was decided that the November meetings of the City Council would be held on Tuesday, November 13, and Monday, November 19, and Mr. Williams so moved, seconded by Mr. Dawkins and carried unanimously.

The City Manager informed Council that September 17 through 23 is Constitution Week and that a request had been received that the National Flag be displayed on the downtown streets during this week. This request was given tacit approval.

Council next recognized Mr. John Monaghan, Administrative Assistant to the City Manager, who stated that he had received a memorandum of understanding from Region Four of the General Services Administration. This memorandum of understanding, among other things states that GSA will notify the city when they are considering locating offices in the downtown Fayetteville area, that GSA will notify the city of the availability of surplus real and personal property and requests that the city will assist in the location of office space. Mr. Monaghan stated that there would be little or no expense to the city concerning this matter and recommended that Council authorize the Mayor to execute the memorandum of understanding.

Mr. Dawkins then offered motion, seconded by Mr. Williams that the Mayor be and she hereby is, authorized and directed to sign the foregoing memorandum of understanding with the GSA, motion carried unanimously.

There were no matters of interest to the City Council presented.


The City Attorney informed Council that he had spoken with the Airport Commission concerning Council's recent passage of the ordinance relative to the serving of intoxicating liquors on airport property and was informed by them that they were in agreement.

Mr. Williams then offered motion at 8:45 P.M. that Council convene into executive session at this time to consider a land transaction matter, motion seconded by Mr. Dawkins and carried unanimously.

Council then reconvened into regular session at 9:00 P.M.

Mr. Williams then offered motion that the City Council give the City Attorney authority to authorize the condemnation of a certain parcel of land on Hay Street, motion seconded by Mr. Dawkins and carried unanimously.

Mr. Dawkins then offered motion to continue this meeting to 11:00 A.M. Tuesday, September 11, at the Kyle House, motion seconded by Mr. Williams and carried unanimously.


Maurice W. Downs
City Clerk

ADJOURNED MEETING
TUESDAY
11:00 A.M.
SEPTEMBER 11, 1979
KYLE HOUSE

Present: Mayor Beth Finch

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

Absent: Councilman Marion George

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

Mayor Finch called the meeting to order and announced it was continued to this time from the September 10th regular meeting. She then called upon City Manager Thomas for comments.

Mr. Thomas stated that City Administration was authorized by City Council to make a compromise offer to the Seaboard Coastline Railroad for the purchase of the railroad property located on Maiden Lane behind the old Sears building for \$675,000. City was notified yesterday afternoon that the offer had been accepted by the railroad and that the railroad officials would be present here at 11:00 a.m. today to meet with the City Council for a joint statement.

Councilman Dawkins then offered motion that the railroad property be purchased for the sum of \$675,000. The motion was seconded by Councilman Williams and upon being put to vote, carried unanimously.

Mayor Finch then expressed her extreme pleasure that this negotiation had come to fruition and then welcomed Seaboard Coastline Railroad officials, Mr. Henry Strange, Supt., Rocky Mount, Mr. Thomas Lynch, Asst. Vice President and Regional Sales Manager, Charlotte, Mr. Furman Massengale, Asst. District Sales Manager, Raleigh, and Mr. Earl Godwin, Agent-General Yard Master, Fayetteville, and invited any comments.

Mr. Lynch commented on the proposed merger of the SCL and the C&O railroads. He stated he had met with the SCL Board of Directors to approve this sale of land to the City and felt that this move was right for the City.

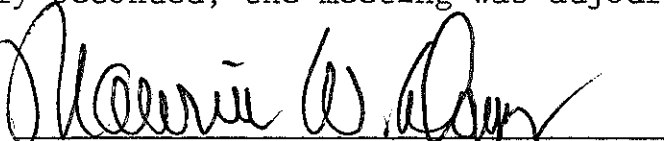
Mr. Strange said "amen" to Mr. Lynch's remarks and that relations with the City had always been good and he hoped this was another big step for the railroad as well as for the City.

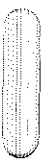
Mr. Godwin stated that as the local representative of the SCL he was looking forward to continuing working with the City and watching the progress of this project.

Mr. Massengale stated he was proud of the progress over the past years by the City and the railroad.

Mayor Finch then extended the thanks of the Council to the railroad officials and stated that this is a significant occasion for the City and the railroad which will add to the efforts to revitalize the city. Also, she extended thanks to City Manager Thomas, City Engineer Bennett, Assistant City Manager Smith, Administrative Asst. John Monaghan, and to City Attorney Bob Cogswell for their efforts in bringing this move to pass.

Thereafter, upon motion made and duly seconded, the meeting was adjourned at 11:10 a.m.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
SEPTEMBER 24, 1979
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. Bob Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and the Reverend Bob Haynes, Minister of Music at Snyder Memorial Baptist Church gave the invocation. Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch then recognized Fayetteville Youth Council representatives: Paula Bunn, Bobby Bosworth, and Lee Boughman, present in the audience to observe Council proceedings.

The first item 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 September 10, 1979, were approved as submitted by the Clerk.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, minutes of an adjourned meeting of September 11, 1979, were approved as submitted by the Clerk.

At this point, Mayor Finch announced that Mr. Cogswell, the City Attorney, had requested an executive session at the end of this meeting to discuss a land transaction. There were no objections voiced.

Public hearings:

A public hearing had been published for this date and hour on the consideration of the amendment of Rent Provisions-Airport Concession Agreement.

The City Attorney presented this matter and stated that when the lease was approved for the new concessionaire, there was a provision that allowed for an increase in the rent if they obtained a permit for the sale of mixed drinks and this was obtained. This will be an addition of 12 to 15% of the present rent. He recommended approval.

Mr. Cyrus Earnhardt, of the Airport Commission recommended approval of the resolution amending the agreement.

Mr. Williams offered motion to adopt the resolution amending the agreement, seconded by Mr. Dawkins and carried unanimously.

RESOLUTION AUTHORIZING THE AMENDMENT OF THE AIRPORT CONCESSION AGREEMENT.
RESOLUTION NO. R1979-51.

A copy of this resolution is on file in the Clerk's office in Resolution Book R1979.

A public hearing had been published for this date and hour on the rezoning from P1 Professional District to P2 Professional District or to a more restrictive zoning classification an area located at 907 Hay Street.

Mr. Al Mitchell presented this matter and stated that the Planning Board recommended approval.

Attorney George Herndon, Jr. was recognized representing Dr. Harold Maxwell, who is the owner of the property, and requested that Council approve the request for rezoning.

Mrs. Katherine Whaley, a resident of Arsenal Avenue was recognized in opposition to the rezoning.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM P1 PROFESSIONAL DISTRICT TO P2 PROFESSIONAL DISTRICT AN AREA LOCATED AT 907 HAY STREET. ORDINANCE NO. NS1979-78.

Mr. Williams 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 Ordinance Book NS1979.

A public hearing had been published for this date and hour on the initial zoning to R5A Residential District, R6 Residential District and M2 Heavy Industrial District an area located between Burnett Street, Eugene Street and the Seaboard Coastline Railroad.

Mr. Mitchell presented this matter and stated that the Planning Board recommended approval.

Council recognized Mr. Marvin Ball, Manager of the Real Estate Department of Burlington Industries, in favor of the zoning.

Council next recognized Attorney Howard Hudson, representing the residents of Borden Heights who were in opposition. Attorney Hudson presented a petition with approximately 570 names in opposition to R5A zoning.

Council next recognized Mr. Glen Jernigan, representing Briarwood and Clairway who were in opposition to M2 Heavy Industrial zoning.

Council also recognized Mr. Dan Gore, speaking in behalf of the residents.

Council then recognized Mr. Bob Bagley, Secretary-Treasurer of Housing Projects, Inc., who was in favor of zoning Tract III to R5A.

Following some discussion on this matter, Mr. Dawkins offered motion to zone initially M1Light Industrial District that area south of the Seaboard Coastline Railroad, R10 Residential District, that area north of the Seaboard Coastline Railroad shown as Tract I, Tract II, R6 Residential District and Tract III, R6 Residential District, motion seconded by Mr. Williams and carried unanimously.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE TRACT I, M1LIGHT INDUSTRIAL DISTRICT, AND R10 RESIDENTIAL DISTRICT, TRACT II, R6 RESIDENTIAL DISTRICT AND TRACT III, R6 RESIDENTIAL DISTRICT AN AREA LOCATED BETWEEN BURNETT STREET, EUGENE STREET AND THE SEABOARD COASTLINE RAILROAD. ORDINANCE NO. NS1979-79.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1979.

A public hearing had been published for this date and hour on the consideration of an amendment to the City of Fayetteville UMTA Capital Transit Grant for additional construction, training room, offices and steam cleaning room, 2) Aware system driver monitors, 3) Five wheelchair lifts, 4) curb cuts.

Mr. John Smith, Assistant City Manager, presented this matter and presented descriptions of the items recommended to be submitted to UMTA under the capital grant application for this year. The funding ratio on all these items is 80% Federal, 10% State and 10% City. Funding for two items is already available from funds left over on the current capital grant. It is recommended that the local match for item three be funded from the Revenue Sharing Funds which were set aside for handicap facilities and that the local share for item four come from street construction funds. Mr. Smith recommended approval and that the Mayor be authorized to sign the assurance agreement.

There was no opposition present.

Mrs. Evans offered motion to approve the amendment to the UMTA Grant, seconded by Mr. Williams and carried unanimously.

Mr. Smith further requested that Council authorize the Mayor to sign the Assurance Concerning Nondiscrimination on the Basis of Handicap in Federally-Assisted Programs and Activities Receiving or Benefitting from Federal Financial Assistance.

Mr. Williams offered motion to authorize the Mayor to sign the compliance agreement for the 504 funding, seconded by Mr. Dawkins and carried unanimously.

A public hearing had been published for this date and hour on the assessment roll for the paving of McLamb Drive from Murchison Road to the northwest corner of lot 13, Block A, Plat Book 18, Page 44. The City Clerk certified that the property owners had been mailed notices by first class mail.

Mr. Bennett presented this matter and stated that the paving had been completed and that the assessment rate would be \$4.00 per linear foot.

Council recognized Mr. James Holley, representing ParGas of Fayetteville, who stated that due to the paving of this street, it has caused a serious drainage problem in their customer parking lot. He stated that they felt the assessment rate was fair, but they did not feel obligated to pay until such time as the drainage problem is alleviated.

Council also recognized Mr. G.H. King, operator of the Phillip 66 Service Station at the corner of Murchison Road and McLamb Drive, who stated he is also bothered with the drainage problem, but more concerned with a utility pole that was placed 4½ feet into his driveway.

Mr. Muench stated that the utility pole could be moved.

Council next recognized Mr. Raymond Hendley, owner of Hendly's Concrete Service who voiced his appreciation to Council for their consideration.

Mr. Bennett stated that the drainage problem was coming from Murchison Road and this is a state maintained road and that a communication is in process with the State to remedy this situation.

Mr. George offered motion that this matter be continued to October 22, and that the City Manager, the City Engineer and PWC attempt to coordinate the completion or the solution to the drainage problem, seconded by Mr. Williams and carried unanimously.

This completed public hearings.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, the following public hearings were set and the following Resolution was adopted for October 22, 1979:

- A. The consideration of a request for a special use permit as provided for in the Fayetteville Zoning Ordinance Section 32-24, for the establishment of a group home for retarded citizens. Lots 12, 13 and 14, an area located on the east side of Shadowlawn Drive between Bellmeade Road and McPherson Avenue.
- B. Consideration of the rezoning from R10 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification an area located behind 608 Dunn Road.
- C. Consideration of levying of assessments for paving of Pelt Drive from Murchison Road to a point which is located 25 feet south-west of the northermost corner of Lot 166, Plat Book 10, Page 25.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF PELT DRIVE. RESOLUTION NO. R1979-52.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1979.

Planning Board matters:

Upon motion by Mr. Williams, seconded by Mrs. Evans and carried unanimously, Prado's Office building preliminary and final ClP review located on North McPherson Church Road was given conditional approval.

Upon motion by Mr. Williams, seconded by Mr. Hurley and carried unanimously, Smith and Taylor Car Wash preliminary and final ClP review located on Raleigh Road at Treetop Drive was given conditional approval.

PWC matters:

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, a one 1-inch water connection to existing main to serve existing building at 921 McPherson Church Road was approved as recommended.

Upon motion by Mr. Williams, seconded by Mrs. Evans and carried unanimously, one 1-inch water and 4-inch sanitary sewer connection to existing main to serve existing residence at 3329 Boone Trail was approved as recommended by PWC.

Upon motion by Mrs. Evans, seconded by Mr. Williams and carried unanimously, one 1-inch water connection to existing main to serve a residence on Middle Road (behind Fayetteville Union Stockyard) was approved as recommended by PWC.

This completed PWC matters and Mr. Muench was excused from the meeting.

Council next considered bids for demolition of three masonry buildings and concrete and asphalt aprons.

Mr. Thomas stated that bids had been opened for the destruction of 3 masonry buildings, the old Bybon warehouse which is on City property, but to get to the rest of the property which is the old railroad warehouse and the old continental car building, a right of entry had to be obtained to the property which is still owned by the railroad, although the city has agreed to purchase and the railroad has agreed to sell. Due to the limited time schedule, we met with the railroad representatives on Wednesday, and came to an initial oral agreement. On Friday, Saaboard approved the request to enter upon the grounds with condition. The conditions being that the railroad be released from liability, that railroad operations not be interrupted, that city remove terminal portion of track, approximately 250 feet of track, return the track to the railroad, and that the City agrees no attempt will be made to demolish the old Atlas building until after October 13. Mr. Thomas stated he, the City Attorney and the City Engineer recommended approval and requested that the Mayor be authorized to sign this agreement with the railroad company.

Mr. Williams offered motion to approve the agreement and that the Mayor be and she hereby is authorized to sign said agreement, seconded by Mr. Dawkins and carried unanimously.

The bid information was presented by Mr. Bennett, City Engineer. Mr. Bennett stated that the work consisted of demolishing the old Bybon warehouse, the old railroad warehouse and the old continental car building in the Maiden Lane-Hay Street area. He recommended awarding the contract to the low bidder, Tri-County Builders, whose base bid was \$11,991. He further stated that there are several old gasoline tanks and/or oil tanks underground on this site which needed to be removed for construction or construction of the future parking lot. The number of tanks is unknown but the contract calls for removal of these tanks at the price shown on the bid tabulation. The hole is to be backfilled with material suitable for future construction. This backfill material is also on a unit price basis with only a guess as to the number of tanks and backfill to be used, and other contingencies. He recommended budgeting \$16,000 for this demolition work.

Mr. Williams offered motion that the low bid of Tri-County Builders be accepted not to exceed \$16,000, seconded by Mrs. Evans and carried unanimously.

The next item was the consideration of right-of-way acquisition on Groton Avenue.

Mr. Bennett presented this matter and stated that the property owners had been offered \$1,400. which is the appraised amount for the street right-of-way and a utility easement needed to cover an existing storm sewer that was installed some 30 to 40 years ago. The owners, through their attorney, responded that \$3,500. is the minimum they will accept. We believe the only way to acquire this right-of-way at a reasonable price is through legal means. He recommended adoption of the resolution of condemnation.

RESOLUTION AUTHORIZING CONDEMNATION OF PARCELS OF LAND FOR GROTON AVENUE PAVING. R 1979-53.

Mr. Williams offered motion to adopt the foregoing resolution authorizing condemnation of parcels of land on Groton Avenue paving as presented, seconded by Mr. Dawkins and carried unanimously.

A copy of this resolution is on file in the Clerk's office in Resolutions Book R1979.

The next item was the consideration of an ordinance amending Chapter 27, Subdivisions, of the Fayetteville City Code.

The City Attorney presented this matter and stated that it was discovered that this particular subdivision ordinance, section 6.2 and 7 of Chapter 27, does not exist. What does exist, is Article 1 of Chapter 27 which is the correct reference. He asked that Council amend the ordinance.

AN ORDINANCE AMENDING CHAPTER 27, "SUBDIVISIONS" OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. S1979-22.

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

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1979.

Council next considered an ordinance of the City Council imposing a lien against the property of Mr. Raja A. Shamdassani, located at 217 Davis Street.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, IMPOSING A LIEN AGAINST THE PROPERTY LOCATED AT 217 DAVIS STREET AND OWNED BY MR. RAJA A. SHAMDASSANI. ORDINANCE NO. NS1979-80.

Mr. Williams introduced the foregoing ordinance and moved its adoption at 8:30 P.M., seconded by Mr. Markham and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1979.

Council then considered bids for furnishing summer and winter uniforms for the City-County I.D. Bureau.

Mr. Thomas presented this matter and stated that bids were opened and read publicly on September 19, 1979. It is recommended that the low bid from American Uniform Sales, Inc. be accepted in the amount of \$2,587.30.

Mrs. Evans offered motion, seconded by Mr. Williams and carried unanimously that the low bid of American Uniform Sales, Inc. be accepted in the amount of \$2,587.30.

The next item was the consideration of request for approval of a list of items recommended for disposition.

Mr. Thomas presented this matter and reminded Council of the successful auction last year of the surplus city property. North Carolina law requires the City Council at a regular meeting, to adopt a resolution or order authorizing the appropriate city official to dispose of property at a public auction. A notice of this resolution must be published not less than ten days before the date of the auction. In order to meet the ten-day requirement, it is recommended that City Council adopt a resolution tonight authorizing the City Manager to dispose of the vehicles and equipment listed at public auction at 11:00 A.M. on October 13, 1979, at the City Garage at the terms of sale listed herein.

Mrs. Evans offered motion to adopt the resolution, seconded by Mr. Dawkins.

Mayor Finch raised the question that some of this office equipment may still be usable.

There was considerable discussion on this matter.

Mrs. Evans withdrew her motion.

Mr. Williams offered motion that the City Manager review the information submitted and come back to Council with a recommendation, seconded by Mr. Dawkins and carried unanimously.

The next item was the consideration of a request for proposals for Audit Services.

Mr. Smith presented this matter and stated that last spring, when Council awarded the audit contract for the current fiscal year, City Administration was requested to prepare specifications and selection of criteria for the selection of audit contract for the coming fiscal year. The draft copy has been put together and has been reviewed by PWC staff, the Finance Director and the local government commission staff and their final comments have been incorporated into this final draft. If approved, this document will become the basis for selection of the City's auditing firm for the next three fiscal years.

Mr. Williams offered motion to defer this matter to October 8, for further study, seconded by Mr. Dawkins and carried unanimously.

Appointments:

There was one appointment to the Planning Board.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, Mr. Ernie Cain was appointed by acclamation vote to the Planning Board to complete the term of Mrs. Virginia Thompson, resigned, said term to expire in July 1983.

There were three appointments to the Educational Development Advisory Council.

Mr. Williams nominated Ms. Becky S. Byrd and Mr. H. Marvin Mauldin.

Mr. Hurley nominated Mr. Harry Wilmers.

Mayor Finch stated that these nominees would be voted on at the next meeting.

There were two appointments to the Joint Fayetteville-Cumberland Senior Citizens Advisory Commission. In a letter to Council, the commission had recommended that Dr. G. Wesley Allen and Mrs. Earnie Iulucci be reappointed for another term.

Mrs. Evans nominated Dr. G. Wesley Allen and Mrs. Earnie Iulucci.

Mayor Finch stated these two nominees would be voted on at the next meeting.

There were no delegations.

City Manager's report:

Mr. Thomas recommended that the following officers be approved for promotion to Sergeant as certified by the Civil Service Commission and recommended by the Chief of Police.

Officer Roy L. Matthews
Officer George E. Moyd

Mrs. Evans offered motion that the foregoing be approved for promotion to Sergeant as recommended, seconded by Mr. George and carried unanimously.

Mr. Thomas requested that the following applicants be hired as police officers as certified by the Civil Service Commission and recommended by the Chief of Police.

James Patrick McGuiness
Thomas Guilette
Glenn Frederick Dell
David Howard Harris
Charles Randy Knight

Deris Carl Kent
Arthur Mitchell, Jr.
Jerry Everett Sanders
Randy James Hammock
Charles David McDaniel

Ronald Lee Starling
Mark Kevin Hubbard

Clenton Alfonzo Cochran
Charles Robert Livingston

Mr. Williams offered motion, seconded by Mr. Hurley and carried unanimously, to hire the foregoing as police officers.

Mr. Thomas then requested authorization for the City Manager to negotiate and receive quotes and award contracts for the demolition of a building (the taxi stand) up to \$8,000. This property had been purchased some time ago for the parking lot and a reasonable amount of time had been given for the taxi people to relocate. The plans have been drawn up for the parking lot but nothing will be done until we hear from the Revitalization Commission, CHNMB and the Council. He further stated that he would like to level off and clean up while waiting for word from the Revitalization Commission, CHNMB and the Council.

Mr. Williams offered motion, seconded by Mr. Dawkins and carried unanimously, to authorize the City Manager to receive quotes and to demolish property in an amount of \$8,000.

Mr. Thomas reminded Mr. Hurley of the Revitalization Commission meeting on October 2.

Mr. Hurley advised Council of a meeting with the Revitalization Commission the first Tuesday in October at 7:30.

Matters of interest to City Council:

Mr. Markham asked Mr. Bennett about the progress on Rosehill Road. He had several calls concerning this.

Mr. Dawkins reminded everyone of the Downtown Fayetteville Clean Up on Saturday, and the Folk Festival the following week.

Mrs. Evans asked that something be done to proceed with the Senior Citizens Service Center.

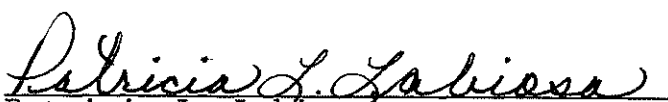
Mayor Finch reminded Council that they heard the information on the proposed Appearance Commission and the Historic Properties Commission. Having heard the information, no direction has been given as to how they will proceed with it. She asked that they begin to take some action on this.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, Council convened into executive session at 9:15 P.M. to consider a land transaction.

Council reconvened into regular session at 9:25 P.M.

Mr. Williams offered motion to authorize the City Attorney to begin condemnation of the R.L. Pittman property, known as the Prince Charles Hotel on Hay Street for public use, seconded by Mrs. Evans and carried unanimously.

Thereafter, all matters of business having been discussed, this meeting was adjourned at 9:26 P.M. upon motion made and duly seconded.


Patricia L. Labiosa
Acting City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
OCTOBER 8, 1979
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. Bob Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and the Reverend Mike Hale, Minister of Person Street United Methodist Church offered the invocation. Following this, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch welcomed representatives of the Fayetteville Youth Council to the meeting.

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 September 24, were approved as submitted by the Acting City Clerk.

Mayor Finch recognized Councilwoman Evans who extended her sincere thanks to all persons and to all City Departments for their efforts in making the International Folk Festival, held in downtown Fayetteville on Saturday, October 6, a complete success.

Mayor Finch, in turn, extended thanks to Mrs. Evans and to her group for the original idea of the festival.

Public hearings:

A public hearing was held as continued from the August 27 meeting, on a petition on a satellite annexation of the TMB Investment and adjacent properties (Captain Moorehead's Restaurant) located off Yadkin Road. (This public hearing was continued to this date at the request of the petitioner's attorney, Mr. Herb Thorp who requested a ruling from the State Attorney General's office as to whether or not necessity for extending utilities to this area could be waived).

Mayor Finch stated that she was in receipt of a letter from Mr. Thorp requesting that the petition for this satellite annexation be withdrawn in view of the Attorney General's ruling. Mrs. Finch stated that since this was a public hearing, she would entertain any opponents to this satellite annexation.

Neither responded.

Mr. Williams then offered motion that consideration of this satellite annexation be denied, seconded by Mr. Dawkins and carried unanimously.

The second public hearing was consideration of an amendment to the Housing Assistance Plan. Council recognized Mr. Richard Herrera, Executive Director of the Community Development Department, who stated that during the past several months, HUD had issued regulations for a new Section 8 Housing Assistance Program allowing for moderate rehabilitation of single and multi-family structures. The program is designed to take substandard rental units in an area and provide for their conversion to standard units for low and moderate income tenants. Under this program, there is a \$1,000. minimum per unit which must be spent for rehabilitation and the Housing Authority would agree to contract with an owner if an owner were to make the necessary repairs to the unit up to standard code.

A second program for which the Housing Authority wishes allocations is the Section 8 Lease Housing Assistance Payments Program-Substantial Rehabilitation. Unlike the moderate rehab program, the contract for rent subsidy in this program is executed between the owner and HUD additionally the substantial rehab program normally is units which require more work than the moderate rehab program and these units are often vacant or underoccupied.

All of these actions require that the area office of HUD assign allocations which must be reflected in the Housing Assistance Plan. To that end, Community Development respectfully requests Council allow us to amend the Housing Assistance Plan to include a request for allocation of 50 units of substantial rehabilitation, 50 units of moderate rehabilitation and 50 units of new construction.

These changes have been approved by resolution of the Redevelopment Commission and a public hearing held for this specific purpose. The Commission respectfully requests Council's approval of the recommendations, he concluded.

Council also recognized Mr. Harry Jones, Executive Director of the Fayetteville Metropolitan Housing Authority who endorsed the request along with Mr. Herrera.

Following a brief discussion, Mr. Williams offered motion to adopt the amendment as requested, seconded by Mr. George and carried unanimously.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, a public hearing was set for November 13, 1979, to consider the adoption of an ordinance amending Section 27-10 (j) 6, of the Fayetteville City Code.

Planning Board matters:

Council recognized Planner Al Mitchell, who presented a request that Nimocks Avenue, located three blocks south of Person St. and running east and west from Cool Spring Street be renamed Alexander St. Mr. Mitchell stated that a number of residents and the City Engineer have requested this change also. The change would improve street alignment and be another step forward in solving the problems with streets that not uniform in the Fayetteville urbanized area. City Engineer Bennett stated that a petition requesting this change had been submitted, signed by four area residents.

Following a brief discussion, Mr. Williams offered motion that Nimocks Avenue be renamed Alexander St. as requested and as recommended, seconded by Mr. Dawkins and carried unanimously.

This concluded Planning Department matters.

PWC matters;

Council recognized Mr. Ray Muench, PWC Manager, and PWC right-of-way Agent, Tom McNeill on a request for consideration of a release of a PWC easement #8106, previously conveyed by Mr. A.B. Carter, Jr. to the City of Fayetteville. Mr. McNeill informed council that PWC, on April 2, 1979, acquired a 10 foot wide water and sanitary sewer easement from Mr. Carter for the extension of said utilities to the NCDOT rest areas located adjacent to I-95. The Carter easement is no longer needed due to the fact that a more suitable location for the installation of the utilities had been obtained from an adjacent property owner. PWC now wishes to release all rights and privileges previously granted to the City by the easement of record.

Mrs. Evans then offered motion for approval of the foregoing release of easement and that the Mayor and Clerk be and they hereby are authorized and directed to sign said release for the city, seconded by Mr. Williams and carried unanimously.

Council next gave reconsideration to a request for proposals for audit services. (This matter continued from the meeting of September 24, 1979, as referred back to City Administration for review).

Assistant City Manager John Smith, presented this matter and reiterated all of the provisions of the audit services proposals as originally presented. The document has been reviewed and commented on by the PWC staff, Finance Director and the Local Government Commission Staff, and their respective comments incorporated into the final draft. If approved, it will become the basis for selection of the City's auditing firm for the next three fiscal years.

Also, if approved, request for proposals will be sent to local and selected out of town auditing firms as well as any firms requesting to be considered, and that proposals be received in November for a contract award in December. It was further recommended that staff review of the proposals be coordinated by the City Manager's office and PWC. Mr. Smith concluded by requesting authorization to request proposals for the current fiscal year.

Mr. Williams recommended several changes in the wording of the proposal, such as deleting from Section 2, conditions, B. qualification, 1. the words experience and experience in local government audits, and in paragraph 2, the wording, be of sufficient size, and other changes throughout the proposal, including under C., audit program and compensation, changes to time estimates, hourly rates and total estimated costs. Mr. Williams also suggested the appointment by the Mayor of a committee to make recommendations concerning this procedure back to City Council.

Mr. Smith replied to Mr. Williams comments by stating that they had followed to a large degree, the recommendations of the local government commission in this matter, but that the reason for submission of this recommendation at this time, was to hear suggestions by the Council concerning the procedure.

There was general discussion then of the changes proposed by Mr. Williams.

Mr. Smith, in answer to question, informed Council that there was time to take the proposal back and incorporate the suggested changes into the proposal as desired by Council.

Following this discussion, Mr. Williams offered motion to refer this matter back to the staff for further consideration to incorporate the suggested changes and brought back to City Council at the next regular meeting on October 22, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to the preservation of the Thornton House on Maiden Lane (given a 4 month extension in December 1978, a three month extension in April 1979, and a three month extension in July 1979).

Council recognized Dr. Charles Speegle, a member of the Historic Preservation Commission, requested a further extension of time on this matter stating that the commission has three good prospects for the Thornton House.

Following a brief discussion by Council, Mr. Williams offered motion to grant the request for an additional 90 day extension, seconded by Mr. Dawkins and carried unanimously.

Council next gave reconsideration to a request for approval of a list of items recommended for disposition. (This matter continued from the meeting of September 24, for review by City Administration of a number of items on the list, such as, calculators, adding machines, furniture, bathroom fixtures, and typewriters).

This matter was presented by City Purchasing Agent, Al Jordan, who stated that he and the Assistant City Manager had reexamined all items on the list including the automobiles and found them to be actually surplus to the City's needs, obsolete, unserviceable or not feasible economically to repair and requested Council's authorization to proceed with dispositions. Specifically, in accordance with N.C. law, Council at a regular meeting, adopt a resolution or order authorizing an appropriate city official to dispose of said property at public auction. The order must describe the property to be sold and must set out the date, time, place and terms of sale and notice of the order will be published not less than ten 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 this time authorizing the City Manager to dispose of the vehicles and equipment listed at public auction at 11:00 A.M. October 27, 1979, at the City Garage at the terms of sale listed in the order.

Following a brief discussion of this matter, Mr. Williams offered motion to grant the request for approval for the disposition of the items, by the adoption of an order, motion seconded by Mrs. Evans and carried unanimously.

City next gave consideration to request for bids. City Purchasing Agent, Al Jordan presented these matters.

Upon motion by Mr. Williams, seconded by Mr. Markham and carried unanimously, the bid of LaFayette Ford in the amount of \$16,905. was accepted for three compact pick up trucks for the Sanitation Department.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, the bid by M&O Chevrolet Co. in the amount of \$37,278.90 for six Malibu sedans, \$11,080. for two Chevett sedans and \$6,503.32 for one experimental (front wheel drive) test model Citation sedan for the Police Department was approved.

Upon motion by Mrs. Evans, seconded by Mr. Williams and carried unanimously, the bid by Stone Signs in the amount of \$3,010. for lettering for 86 bus stop schedule signs for the City Transit Department was approved.

Upon motion by Mr. Williams, seconded by Mrs. Evans and carried unanimously, the low bid of W.F. Mickey Body Co. in the amount of \$11,320. was rejected by City Council because the item did not meet published specifications in four separate areas & the second low bid by Twin States Truck Equipment Co., Inc. in the amount of \$12,037.77 for one sideloading compactor body mounted on one ton cab and chassis truck was approved as recommended.

Upon motion by Mr. Williams, seconded by Mrs. Evans and carried unanimously, the low bid submitted by MAP Enterprises, Inc. in the amount of \$21,500. was rejected because the item offered one all-purpose hydraulic platform lift mounted on a one ton truck for the Engineering Department with 2300 miles on the vehicle and that does not meet very important elements of the specifications; in addition, MAP Enterprises lost its dealership for the item offered and has not convinced the City that they can properly warrant the item, & the second low bid by Lift International, Inc. in the amount of \$27,950. was approved as recommended.

Council next gave consideration to a proposed resolution adopting and agreeing to participate in the Areawide- Housing Opportunity Plan of the Region M Council of Governments. Planner Al Mitchell presented this matter for Region M, and stated that this Areawide Housing Opportunity Plan (A-HOP) is developed to increase housing opportunities for low and moderate income persons in Region M as well as a broader geographical choice of residence. The plan contains, among other things, estimates of current housing needs, a percentage application plan for assisted housing to be made available in the region and a discussion of ways to plan will be implemented. All of this information, Planner Mitchell stated, was contained in a memorandum to local governing boards in Region M from Mr. Billy D. Horne under date of September 25, 1979, subject Areawide Housing Opportunity Plan and recommended adoption of the proposed resolution by the City Council.

RESOLUTION ADOPTING AND AGREEING TO PARTICIPATE IN THE AREAWIDE HOUSING OPPORTUNITY PLAN OF THE REGION M COUNCIL OF GOVERNMENT. R1979-54.

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

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1979.

Council next gave consideration to bids for drainage and paving of several streets in the Community Development project, City Contract #216. City Engineer Bob Bennett presented this matter and stated that bids were opened on this contract on October 1, for drainage and paving the following streets:

Simpson Street from Bryan Street to Broadfoot Avenue extended
Morgan Street from Bryan Street to Broadfoot Avenue extended
Italy Street from Robeson Street to Ellis Street
Camden Road from Orlando Street to Whitfield Road
Progress Street from Garvin Street to the City Limits line (200 feet south of Dallas Street)

The low bid was submitted by McDonald Grading Co. in the amount of \$477,842.20. The bids are on a unit price basis and the totals are based on estimated quantities. He recommended awarding the contract to the low bidder, McDonald Grading Co. on a unit price basis. To cover construction contingencies an additional 10% above the bid should be reserved for these project, therefore the estimated total cost of these streets is \$525,000. Community Development funding is to be used for these streets, he concluded.

Following a brief discussion, Mr. Williams offered motion to award the foregoing bid to McDonald Grading Co. as recommended, seconded by Mrs. Evans and carried unanimously.

Council next gave consideration to the elimination of vehicular parking on the north side of East Russell Street, east of Cool Spring Street. The City Engineer presented this matter and stated that he was in receipt of a letter from Mr. Donald F. Rosser, President of Cape Fear Production Credit Association, located at 301 East Russell Street, who stated that he wished to bring to City's attention, a dangerous traffic condition that occurs almost daily in front of his office building location. The hazard is brought about by autos and/or vans and trucks parking between his driveway entrance and the intersection of South Cool Spring Street with East Russell St. This parking greatly obscures the vision of drivers proceeding south on Cool Spring Street when they come to Russell Street, especially if a van or truck is parked near the intersection, Thus making it necessary for them to proceed partially into Russell Street to be able to get a view down the westbound lane of Russell Street, it being a divided street at this point. He requested in view of the situation, that this particular area be designated no parking to vehicular traffic from Cool Spring Street to past the Greyhound Bus Terminal driveway. Mr. Bennett stated he had reviewed the traffic conditions with Mr. Rosser and concurred in the recommendation and had prepared an ordinance for Council's consideration.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE FAYETTEVILLE CITY CODE, TRAFFIC SCHEDULE #11, "PARKING PROHIBITED" ALONG RUSSELL STREET, NORTH SIDE FROM THE EAST CURBLINE OF COOL SPRING STREET, EASTWARDLY FOR A DISTANCE OF 212 FEET. ORDINANCE NO. NS1979-81.

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 NS1979.

Council next gave consideration to amendments to the City's Affirmative Action Plan. Assistant City Manager John Smith presented this matter and stated that details of these proposed amendments were presented at the last information meeting of the City Council in September. By way of introduction however, he reminded Council that the primary or major goals were: 1. the utilization of annual goals in place of five year goals to allow for monitoring. 2. The way in which work force statistics will be broken out, that is to say, one of the amendments will be categorizing between male and female in each major category. 3. Handicap persons will be given major consideration now. 4. The program elements will be revised. Mr. Smith requested Council to approve the foregoing amendments to the Affirmative Action Plan.

Following a brief discussion, Mrs. Evans offered motion to accept the amendments to the Affirmative Action Plan and approve them as presented, seconded by Mr. Hurley and carried unanimously.

Council next gave consideration to a budget amendment ordinance to the Capital Project-Buildings Fund. Assistant City Manager Smith, also presented this matter and stated that in April 1979, City Council approved \$320,000. for the construction of the Recreation and Engineering Buildings. In May 1979, the contracts were awarded for construction and a budget amendment was presented and adopted in the amount of \$284,453. This was an amendment to the 1978-79 budget to allow the City

to award contracts prior to July 1, 1979. There was not sufficient money at that time in contingency to fund the total project to \$320,000. Also, the LPW Grant Projects had not been completely closed out and the City did not want to complete or commit all the LPW Grant money that was available. In order to complete the project, he stated, and funded in the full amount of \$320,000. it is now necessary to budget an additional \$35,547. in the 1979-80 budget. A total of \$17,564. is available in LPW Grant money (all projects have been closed out) leaving \$18,087. to be appropriated from contingency, and this is the purpose of this request for the adoption of the budget ordinance amendment.

1979-80 BUDGET ORDINANCE AMENDMENT-CHANGE II, LOCAL PUBLIC WORKS GRANT
REVENUE AND CAPITAL PROJECTS-BUILDING REVENUE. ORDINANCE NO. NS1979-82.

Mrs. Evans introduced the foregoing ordinance and moved its adoption, as requested to amend the budget, seconded by Mr. Markham and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1979.

Council next gave consideration to appointments.

Three appointments to the Advisory Recreation and Parks Commission expire this month. Mr. George nominated Mrs. Henry Moses. Mrs. Evans nominated Mr. Clyde(Mac)Turlington. Mr. Hurley nominated Reverend Robert W.(Sandy) Saunders.

Mayor Finch stated that these nominees will be considered for appointment at the meeting of October 22.

Council next considered two appointments to the Joint Fayetteville-Cumberland County Senior Citizens Advisory Commission. Nominations had been made at the meeting of September 24.

Mr. Dawkins then offered motion that nominations be closed and Dr. G. Wesley Allen and Mrs. Earnie Iulucci, be appointed to this commission by acclamation vote, motion seconded by Mr. Williams and carried unanimously.

Council next considered three appointments to the Educational Development Council. Nominations had been made at the meeting of September 24.

Mr. Dawkins then offered motion that nominations be closed and that Mrs. Becky S. Byrd, Mr. H. Marvin Mauldin and Mr. Harry Wilmers be appointed to this commission for three year terms of office each, said terms to run to June 1982, by acclamation vote, seconded by Mr. Williams and carried unanimously.

Delegations:

Council recognized Mr. Clinton Harris, of the Senior Citizens Council, who offered comments on the Senior Citizens Multi-Purpose Center. Mr. Harris stated that plans were bogged down on the center and needed a follow-up. Mrs. Evans stated that bids were to be let for this center on October 11.

Mr. Harris also stated that work had stopped on the 110 unit complex for Senior Citizens on Executive Drive. He requested City Council to find the red tape and get it restarted.

City Manager reports:

The City Manager informed Council that he had received a request from Fayetteville State University that their plans to celebrate its annual homecoming from October 7 to October 13, and that a parade has been planned through downtown Fayetteville. The parade route, which begins at 11:00 A.M. October 13 would be from Cool Spring and Person Streets down Hay Street, right down Hillsboro Street, left down Rowan Street, and right down Murchison Road to the FSU Campus. Staging area would be on Cool Spring Street near St. Ann and Evans Churches. They stated they would want all side entrances to the parade route to be closed to non-participants. The City Manager stated this is being coordinated with the Police Department and recommended approval.

Mr. Williams offered motion for approval of the foregoing request, seconded by Mr. Hurley and carried unanimously.

The City Manager requested an information meeting of the Council next Monday, October 15, 7:00 P.M. in the Kyle House.

The City Manager reminded Council that the new Engineering Building will open on November 8.

Matters of interest to the City Council:

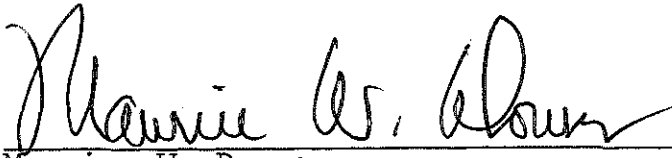
Mr. Hurley noted the absence of Mr. Bill Bowser from these meetings due to illness and suggested that he be remembered.

Mayor Finch informed Council that she had had cards sent to Mr. Bowser, signed by herself and the Council and that she intends to send another.

Mr. Dawkins expressed his enjoyment at the International Festival last Saturday and that he was looking forward to the next one.

Mayor Finch asked about plans for the Appearance and Historical Properties Commission. The City Manager informed her that the staff will meet tomorrow afternoon on this matter.

Thereafter, all matters of business having been completed, this meeting was adjourned at 9:15 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
OCTOBER 22, 1979
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 Meunch, PWC Manager

Mayor Finch called the meeting to order and the Reverend Thad White, Minister of Person Street Pentecostal Holiness Church offered the invocation. Following this, Mayor Finch led the the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch then recognized Mr. Jimmy Jones, Superintendant of the Sanitation Department and presented him with a 15 year service pin. Mayor Finch stated that Mr. Jones was absent due to illness last August for the presentation of his pin. Following the presentation, the assembly accorded Mr. Jones a vigorous round of applause.

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

Mayor Finch then recognized Councilman Wayne Williams who requested permission to abstain from voting on agenda Item 2b, a request for a Special Use Permit for the establishment of a group home for retarded citizens, due to personal reasons. There were no objections voiced by the Council to Mr. Williams' request.

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 October 8, were approved as submitted by the Clerk.

Public hearings:

A public hearing had been published for this date and hour on the consideration of an amendment to the 1979-1980 Community Development Application. Council recognized Mr. Richard Herrera, of the Community Development Department, who presented this matter.

He stated to Council that a copy of the programs and funding levels had been endorsed at a special meeting on October 16, by the Community Development Advisory Board of the Fayetteville Redevelopment Commission. The Commission feels that the amendment endorses and accelerates activities which have previously been approved by the Fayetteville City Council in the comprehensive three year funding and activity plan. We must, he stated, also at all times be aware of the drawdown rate by which HUD measures our progress. Since we are rated on a cumulative basis prior to the insertion of the fifth year entitlement funds, our drawdown rate was at a approximately 78.5%. Upon insertion of the fifth year entitlement, funding our drawdown rate automatically dropped to approximately 61.8%. Now that the additional funding from the Urban Renvewal Surplus has been credited to our account, our drawdown rate has dropped to approximately 55.1%. The acceleration of activities in the Simmons Urban Renewal Area will complete our program in that area and release the fiscal year 1980 and 1981 funds for other pruposes. The Collier Drive Area will also be accelerated to a point of operating one year less in the area, if that is Council's desire. We are confident that the funding as proposed in the amendment will allow program requirements, drawdown rate and activities to mesh properly. Three public hearings were held on this matter for citizen input, Mr. Herrera concluded.

Mayor Finch stated that since this was a public hearing, she would recognize proponents or opponents. She then recognized Mr. Clinton Harris in favor, who stated that he had requested sidewalks on Cumberland Street under this program. There were no opponents present.

Following a brief discussion, Mrs. Evans offered motion to follow the foregoing recommendation of the Fayetteville Redevelopment Commission and approve the amendment as presented, seconded by Mr. Hurley and carried unanimously.

A public hearing had been published for this date andhour on the request for a Special Use Permit as provided for in the Fayetteville Zoning Ordinance, Section 22-34 for the establishment of a group home for retarded citizens, Lots 12, 13 and 14 located on the east side of Shadowlawn Drive between Bellmeade Road and McPherson Avenue. Planning recommended approval of this request subject to the following conditions: That the site be developed in accordance with the site plan submitted as part of the Special Use Permit application and that the drainage plan be reviewed and approved by the City Engineer. Planner Mitchell stated that a petition of opposition to the approval of this Special Use Permit was received at the Planning Board hearing and he submitted said petition to the Mayor.

Council then recognized Mr. Harold McDonald, president of the Cumberland County Association for Mentally Retarded Citizens, the petitioner, who presented details stating that Cumberland County was part of the state and national efforts to provide mentally retarded people with a normal way of life. The home would support a maximum of 7 mentally retarded adults plus a resident manager present on all three shifts. He stated a requirement was that the home be located in an area which could provide public utilities. Mr. McDonald stated the Cumberland County Mental Health Center endorsed the group home.

Mrs. Florence Cain was also recognized for the petitioner.

Following the foregoing, Mayor Finch asked then if there was any opposition and Attorney Bobby Deaver was recognized for area residents in opposition to the location of this home in this neighborhood. Attorney Deaver emphasized that his clients were not in opposition to the program, but were in opposition to the location.

Attorney Roddy Mitchell was also recognized for area residents in opposition.

Mr. Milton Mazarick and Mrs. Pam Rahan, residents of Shadowlawn Drive were recognized in opposition.

Attorney Deaver was again recognized and requested those persons in the audience in opposition to stand and approximately 50 persons did so.

Attorney Deaver then made an additional presentation for those persons present in opposition.

Following considerable discussion, Mr. Dawkins then offered motion that the request for the Special Use Permit be denied, motion seconded by Mr. Hurley and carried unanimously. Mr. Williams abstained to vote.

A public hearing had been published for this date and hour on the rezoning from R10 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification an area located behind 608 Dunn Road. Planning Board recommended approval.

Mr. Paul McGuier, of Edmac Truck Sales, the petitioner was recognized and stated they wished to expand their facilities, get everything under one roof. There was no opposition present.

Following a brief discussion, Mr. Williams offered motion for approval of the rezoning as requested by the adoption of an ordinance, seconded by Mr. Dawkins and carried unanimously.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R10 RESIDENTIAL DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT, AN AREA LOCATED BEHIND 608 DUNN ROAD. ORDINANCE NO. NS1979-83.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1979.

A public hearing had been published for this date and hour on confirmation of the assessment roll for the paving of Pelt Drive from Murchison Road to a point which is located 25 feet southwest of the northernmost corner of Lot 166, Plat Book 10, Page 25, Cumberland County Registry. Mayor Finch stated that the Clerk had certified that all property owners had been mailed proper notice by first class mail of this assessment and public hearing.

Assistant City Engineer Milton Bluhm presented this matter and stated that the paving had been completed and that the assessment rate was \$4.00 per front foot.

There were neither proponents nor opponents present.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF PELT DRIVE FROM MURCHISON ROAD TO A POINT WHICH IS LOCATED 25 FEET SOUTHWEST OF THE NORTHERNMOST CORNER OF LOT 166, PLAT BOOK 10, PAGE 25, CUMBERLAND COUNTY REGISTRY. NS1979-84.

Mr. Dawkins introduced the foregoing ordinance and moved its adoption at 8:10 P.M., seconded by Mrs. Evans and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book 1979.

A public hearing was held as continued from the meeting of September 24, on confirmation of the assessment roll for the paving of McLamb Drive from Murchison Road to the northwest corner of Lot 13, Block A, Plat Book 18, Page 44, Cumberland County Registry.

Assistant City Engineer, Milton Bluhm presented this matter and stated that the paving had been completed and the assessment rate was \$4.00 per front foot. In answer to query, Mr. Blum stated that the Engineering Department had gone back out to this location and response to complaints about drainage problems and cleared

the drainage line leading in to Murchison Road, and that they had been incontact with DOT on this matter.

Council again recognized Mr. James Holley, of Pargas, who reiterated the drainage problem in their parking lot. Mr. King on the opposite corner was again recognized with the same problem, as well as with a hole alongside his service station lot. PWC Manager Muench stated that PWC will correct this matter.

Following a brief discussion, Mr. Williams offered motion to continue this public hearing further to November 19, seconded by Mr. Hurley and carried unanimously.

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

For November 13, 1979:

- A. Consideration of an assignment to Blown-Rite Insulation Company of the Airport Lease with J.J. Barnes, Inc., dated March 13, 1979, Executed April 10, 1979.
- B. Consideration of an amendment of rent provisions in the Airport concessionaire lease.

For November 19, 1979:

- A. Consideration of the rezoning from R5A Residential District to R10 Residential District or to a more restrictive zoning classification than presently zoned of an area located between Law Road and Longview Drive east of Ramsey Street.
- B. Consideration of the rezoning from R6 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification an area located at 426 Mayview Street.
- C. Consideration of a request by Fayetteville State University for a Special Use Permit to construct a radio tower as provided for in the Fayetteville Zoning Ordinance section 32-24 (8) for an area located on the northeast side of the Seaboard Coastline Railroad west of the Big Cross Creek.
- D. Consideration of the rezoning from R6 Residential District to P2 Professional District or to a more restrictive zoning classification an area located at 1912 Ramsey Street.
- E. Consideration of the rezoning from R5A Residential District to P2 Professional District or to a more restrictive zoning classification an area located on the west side of Oliver Street north of Sandhurst Drive.
- F. Consideration of the initial zoning to C3 Heavy Commercial District or to a more restrictive zoning classification an area located on the northeast corner of Owen Drive and Camden Road.
- G. Consideration of a proposed ordinance amending Chapter 32 "Zoning" of the Fayetteville Zoning Ordinance to permit handicapped ramps in required yards.
- H. Consideration of a proposed annexation of the Davis Atkins property located at 3329 Boone Trail. G.S. 160A-31.

Planning Board matters:

Planner Al Mitchell presented these matters.

Upon motion by Mr. Williams, seconded by Mrs. Evans and carried unanimously, conditional approval was given Pierce Subdivision, Section II, Preliminary and final review located on Topeka Street as recommended by the Planning Board.

Upon motion by Mr. Hurley, seconded by Mr. Williams and carried unanimously, conditional approval was given Kroger Food Store preliminary and final ClP review located on Raleigh Road at Law Road as recommended by the Planning Board.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, conditional approval was given Prado Office Building revision preliminary and final ClP review located on 460 McPherson Church Road as recommended by the Planning Board.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, conditional approval was given Royal Terrace Group Development preliminary and final review located on Sourwood Drive as recommended by the Planning Board.

Public Works Commission matters:

These matters were presented by Mr. Ray Muench, PWC Manager.

Upon motion by Mr. Hurley, seconded by Mr. Markham and carried unanimously, the low bid by Pyco Supply Co. in the amount of \$12,744. for the purchase of 21,600 feet of 4-inch PVC sewer pipe was approved as recommended P.W.C.

This concluded PWC matters and Mr. Muench was excused from the meeting.

Prior to Mr. Muench's departure, Mr. Clinton Harris requested recognition on a matter concerning Mr. Muench. Council recognized Mr. Harris and Mr. Harris, in behalf of the Senior Citizens of the community, afforded Mr. Muench the opportunity to cut some red tape in behalf of the Senior Citizens Projects and requested Mr. Muench to also cut some red tape in behalf of Mayor Finch and present it to her along with a pin in recognition and appreciation of their efforts on behalf of the Senior Citizens. Mr. Muench did so and Mr. Harris was accorded a round of applause in recognition of this unique method of appreciation.

Council next gave reconsideration of requests for proposals for audit services. This matter continued from the meeting of October 8 when Council reviewed this and offered amendments and changes to the proposal and requested Assistant City Manager John Smith, to redraw the proposals incorporating the suggested changes.

Mr. Smith was recognized and informed Council that he had incorporated the changes and revisions into the proposal as requested by Council, redrawn the proposal and resubmitted it to Council earlier. He requested Council's approval if satisfactory.

Following a brief discussion, Mrs. Evans offered motion to approved the proposals for audit service as submitted, seconded by Mr. Dawkins and carried unanimously.

Item 7 on the agenda, consideration of the preservation of Arsenal Avenue, a presentation to have been made by Mrs. Joan Allen, had been withdrawn for postponement for a later meeting.

Council next gave consideration to the sale of surplus city busses and parts. City Purchasing Agent, Al Jordan, presented this matter and stated that there were 21 old gasoline powered city busses and a lot of miscellaneous used and new repair parts for these busses that were surplus to the city's needs. In accordance with the provisions of GS160A-266, it is proposed that sealed bids be accepted for the sale of these busses and parts. He suggested that bids be invited by advertisement and recommended that a resolution be passed by the City Council that the City Manager be empowered to proceed with this disposition effort.

Following a brief discussion, Mrs. Evans offered motion to approve the foregoing sale by bid and that the City Manager be and he hereby is authorized to set a date for such sale by the adoption of a resolution, seconded by Mr. Dawkins and carried unanimously.

A RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL AUTHORIZING THE DISPOSITION OF SURPLUS CITY BUSES AND PARTS BY SALE BY THE ACCEPTANCE OF SEALED BIDS. RESOLUTION NO. R1979-55.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1979.

Council next gave consideration to the awarding of bids.

City Purchasing Agent, Al Jordan, presented these matters.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, the low bid from Professional Printing Inc. in the amount of \$1,972.50 was accepted for the printing of Transit System maps.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, the low bid by Firestone Store in the amount of \$69,293.80 was accepted for the furnishing of tires for all city departments including PWC for a period of one year.

Mr. Jordan stated that only one bid proposal for recapping car and truck tires was received and that he planned to readvertise for bids on recapping.

Council next gave consideration to the adoption of a resolution authorizing the disposal of property at public auction consisting of room furnishings from the Prince Charles Hotel.

The City Manager presented this matter and stated that an auction is scheduled for 10:00 A.M. on November 10, at the Prince Charles Hotel 430 Hay Street for the auctioning of material consisting of room furnishings ie, beds, chairs, dressers, pictures and miscellaneous furnishings. This material will be inventoried and made available for public inspection prior to the sale. He recommended that City Council adopt an order or resolution tonight authorizing the City Manager to dispose of this property at public auction at the Prince Charles Hotel lobby.

RESOLUTION AND NOTICE OF SALE OF SURPLUS PROPERTY. RESOLUTION NO. R1979-56.

Mr. Williams offered motion for approval of the foregoing request and that

City Manager be authorized to advertise as requested by the adoption of the foregoing resolution, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to an ordinance requiring the city building inspector to correct conditions or to demolish and remove a structure located at 2703 Rosehill Road pursuant to the Dwellings and Buildings Standards Code of the city. Mr. Ed Bryant, City Housing Inspector, requested adoption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 2703 ROSEHILL ROAD AND OWNED BY FRED DOUGLAS CARTER, JR. ORDINANCE NO. NS1979-85.

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

Council next gave consideration to an ordinance requiring the city building inspector to correct conditions with respect to or to demolish and remove a structure at 1001 Arsenal Avenue. City Housing Inspector Ed Bryant requested adoption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 1001 ARSENAL AVENUE AND OWNED BY THE J.A. HOLMES HEIRS. ORDINANCE NO. NS1979-86.

Mr. Williams introduced the foregoing ordinance and moved its adoption, 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 NS1979.

Council next gave consideration of an award of contract for the transfer station weight scale.

Assistant City Engineer, Milton Bluhm presented this matter and stated that bids were received on September 28, for furnishing and installing a 60 ton motor truck scale and pit, ticket printer and electronic indicator with components at the transfer station. The recommendation was to award the contract to the low bidder, Fairbanks Weighing Division for their low bid of \$29,543.64 and for budgeting \$33,000. (10% contingency) for the project.

Following a brief discussion, Mr. Williams offered motion, seconded by Mrs. Evans for awarding the contract to the low bidder, Fairbanks Weighing Division as recommended by the Assistant City Engineer, motion carried unanimously.

Council next gave consideration to sidewalk construction projects under the Revenue Sharing Budget. Assistant City Manager John Smith presented this matter and stated that the City Council approved \$50,000. in the 1979-80 Revenue Sharing Budget for sidewalk projects. The purpose of the appropriation as stated in the budget was "to provide for sidewalks in areas designated by Council first consideration being given to areas on schools, major thoroughfares and bridges.

The City Engineering Department analyzed eight potential projects which would serve the schools in the City. From these eight, a recommended four for funding out of the \$50,000. appropriation. They are: 1) Ramsey Street from Cochran Street to Plantation Road-\$23,360. 2) Devers Street from Hull Road to Ft. Bragg Road-\$19,600. 3) Foxhall Road from Westchester to Huntington Road-\$3,710. 4) "B" Street from Grove Street to Adams Street-\$3,640. City Administration recommends that Council approved these projects and authorize administration to proceed with design and letting of bids.

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

Council next gave consideration to a resolution authorizing the City Manager to execute a grant agreement with the NCDOT for a demonstration project for extending Transit service to Methodist College.

Assistant City Manager, John Smith presented this matter and stated that on May 29, 1979, Council authorized an application to NCDOT for a grant for a pilot project which is the extension of Transit service to Methodist College Community. That application has been approved and city has received the grant agreement. A resolution of the Council authorizing the City Manager to sign the grant agreement is required by DOT along with the executed agreement in order for city to begin the project and draw down the grant funds. The grant is in the amount of \$15,650. with no local match, he concluded.

Following a brief discussion, Mr. Williams offered motion, seconded by Mr. Dawkins and carried unanimously, for adoption of the resolution as requested.

RESOLUTION AUTHORIZING EXECUTION OF A TRANSPORTATION DEVELOPMENT GRANT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION. RESOLUTION NO. R1979-57.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1979.

Council next gave consideration of approval of Community Development Budget revisions for fiscal years 1975-76, 1976-77, 1977-78.

The City Manager presented this matter and requested Council approval of the line item budget revisions for the first, second and third year Community Development budgets. Most of the requested revisions, he stated are between line items within the same budget year. There is one requested revision between 75 and 76 pertaining to project area-housing site for the elderly reprogrammed as follows: \$18,072. reprogram to other line items in 75 year, \$111,328. reprogrammed to 76 year. There is a need to reprogram the housing site for the elderly appropriation in the 76 year to establish the appropriation after the date, the environmental clearance and release of funds was received. No expenditure for funds was made prior to this budget year. These budget revisions have been coordinated with Mr. Richard Herrera, of Community Development and have been approved by HUD.

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

Council next gave consideration to three appointments to the Advisory Recreation and Parks Commission. Reverend Sandy Saunders, Mr. Mack Turlington, Mrs. Henry Moses had been nominated at the last meeting to fill these vacancies.

Mr. Hurley then offered motion that nominations be closed and that Reverend Sandy Saunders, Mr. Mack Turlington be reappointed to this commission for three year terms of office each, said terms to run to October 1982, and that Mrs. Henry Moses be appointed to this commission for three year term of office, said term to run to October 1982, by acclamation, motion seconded by Mr. George and carried unnaimously.

Delegations:

Council recognized Mr. Clinton Harris, who requested additional funds for sidewalks for the aged and commented on the Senior Citizens Multi-purpose Center Group to operate the center and requested that Council cut the red tape.

Mr. Hurley replied that the committee is working to settle this.

City Manager Thomas was recognized for Mr. John Beasley, Chairman of the Cumberland County Board of Elections who had to leave the meeting prior to his presentation and presented a resolution adopted by the members of the Board of Elections of Cumberland County and requested Council's adoption of same authorizing Voter Registration Week for Cumberland County during the week of March 2 thru March 8, 1980. Mr. Thomas read the resolution in its entirety, and Council was requested to adopt same.

RESOLUTION AUTHORIZING VOTER REGISTRATION WEEK FOR CUMBERLAND COUNTY DURING THE WEEK MARCH 2 THRU MARCH 8, 1980. RESOLUTION NO. R1979-58.

Mr. Williams then 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 R1979.

City Manager reports:

City Manager Thomas informed Council that the transfer of the Prince Charles Hotel took place smoothly this afternoon.

Mr. Thomas informed Council that he was in receipt of a request from the Central North Carolina Conference of the African Methodist Episcopal Zion Church that it would celebrate its 100th anniversary in the City of Fayetteville on December 28, 29, and 30 at Evans Metropolitan AME Zion Church on Cool Spring Street. On Saturday, December 29, it was desired to have a parade on the streets of Fayetteville. The parade is to begin at 11:00 A.M. on Haymount, proceed east on Hay Street, around the Market House, north on Green Street, south on Rowan Street to Cool Spring Street and ending at Evans Church.

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

Mr. Thomas stated that he had a request from Mr. Kenneth E. Basinger, Director of the Recreation and Parks Department that the second annual Senior Citizens Day with local government originally scheduled for October 15, be reset for November 5, 1979.

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

Council then recognized City Attorney Cogswell, who expressed thanks to everyone connected with the Prince Charles Hotel transfer today.

Mr. Cogswell then informed Council that a request had been received from the LaFayette C.B. Club for permission to hold a 20 mile Happiness Walk for Easter Seals on Saturday, October 27, 1979, from 8:00 A.M. to 5:00 P.M. The walk would begin at Tokay Recreation Center, go around the western part of the city and then back to the Tokay Recreation Center. Council recognized C.W.O. Harold Counterman, (Retired) of Fayetteville, who stated this walk was being sponsored and conducted to raise money to help provide Easter Seals services to handicapped citizens in Cumberland County. The walk, he stated, has been coordinated with the Police Dept.

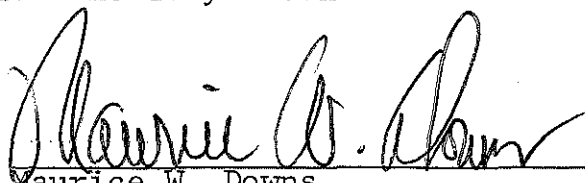
Mr. Dawkins offered motion for approval of the foregoing request, seconded by Mr. Williams and carried unanimously.

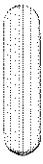
Matters of interest to the City Council:

Mr. Hurley expressed appreciation to the groups and persons responsible for the improvement of the grounds in the downtown area.

Mr. Williams suggested a policy committee meeting to consider lake sedimentation and a possible change in the policy concerning vendors in city parks.

Thereafter all matters of business having been completed, this regular session was adjourned at 9:20 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
NOVEMBER 13, 1979
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 J.C. Sampson, Assistant Rector of St. Joseph's Episcopal Church offered the invocation. Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

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

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 October 22, were approved as submitted by the Clerk.

Mayor Finch informed the Council that the City Attorney had requested an executive session for litigation at the end of this meeting.

Public hearings:

A public hearing had been published for this date and hour on the adoption of an ordinance amending Section 27-10 (j) (6) "Subdivisions" of the Fayetteville City Code.

The City Attorney presented this matter and reminded Council they had acted on this ordinance before. However, it was before them again due to the fact that it required a public hearing. He stated this ordinance had been before the Council on September 24, 1979. He stated the purpose of the ordinance was to delete certain unnecessary verbage from Chapter 27. There were neither proponents nor opponents present.

AN ORDINANCE AMENDING CHAPTER 27, "SUBDIVISIONS" OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. S1979-22.

Mr. Hurley 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 S1979.

A public hearing had been published for this date and hour on the consideration of a resolution of assignment to Blown-rite Insulation Company of the Airport lease with J.J. Barnes, Inc. dated March 13, 1979, executed April 10, 1979. The City Attorney presented this matter and stated that J.J. Barnes, Inc., as lessee of said lease, desires to assign all of its rights and interests in and to said lease to Blown-rite Insulation Company. This request has the approval of the Airport Commission, he stated. There were neither proponents nor opponents present.

RESOLUTION OF LEASE ASSIGNMENT-J.J. BARNES, INC. TO BLOWN-RITE INSULATION COMPANY. RESOLUTION NO. R 1979-59.

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 R1979.

A public hearing had been published for this date and hour on the consideration of a resolution of amendment of rent provisions in the Airport Concessionaire lease. The City Attorney presented this matter and stated that the Airport Commission and Air Terminal Services, Inc. which operates the Air Terminal coffee Shop, gift shop and newsstand concession at the airport, are desirous of amending their agreement to add an additional requirement of rent payments by the concessionaire based upon revenue received from the sale of beer, wine and mixed drinks. The Airport Commission recommends this action. There were neither proponents nor opponents present.

A RESOLUTION AUTHORIZING THE AMENDMENTS TO THE AIRPORT CONCESSION AGREEMENT WITH AIR TERMINAL SERVICES, INC. RESOLUTION NO. R1979-60.

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 R1979.

This completed the public hearings.

Council next moved to public hearings to be set, however, City Manager Thomas, requested that Council give consideration to changing the second meeting in December from December 24 to December 17, inasmuch as December 24 is on a Monday and Christmas Eve. The changing of this date also facilitates setting of the next public hearings, he concluded.

Following a brief discussion, Mr. Dawkins offered motion to change the second meeting in December from December 24 to December 17, as recommended by the City Manager.

Moving on to public hearings to be set, Mr. Dawkins then offered motion, seconded by Mr. Hurley and carried unanimously that public hearings be set for December 17 on the following two items:

- A. The consideration of a lease between the Airport Commission and Frederick M. Powell (Powell Avionics) for corporate hangar aircraft tie-down area.
- B. Consideration of paving without a petition of Caldwell Street from Cochran Avenue to Kirkland Drive by the adoption of a resolution. The resolution title and number appears below:

PRELIMINARY RESOLUTION REQUIRING THE PAVING WITHOUT A PETITION, OF CALDWELL STREET BETWEEN COCHRAN AVENUE AND KIRKLAND DRIVE. RESOLUTION NO. R1979-61.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1979.

PWC Matters

The first PWC matter was the consideration of approval of a twenty foot wide easement for egress and ingress across City of Fayetteville property. This matter was presented by Mr. Tom McNeill, PWC right-of-way agent, who stated that PWC, on March 12, 1974, purchased for \$2,000. a tract of land on River Road approximately 105 feet in width and 578 feet in depth. This purchase was necessary for the construction of an access to 69 KV transmission line which extends from the second point of delivery on SR1723 to the Kelly Springfield Plant on U.S. 401 North. Located at the western end of our property is a land-locked tract of land owned by Evans, McDonald and others. The McDonalds came into our office on September 7, 1979, to negotiate for recorded easement of egress and ingress from River Road to their property. PWC Manager Muench agreed to grant said easement in exchange for \$1,000. to be paid to the City of Fayetteville. Mr. McNeill and Mr. Muench requested Council approval of this action.

Following a brief discussion, Mrs. Evans offered motion to follow the recommendation of PWC and approved the foregoing action, seconded by Mr. Markham and carried unanimously.

Council next considered several PWC bids. PWC Manager Muench presented these items.

Upon motion by Mr. Dawkins, seconded by Mr. Hurley and carried unanimously, the low bid of Vermeer Carolinas in the amount of \$13,083.28 was approved as recommended for the purchase of one trenching machine.

Council next considered bids on PWC Substation equipment. Upon motion by Mr. Dawkins, seconded by Mrs. Evans and carried unanimously, the bid of Rigby Electric Supply Inc. in the amount of \$147,370 for one substation transformer was approved.

Upon motion by Mr. Dawkins, seconded by Mrs. Evans and carried unanimously, the bid of Rigby Electric Supply Inc. in the amount of \$61,320. for three regulators was approved.

Upon motion by Mr. Dawkins, seconded by Mrs. Evans and carried unanimously, the bid of Westinghouse Electric Supply Co. in the amount of \$136,900. for 10 vacuum circuit breakers was approved.

Upon motion by Mrs. Evans, seconded by Mr. Hurley and carried unanimously, the bid of A.E. Finley and Associates, in the amount of \$23,627.05 was approved for a tractor backhoe and loader with side shift feature.

Upon motion by Mr. Dawkins, seconded by Mr. Hurley and carried unanimously, the low bid by LaFayette Ford in the amount of \$16,979.64 was approved for the purchase of three intermediate class station wagons.

Upon motion by Mr. Hurley, seconded by Mrs. Evans and carried unanimously, the low net bid by North Carolina Equipment Company in the amount of \$36,721. 20 for the purchase of one two-yard wheel loader was approved.

This concluded the PWC bids.

Council next gave consideration to request for bids for several City of Fayetteville items.

These bids were presented by Mr. Al Jordan, City Purchasing Agent.

Mr. Jordan stated that bids for furnishing uniforms for the Fayetteville Police and Fire Departments were received October 16, only one bid was received on the shoes for the departments and on the Police summer and winter uniforms for the school crossing guards uniforms. He recommended acceptance of the low bid of American Uniform Sales Inc., in the amount of \$11,491.33 for the Fire Department uniforms and stated he would rebid the shoes and other uniforms.

Following a brief discussion, Mr. Markham offered motion, seconded by Mrs. Evans and carried unanimously that the American Uniform Sales Inc. bid be accepted as recommended.

Upon motion by Mr. Williams, seconded by Mr. George and carried unanimously, the low bid of \$6,033. from Southern Pump and Tank Company for fire hose for the Fayetteville Fire Department was approved as recommended.

Mr. Jordan stated that bids were received on September 28, for one aerial platform fire truck. Only one bid was received and it was returned unopened. Readvertisement was made for October 30, and again only one bid was received, that from Snorkel Division of ATO Inc. in the amount of \$218,102.

The Fire Department has \$196,000. available funds budgeted for this equipment. \$13,500 was budgeted for a modular rescue unit which has not been expended as matching funds were not made available. It is requested that this \$13,500. be transferred to the budget line for purchase of the fire truck. It is further requested that \$8,602. be taken from revenue sharing contingency funds to complete the required funding and further recommended that the bid from Snorkel Division of ATO Inc. for \$218,102 be accepted.

Following a brief discussion, Mrs. Evans offered motion to approve the foregoing bid and funding as recommended by the purchasing agent and the fire chief, seconded by Mr. Hurley and carried unanimously.

Mr. Jordan stated that bids for furnishing 13 police interceptor vehicles and one used or demonstrator window van were opened and read publicly on October 22.

Ten local dealers were invited to participate in the bid process. Two bids were received. All indications are that these were conscientiously prepared and submitted considering factors peculiar his own police package configuration. When compared to locked in manufacturers specifications limitations, the City's specifications appear to be inadvertently restrictive in this case. These restrictions are not in keeping with the City's ongoing efforts to insure equal bid protection while protecting the City's requirements.

Much time has been devoted to an attempt to recommend a correct and proper course of action to City Council. The valuation of total bid process utilized in this bid package has convincingly revealed that communicating the City's needs can be improved upon to insure more complete impartiality and hopefully a more economical procurement action.

It is therefore recommended that no bid be made on the first bids and that the purchasing agent be allowed to modify the specifications and guidelines and readvertise for these items.

Following a brief discussion, Mr. Williams offered motion to follow the foregoing recommendation of the purchasing agent, seconded by Mr. Markham and carried unanimously.

This completed the bids.

Council next gave consideration to a resolution of the Cumberland County 201 Facilities Plan. PWC Manager presented this matter and stated that the Cumberland County 201 Facilities Plan has been forwarded to the state and EPA for review. PWC has been advised that it will be necessary for all governmental units in the 201 planning area to adopt formal resolutions supporting the plan. A copy of the plan is on file in the Mayor's office. He stated that a Step 1 201 Facilities Plan had been prepared by Rose and Purcell, Inc. under supervision of PWC acting in the capacity of lead agency. The Step 1 study provides for construction of gravity flow interceptors and construction of an extended aeration waste water treatment plant at the confluence of the Rockfish Creek and the Cape Fear River. Mr. Muench recommended adoption of the resolution by the City Council.

Following a brief discussion, Mr. Williams offered motion that we endorse Step 1 of the 201 Facilities Plan and approve presentation of the plan to the North Carolina Department of Natural Resources and Community Development and to the Environmental Protection Agency for review and approval by the adoption of the resolution, motion seconded by Mr. Dawkins and carried unanimously.

RESOLUTION ENDORSING THE STEP I 201 FACILITIES PLAN. RESOLUTION NO. R1979-62.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1979.

Council next gave consideration to the Fayetteville Revitalization Commission's formal recommendation on downtown improvements as recommended by CHNMB.

Council recognized Mr. Thomas M. McCoy, Vice Chairman of the Fayetteville Revitalization Commission. He stated that in a motion adopted at the November 7, 1979, special meeting, the Fayetteville Revitalization Commission unanimously recommended to the City Council of Fayetteville the conceptual design plan and included specific recommendations made by CHNMB Associates. The specific action recommendations were included in a written communication from CHNMB which had been presented at a special joint meeting of the Council with the Fayetteville Revitalization Commission on Wednesday, November 7. The action recommendations concern specific street improvements to Hay and Person Streets, Green and Gillespie Street, Franklin Street and Bow-Maiden Lane Street, Maiden Lane, ACL property, Ray Avenue, Donaldson-Anderson Street, Maxwell Burgess Streets, Old Street, Pittman Street and overpass at Winslow at Russell Street, the authorization of a parking authority, general approval of an overall parking plan and parking structure, Cross Creek Linear Park and the 500 block area of Hay Street.

Following some discussion, Mr. Markham offered motion that the City Council receive the plan and accept it and ask the City Manager, working with the Revitalization Commission, to start implementation of the conceptual plan, motion seconded by Mrs. Evans and carried unanimously.

Council next gave consideration to a development process study commission sub-committee report with subdivision regulations ordinances changes.

Council recognized Mr. Henry C. Player, Chairman of this commission, who stated that he desired to present at this time, the commissions suggestions for making the City and County subdivision ordinances more uniform. These changes have been reviewed Mr. Cliff Strassenburg of the Planning Department and the City and County Engineers and it is their opinion and the opinion of the commission that the changes should be instituted. Mr. Player then asked Mr. Dohn Broadwell, a committee member to present the recommendations in detail. Mr. Broadwell did so and stated that the suggested subdivision regulation ordinance changes dealt with a standardization of the City and County ordinance provisions dealing with 1) maximum cul de sac length 2) blocks, maximum length and pedestrian crosswalks 3) Lots, minimum frontage on street and relation to sewer and water facilities 4) group developments, maximum distance of buildings from public access point, minimum parking lot setback from street right-of-way, maximum distance of off street parking spaces from building to such spaces are intended to serve, minimum recreation space and minimum divisions of off street parking space.

Mr. Broadwell concluded his presentation by requesting the Council to refer these items to the Planning Department for study if they desired.

Following a brief discussion, Mrs. Evans offered motion to follow the foregoing recommendation and request of the Development Process Study Commission and refer the foregoing matters to the Planning Department for study, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to a proposed resolution for condemnation of Parcel S-3 for the Bow Street Parking project. The City Engineer presented this matter and stated that several tracts had been acquired around City Hall for prospective parking, but that no agreement could be reached on this particular tract and recommended that Council adopt a resolution authorizing condemnation.

RESOLUTION AUTHORIZING CONDEMNATION OF A PARCEL (S-3) FOR BOW STREET PARKING LOT. RESOLUTION NO. R1979-63.

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

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1979.

Council next gave consideration to the adoption of an ordinance establishing the Fayetteville Appearance Commission and the adoption of a proposed charter. The City Attorney presented this matter and stated that an ordinance and a charter has been drawn for consideration. This ordinance and charter was the result of a study made by a committee composed of himself, Cliff Strassenburg, Tom Williams, Mrs. Linda Filbrick, Mrs. Kay Kinlaw, Mr. Jim Kiser, Mr. Steve Hurr, Mr. George Markham, Mrs. Joan Allen, Mr. Will Denning and Mrs. Pat Garber. The committee submits the ordinance and charter for adoption by the Council.

Council then recognized Mrs. Joan Allen, a member of the commission, who gave a report concerning the commission stating that the proposed charter provides that the purpose of this Appearance Commission shall be to enhance and improve the visual quality and aesthetic characteristic of the City of Fayetteville. The commission shall consist of seven members appointed by the City Council. The charter provides that there shall at all times be appointed to the commission, one member of the Joint Planning Board, an architect, a landscape architect or horticulturist and a civil engineer and further a member of Fayetteville Beautiful shall be an ex officio non-voting member. Mrs. Allen then responded to questions from the Mayor and Council.

Following some discussion, Mr. Williams offered motion for adoption of the ordinance and the charter establishing the Fayetteville Appearance Commission as requested and as recommended, motion seconded by Mrs. Evans and carried unanimously.

AN ORDINANCE AMENDING CHAPTER 2, "ADMINISTRATION" ESTABLISHING THE FAYETTEVILLE APPEARANCE COMMISSION. ORDINANCE NO. S1979-23.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1979.

Council next gave consideration to the adoption of an ordinance establishing the Fayetteville Historic Properties Commission and the adoption of a proposed charter for such commission. The City Attorney presented this matter and informed Council that a proposed ordinance and charter had been drawn and he then explained the purpose of the commission, which shall be to safeguard the heritage of the City of Fayetteville by preserving in accordance with the law, any property therein that embodies important elements cultural, social, economic, political or architectural history and to promote use and conservation of the property for the education, pleasure and enrichment of the residents of the City, County and State as a whole. The commission shall consist of five members, such members shall have demonstrated special interest, experience or education and history or architecture and all members shall reside in the City of Fayetteville and serve without compensation. He stated that the charter and the ordinance have the endorsement of the study committee. He stated that paragraph c2 of the proposed ordinance is written in the alternative to give Council a choice. The choice will be whether or not Council feels it should have the authority to designate property as historical property against the owners will. This was the subject of much debate by the study committee. State law only permits the Historic Properties Commission to exercise its authority in the area of certificates of appropriateness (relating to the alteration, restoration, removal or demolition of property) if the property has first been designated as historical property. Accordingly, a majority of study committee members present at our last meeting recommended adoption of subparagraph c2a of the ordinance as opposed to c2b. In other words, a majority of the committee felt that the Council should be able to designate property over the objections of the property owner by a three-fourths vote. The committee further recommended that the current Historic and Scenic Sites Committee continue to function to June of 1980 and terminate at that time.

There was then considerable discussion of this proposed commission and of that section, c2a regarding designation of property as historic property by three-fourths vote of the members of the City Council. Following such discussion, Mr. Williams offered motion that the City Council adopt the ordinance and charter establishing the Fayetteville Historic Properties Commission with the deletion of c2a from the ordinance and the Historic and Scenic Sites Committee continue to function through June of 1980, seconded by Mr. Dawkins and carried, Mr. Hurley voting no.

AN ORDINANCE AMENDING CHAPTER 2, "ADMINISTRATION" OF THE CITY CODE OF THE CITY OF FAYETTEVILLE ESTABLISHING THE FAYETTEVILLE HISTORIC PROPERTIES COMMISSION. ORDINANCE NO. S1979-24.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1979.

Council next gave consideration to a request that the City Attorney be appointed to represent Chief Dixon and Officer L.O. Williams of the Police Department in a civil suit filed by Earl Davis. The City Attorney presented this matter and stated that Chief Dixon had initiated the foregoing request in a letter to the City Manager, dated November 6. This came about as a result of a civil suit filed by Mr. Earl Davis, resulting from an arrest made on July 25, 1979. The City Attorney recommended approval of the request.

Mrs. Evans then moved for approval of the foregoing request that the City Attorney represent Chief Dixon and Officer Williams in the civil suit, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to a resolution authorizing the execution of a Transportation Development Grant Agreement with the North Carolina Department of Transportation. Assistant City Manager John Smith presented this matter and stated that this was a grant agreement for an experimental half-fare plan for City and County government employees. On May 29, 1979, City Council authorized an application to DOT for a grant for a pilot project which is an experimental half-fare plan for City and County government workers. That application has been approved and we have received the grant agreement. A resolution of the Council authorizing the City Manager to sign the grant agreement is required by DOT with the executed agreement in order for us to begin the project and draw down the grant funds. The grant is in the amount of \$6,480. with a local match of \$720. Approval is recommended.

RESOLUTION AUTHORIZING EXECUTION OF A TRANSPORTATION DEVELOPMENT GRANT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION. RESOLUTION NO. R1979-64.

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

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1979.

Council next gave consideration to the approval of taxicab driver permits. The City Manager presented this matter and stated that the following are recommended for taxicab driver permits by himself, Chief Dixon and Cpt. Warner, the Taxicab Inspector:

James Franklin Campbell
Linwood McLaurin
Howard Lee Slocum
Clarence Ernest Kuone
John Lloyd Marion
John Walter Rowland

Rex Allen Britt
Jody P. Hood Dailey
Rocky Lane Buie
Michael H. Mitts
Bruce Lewis Bryant
Dominick Leonardo

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

There were no delegations present.

City Manager reports:

The City Manager reminded the Mayor and Council that the next regular meeting is on Monday, November 19.

Matters of interest to the City Council:

Mr. Williams suggested a meeting to discuss sedimentation matters.

Mayor Finch stated that vacancies exist on the Redevelopment Commission and the Human Relations Commission due to resignations.

Mayor Finch also informed Council that Pope Air Force Base had presented a very nice plaque to the City of Fayetteville in recognition and appreciation of the Veterans Day Activities. The plaque is hung in the Mayor's Office and she invited everyone to come by and see it.

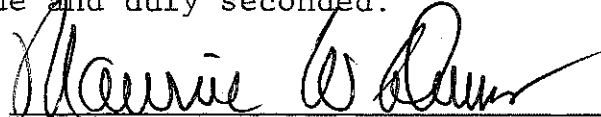
Mr. Dawkins then offered motion, seconded by Mr. Markham and carried unanimously that Council convene into executive session at this time to consider a matter of litigation.

Council then reconvened into regular session at 9:25 P.M.

The City Attorney recommended that City Council authorize Mr. Jim McRae who represents the City of Fayetteville in the case of Wood vs the City of Fayetteville to apply for a writ of certiorari to the North Carolina Supreme Court as a result of the Court of Appeals decision on November 6, 1979.

Mrs. Evans then offered motion to follow the foregoing recommendation of the City Attorney and approve such authorization, seconded by Mr. Markham and carried: Mr. George voting no.

Thereafter, all matters of business having been completed, this regular session was adjourned at 9:30 P.M. upon motion made and duly seconded.



Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
NOVEMBER 19, 1979
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. Bob Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

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

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

The first order of business was public hearings and Mayor Finch informed the approximately 300 people in the Council Chamber that equal time would be given to proponents and opponents for their presentations and rebuttals. She stated that everyone would be given a chance to be heard and requested that good manners and decorum prevail.

A public hearing had been published for this date and hour on the rezoning from R5A Residential District to R10 Residential District or to a more restrictive zoning classification than presently zoned of an area located between Law Road and Longview Drive east of Ramsey St.

Mrs. Evans requested that she be permitted to abstain from voting due to a personal interest in this matter, because she was the owner of property in this area. There was no objection from council to her request.

Planning Board recommended denial of this rezoning and continued R5A Residential District zoning for the following reasons: 1) that the existing R5A Residential District is consistent with the shopping center area zoning policy as stated in the land use policies plan 2) that there has been no substantial change in the conditions since the initial zoning in 1971 to warrant a major reduction in density.

Council recognized Attorney Gerald Beaver, representing the petitioners for rezoning. Mr. Beaver stated the property was still owned by Mr. W.S. Wellons and that the Westminister Company only has an option to purchase. He mentioned the increased traffic generation which would be caused by the construction of this apartment complex. He mentioned that there would be a drainage problem created as well as an increase in the crime rate. There were approximately 250 persons in the audience who stood in favor of the rezoning.

Attorney Stacy Weaver was recognized for Westminister Company in opposition to the rezoning. He stated the sole purpose of the petition for rezoning is to block the construction of TerraGardens Apartments. He stated this area has been R5A since 1971. He stated further that if rezoning is approved, Westminister Company will take whatever steps are necessary to protect its investment.

Attorney Herb Thorp was recognized for the property owner, Mr. W.S. Wellons, in opposition to the property rezoning. He suggested litigation may occur if the rezoning is approved.

Mr. Clinton Harris, a private citizen was recognized and requested Council to carefully consider the issue in view of Senior Citizens future funding.

Attorney Floyd Ammons, an area property owner, was recognized in rebuttal for the rezoning. He stated the apartment complex with its greatly increased number of persons will cause private property to depreciate, will cause drainage problems and a crime rate increase. He stated that the citizens in the area are definitely opposed to the construction of this apartment complex.

Mr. Jim Taylor, an area resident, was recognized and requested Council to rezone the area to R10.

Attorney Stacy Weaver was again recognized and informed Council that Westminister will not consider another project of this type in another area.

Council recognized Attorney Robert Cogswell, who informed them that he sent the memorandum to them due to an abundance of caution, but that he had no other interest in the matter and took no sides.

Following considerable discussion, Mr. Markham offered motion that this public hearing be continued to December 17, motion seconded by Mr. Hurley and carried; Mrs. Evans abstaining to vote, with the understanding that the petitioners and opposition may speak again at the December 17 date.

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 426 Mayview Street. 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 426 MAYVIEW STREET. ORDINANCE NO. NS1979-87.

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

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1979.

A public hearing had been published for this date and hour on a request by Fayetteville State University for a Special Use Permit to construct a radio tower as provided for in the Fayetteville Zoning Ordinance, Section 32-24 (8) for an area located on the northeast side of the Seaboard Coastline Railroad west of Big Cross Creek. Planning Board recommended approval.

Council recognized Mr. Joseph Ross, Director of Communications for Fayetteville State University, the petitioner, who requested approval of the Special Use Permit.

There was no opposition present.

Following a brief discussion, Mr. George offered motion for approval of the foregoing Special Use Permit as requested and as recommended, 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 of an area located at 1912 Ramsey Street. Planning Board recommended denial finding no substantial change in conditions since the previous consideration of Case No. P-78-88 and; 1) that the request is not consistent with the land use policy plan (this segment of Ramsey Street is not considered a full or limited business street) and that the area is part of a neighborhood strategy area which will provide for conservation and rehabilitation of the residential uses in the area.

Mr. Mitchell read a letter from Mr. Ken Matthews, the agent for Mrs. Mary Sessoms, the petitioner, who requested that the petition for rezoning be withdrawn.

Council recognized Mr. Matthews for Mrs. Sessoms, the petitioner, who requested withdrawal of the petition.

Council also recognized Mrs. Sessoms, the petitioner, who stated that she does not want to change the zoning now.

There was no opposition present.

Following a brief discussion, Mrs. Evans offered motion to follow the recommendation of the Planning Board and deny this rezoning, seconded by Mr. Hurley and carried unanimously.

A public hearing had been published for this date and hour on the rezoning from R5A Residential District to P2 Professional District or to a more restrictive zoning classification of an area located on the west side of Oliver Street, north of Sandhurst Drive. Planning Board recommended denial in that; 1) the land development plan calls for residential development in the area and 2) that the area is inadequate access to accommodate the traffic volume which would be generated by a major office development in the area.

Council recognized Attorney Doran Berry, for the petitioner for the rezoning.

Council also recognized Mr. Glenn Jernigan, for the rezoning for medical facilities use.

Council also recognized Mr. Cecil Carlyle, representing the petitioner for rezoning for professional offices.

Mr. Berry was again recognized and requested approval of P2 zoning for the area.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R5A RESIDENTIAL DISTRICT TO P2 PROFESSIONAL DISTRICT AN AREA LOCATED ON THE WEST SIDE OF OLIVER STREET NORTH OF SANDHURST DRIVE. ORDINANCE NO1979-88.

Mr. Williams 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 NS1979.

A public hearing had been published for this date and hour on the initial zoning to C3 Heavy Commercial District or to a more restrictive zoning classification of an area located on the northeast corner of Owen Drive and Camden Road. Planning Board recommended approval.

There were neither proponents nor opponents present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE TO C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED ON THE NORTHEAST CONRER OF OWEN DRIVE AND CAMDEN ROAD. ORDINANCE NO. NS1979-89.

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 NS1979.

A public hearing had been published for this date and hour on the proposed ordinance amendment amending Chapter 32, "Zoning" of the Fayetteville Zoning Ordinance to permit handicapped ramps in required yards. Planning Board recommended approval of this amending ordinance.

There were neither proponents nor opponents present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING CHAPTER 32, "ZONING" OF THE FAYETTEVILLE ZONING ORDINANCE TO PERMIT HANDICAPPED RAMPS IN REQUIRED YARDS. ORDINANCE NO. S1979-25.

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 proposed annexation of the David Atkins Property located at 3329 Boone Trail, pursuant to NCGS 168-31. The Annexation Technical Review Committee recommended approval, stating that the land area consists of 0.5 acres. There is one residence located on the site. There are two persons of voting age in the area and there are currently two registered voters residing within the annexation area. PWC serves the area with water, sanitary sewer and electricity. The area can be served by Fire Station No. 5, the Police Dept. in zone No. 5.

There were neither proponents nor opponents present.

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE TO INCLUDE 3329 BOONE TRAIL PROPERTY. ANNEXATION ORDINANCE NO. 79-11-227.

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

A copy of the foregoing annexation ordinance is on file in the Clerk's office in Annexation Ordinance Book 1979.

A public hearing was held as contined from the meeting of September 24, and October 22 on the confirmation of the assessment roll for the paving of McLamb Drive from Murchison Road to the northwest corner of Lot 13, Block A, Plat Book 18, Page 44, Cumberland County Registry. The City Engineer presented this matter and stated the assessment was at the rate of \$4.00 per foot and that all drainage and driveway problems registered at the previous meetings had been corrected as requested.

Council recognized Mr. James Holly, of ParGas, who expressed thanks to the Council for this project.

There was no opposition present.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF MCLAMB DRIVE FROM MURCHISON ROAD TO THE NORTHWEST CORNER OF LOT 13, BLOCK A, PLAT BOOK 18, PAGE 44, CUMBERLAND COUNTY REGISTRY. ORDINANCE NO. NS1979-90.

Mr. Williams introduced the foregoing ordinance and moved its adoption at 9:20 P.M., seconded by Mr. Dawkins and carried unanimously.

Public hearings to be set:

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, a public hearing was set for January 14, 1980 on the consideration of Transit Operational Grant for fiscal year 79-80.

PWC matters:

PWC Manager Muench presented these items.

Council heard request from Mr. Muench for the approval of an agreement between PWC and the Board of Cumberland County Commissioners providing for the use of fire hydrants outside the city by rural volunteer fire departments and inspection and

maintenance of fire hydrants outside the city. Mr. Muench informed Council that the agreement had been approved by PWC during the regular meeting on Friday, November 9. Mr. Muench pointed out some of the provisions of the agreement stating that there are currently 45 fire hydrants located in Cumberland County outside the City of Fayetteville. The County now desires to contract with PWC for repair and replacement as required of all fire hydrants located in the county outside the city. The County shall pay PWC the amount invoiced for labor and material costs of repair or replacement of fire hydrants. Said payment shall be made to PWC within 15 days from invoice date. The term of the agreement is for three years and shall begin with the first of the month following the date of execution, after the initial three year term the agreement shall automatically extend for successive terms of one year each unless terminated by either party. Mr. Muench concluded by requesting Council to approve the agreement and authorize the Mayor and Clerk to sign same.

Following a brief discussion, Mr. Williams offered motion for approval of the agreement as requested by PWC 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.

The second PWC matter was a bid for a 20,000 lb. GVW truck with hydraulic aerial lift device and all steel body, however, Mr. Muench requested that action on this item be deferred and Council agreed.

The next PWC matter was a bid for six control panels for electric distribution substation. Mr. Muench stated that the low bid was submitted by Westinghouse Electric supply Co. in the amount of \$17,255.68 and is recommended.

Mr. Dawkins offered motion to award the bid to Westinghouse Electric Supply, the low bidder as recommended, seconded by Mrs. Evans and carried unanimously.

The last PWC matter was another bid for a 1,000 lb. front end loader. Mr. Muench again requested that action on this matter be deferred and Council agreed.

Council next gave consideration to a resolution for condemnation of parcel N-1 for the Bow-Person Street corner. The City Engineer presented this matter and stated that right-of-way is needed at the Bow Street-Person Street corner and that for some time, we have been negotiating with one of several owners of the property at this location. The tract of land is owned by a number of heirs, some of which are scattered over several states. One local heir has been replying to us that he will talk to the others for over a year now but as of this date he states that he does not have a decision. We believe the City should proceed to have the right-of-way by the adoption of a resolution of condemnation. The right-of-way is needed for improving the curb radii at the corner.

RESOLUTION AUTHORIZING CONDEMNATION OF PARCEL FOR THE BOW-PERSON STREET CORNER.
RESOLUTION NO. R1979-65.

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

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1979.

Council next gave consideration to bids for City Contract No. 221, the re-roofing of the Massey Hill Recreation Center.

The City Engineer presented this matter and stated that the low bid by Cumberland Roofing Co. in the amount of \$6,683. is recommended with an additional \$675. approved for removing and replacing the existing heat pumps that are now roof mounted in order to place the new roof under the heat pumps. This is a Community Development funding project and is the first phase of a \$40,000. renovation project of the center.

Mrs. Evans offered motion for acceptance of the Cumberland Roofing Company bid as recommended by the City Engineer, seconded by Mr. Hurley and carried unanimously.

Council then recognized Mr. John Monaghan, Administrative Assistant to the City Manager, who stated in advance of the progress report of the Prince Charles Hotel next following, that in September 1979, City Council authorized administration to apply to the National Trust for historic preservation for partial funding of the cost of Mr. Rose's study of the Prince Charles Hotel. We received notification last week that we would receive \$1,000. to support this study and also the National Trust concurs with the selection of Mr. Rose to do this study. This is an indication that the National Trust is interested in the preservation of the hotel and the reuse of the building and in the event that we decide to pursue certain sources of funding for rehabilitation of the building, the influence that the National Trust can bring to bear on the project will turn out to be far more than the dollar amount of the grant.

Council thanked Mr. Monaghan for his comments.

Council next heard a progress report on the Prince Charles Hotel by Mr. John Rose, the architect.

Mr. Rose was recognized and stated that work is on schedule generally. He stated he had in his possession and available for the Council to see and comment upon the

completed report and that consideration is being given to office use and multi-use. He distributed a report on the office use floor loading. He stated the engineer suggested a load test for office loading and that, if necessary, use can still be made by shoring up if necessary.

Mr. Rose then called on Mr. Ben Huske, who explained the floor loading and testing.

Following this, Mrs. Evans offered motion to authorize the City Manager to contract for this testing recommended by Mr. Rose, seconded by Mr. Dawkins and carried unanimously.

Council next moved to appointments.

Mayor Finch informed Council that one nomination was open to the Redevelopment Commission. There were no nominations made.

Mayor Finch informed Council that there was one nomination to the Human Relations Commission. No nominations were made.

Mayor Finch stated that these two items would be carried over to the next meeting.

Mayor Finch then stated that there were seven nominations for the Appearance Commission.

Mr. Williams nominated Mrs. Joan Allen, Mr. George nominated Mrs. John Foushee, Mrs. Evans nominated Mrs. Rollin Shaw.

Mayor Finch stated that the four remaining nominations would be considered at the next meeting.

Mayor Finch then stated that there were five nominations for the Historic Properties Commission. Mr. George nominated Mr. Paul Eaglin, Mrs. Evans nominated Mrs. Rosalie Kelly, Mr. Williams nominated Mr. Reggie Barton, Mr. Dawkins nominated Mr. Charles Pearson. Mayor Finch stated that these four nominations would be considered along with the remaining one at the next meeting of the Council.

Delegations:

Council recognized Mr. Clinton Harris, who raised the question of walkways at the Holly Farm and Food Town complex on Ramsey Street at Country Club Drive. Mr. Al Mitchell of the Planning Department stated that they will be included by NCDOT in their by-pass study.

Council next recognized Mr. Horace Thompson, Chairman of the Revitalization Commission, who extended congratulations and thanks to the City Council on behalf of the Commission for their action on the downtown revitalization efforts.

Council next recognized Dr. M.S. Suggs, a resident of Ft. Bragg Road, who informed them that a serious problem existed on Ft. Bragg Road going east at its crossover to Morganton Road. Dr. Suggs reminded Council that this was a one-way section east at this point, that large posts had been installed at the point of the curve, but that cars, particularly at night, were colliding with the posts causing great damage and bodily injury. Dr. Suggs stated that he had talked with Mr. Bennett about the problem. The posts which had been installed did not help. They were painted black and could not be seen. Dr. Suggs suggested removal of the posts and the installation of a sign that could be knocked down and replaced without property damage or injury to life and limb. This appeared to be the solution to the problem and will save lives, he concluded.

Council then proceeded to discuss the problem and Dr. Suggs suggestion was considered along with the installation of a flashing amber light.

Following some discussion, the City Engineer requested that Council allow him time to study the problem and to come back with a recommendation and this was agreeable.

Mayor Finch then thanked Dr. Suggs for his interest and for his suggestion.

At this point, City Attorney Cogswell requested an executive session of the Council after this meeting to consider a matter of litigation.

City Manager reports:

The City Manager informed Council that he was in receipt of a letter from Mrs. Susan P. Tamblin, Executive Director of the Downtown Fayetteville Association, Inc. in which she stated the association is again sponsoring the annual Christmas Parade in downtown Fayetteville. She requested that traffic be block from the upper portion of the CBD Loop from Ramsey Street to Hay Street from 7:A.M. until 10:00 A.M. in order that the parade participants may assemble at 8:00 A.M. In addition, she requested the traffic be block from Hay Street, CBD Loop access ramp to Person and "B" Streets from 9:45 until the completion of the parade. She stated she had coordinated this request with Sgt. Pirro of the Police Department, who advises that this arrangement is satisfactory. The date of the parade is December 15, 1979.

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

Matters of interest to the Council:

Mr. Hurley commented on the complaints by residents of Law Road on the noise of construction at odd hours of the day in their neighborhood asked what relief could be given. City Attorney Cogswell informed him that he would check the City ordinances on noise abatement.

Mr. Dawkins suggested that City Council should move quickly on the Appearance and Historic Properties Committees. Mr. Dawkins stated further that the outgoing members of the City Council, Mr. Markham and Mr. George will be missed. He also extended a welcome to the incoming members of the City Council, Mr. McBryde and Rev. Johnson, who were present in the audience this evening.

Mrs. Evans commented that better notices should be given on HUD projects such as Law Road, in order that the citizens may be informed. This was discussed briefly with Planner Al Mitchell, who informed Council that he was at this moment working on a process.

Mr. George suggested special notices on such hearings.


Mr. Hurley suggested newspaper notices such as large classified ads that the public could see and read.

Mr. Dawkins then offered motion, seconded by Mr. Williams that Council convene at this time into executive session to discuss a matter of litigation, motion carried unanimously.

Council then reconvened into regular session at 10:20 P.M.

Mr. Dawkins then offered motion that City Council authorize the City Attorney to secure legal assistance for Officer Groom of the Fayetteville Police Department, seconded by Mrs. Evans and carried unanimously.

Thereafter, all matters of business having been completed, this regular session was adjourned at 10:22 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

SPECIAL MEETING
OF THE EXISTING CITY COUNCIL
CITY HALL COUNCIL CHAMBER
DECEMBER 10, 1979
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. Williams G. Thomas, III, City Manager
Mr. Bob Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called this special meeting of the existing City Council to order.

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

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, minutes of a regular meeting of November 19, were approved as submitted by the Clerk.

Council next gave consideration to the acceptance of the certification of the November 6, 1979, general election by the Cumberland County Board of Elections.

Mr. Williams offered motion for acceptance of the certification, seconded by Mr. Dawkins and carried unanimously.

(A copy of this certification is attached to this minute docket page)

Mayor Finch then invited the members of the existing Council to offer any comments they desired.

Mr. Markham stated that his term of office had been an experience and that he had enjoyed working with the City Council during the past two years.

Mr. Hurley stated that he had enjoyed working with departing Councilmembers George and Markham over the past two years.

Mr. Dawkins echoed Mr. Hurley's remark and in addition wished Councilmembers George and Markham well in their future endeavors and careers and welcomed the new members to the City Council.

Mr. Williams stated that he was saddened at the departure of Councilmembers George and Markham and at the same time, had mixed emotions, that he looked forward to the next two years serving with new Councilmembers McBryde and Johnson and extended thanks to the Mayor for her leadership.

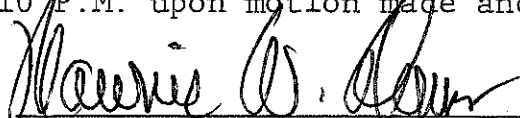
Mrs. Evans stated that she had enjoyed the past two years very much and looked forward to the future.

Mr. George stated that he had enjoyed serving on the City Council since 1969, and extended thanks to the City Council and to City Administration and to the citizens for their support.

Mayor Finch stated that she desired to extend her personal appreciation to each member of the council and that it had been a gratifying experience to serve with them and especially to departing Councilmembers Markham and George.

Mayor Finch then presented framed Resolutions of Appreciations to departing Councilmembers Markham and George in behalf of herself and the City Council.

Thereafter all matters of business of the old council having been completed, this special session was adjourned at 7:10 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
DECEMBER 10, 1979
7:10 P.M.

Present: Mayor Elect Beth Finch

Council Members Elect: Wayne Williams, Reverend Aaron Johnson, J.L. Dawkins,
Milo McBryde, Mildred Evans and Bill Hurley.

Others present: Mr. William G. Thomas, III, City Manager
Mr. Bob Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Elect Finch called this meeting to order and called on the Reverend Robert L. Ladehoff, Pastor of St. John's Episcopal Church, for the invocation. Following the invocation, Scout Van Fowler of Troop 771, Boy Scouts of America, McPherson Presbyterian Church, led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch then introduced and called upon the Honorable Judge Arthur L. Lane to administer the oaths of office.

Judge Lane then offered comments stating that these members represent the considered judgement of the people as to who can best lead them during the next two years in City Government. Continuing in his remarks, he stated that we, the citizens of the City of Fayetteville, will be entitled to as bad a government as we are willing to stand for and as good a government as we are willing to fight for.

Judge Lane then administered the oath of office to Councilmembers Williams, Johnson, Dawkins, McBryde, Evans and Hurley.

Following this, Judge Lane stated of Mrs. Finch that she was the personification of dedicated service, charm and efficiency and that the City is fortunate indeed to have her as she begins her new term as mayor. Judge Lane then administered the oath of office to Mrs. Finch.

Mrs. Finch then expressed her thanks and appreciation to Judge Lane for his service this evening.

Mayor Finch then extended a welcome to all persons present in the council chamber this evening and especially to families and friends of the councilmembers. Mayor Finch also extended thanks to the City Council and City Administration and staff. Also, to the Fayetteville Youth Council for their service as ushers this evening, to the City secretarial staff for the reception following this meeting, to law enforcement and to the news media. She extended personal thanks to the citizens and to her family for their support.

Mayor Finch then offered the following comments:

Several seasons ago, there was a television program entitled "Movin On". It eventually fell victim to cancellation and the subject has nothing to do with the City of Fayetteville, but I like those title words, they seem to characterize the attitude and purpose that now exists in Fayetteville.

Having moved successfully, though sometime painfully, through a transitory period in the city's growth, we now stand expectantly and eagerly on the threshold of a new decade.

There are difficult years and uncertainties ahead and this council that has just been sworn to its duties, faces perhaps the greatest challenge of any council in recent years. Here at the local level, we must deal with the same issues that are of national concern-taxes, energy, inflation, security, wages, quality of life and others. It is just that here our more narrowly focused view makes it even more critical that we understand our obligations in these areas.

We shall probably worry a lot about how we can meet the demands, how we can match our diminishing resources to our growing needs but productive worry will cause us to be selective and out of this will come careful innovation, thoughtful planning and most important a strengthening of the partnership that we are constantly striving to build between the governing body and the citizens it represents.

We are fortunate that we are able to move in the 1980's with a strong consensus for the goals we hope to accomplish with approved plans to guide us in a healthy fiscal condition and sufficient courage to tackle the issues that arise. This is a combination designed for success and it is my prediction that it will become the hallmark of this council.

Unlike the T.V. program, Fayetteville City Government will not be cancelled. The players and the format will change from time to time, but it will keep movin on. I hope that we can count on your support as we move together into a new decade of hope and promise.

And now, with all the talk of moving, suppose we move into the first regular meeting of the your new City Council.

It will be a short meeting, and I invite you to stay and join with us in the lobby for an informal social hour following.

The Mayor and City Council then took their seats behind the dais. The first item for consideration was organization of the City Council, the election of a mayor pro tem.

Mr. Hurley nominated Councilman J. L. Dawkins as mayor pro tem.

Mr. McBryde offered motion that nominations be closed and that Mr. Dawkins be elected mayor pro tem, motion seconded by Reverend Johnson and carried unanimously.

Council next considered the setting of several public hearings.

Mr. Dawkins offered motion, seconded by Mr. McBryde and carried unanimously, that public hearings be set for January 14, 1980 on the following items:

- A. Consideration of 6th year Entitlement Community Development Funding.
- B. Consideration of Redevelopment Plans for the Simmons Street and Collier Drive programs for 1979-1980.
- C. Consideration of the rezoning from R10 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification an area located on the west side of Cain Road and north of Bragg Blvd.

Council next gave consideration to a recommendation from the Fayetteville Revitalization Commission that Mr. John Monaghan, Jr., presently Administrative Assistant to the City Manager be hired as Executive Director for the Revitalization Commission.

In a recommendation to the City Council, Mr. Horace Thompson, Jr., Chairman of the Revitalization Commission, offered the following recommendation: In a motion unanimously adopted at the December 3, 1979, special meeting, the commission recommends the hiring of John Monaghan, Jr. as Executive Director, to the City Council and the County Commission for their approval.

Mrs. Evans then offered motion for approval of the foregoing recommendation and that Mr. Monaghan be hired as Executive Director of the Fayetteville Revitalization Commission, replacing Mr. Robert Henry, resigning, motion seconded by Mr. Hurley and carried unanimously.

Council next gave consideration to approval for the Mayor to sign a restrictive covenant for the Horne House.

The City Manager presented this matter and stated that the restrictive covenant had been requested by the North Carolina Department of Cultural Resources in order that the City may be entitled to a grant of \$15,000. from the State of North Carolina, subject to certain restrictions to which the grant applies.

The conditions are that the City will agree to continuously maintain, repair and administer the premises to preserve this historical integrity of features, materials, appearance, workmanship and environment of the premises. That no person on account of race, color or national origin be excluded from participation in, or denied the benefits of the use of the property.

That the structure will be so as administered that the public has access no less than twelve days per year.

The City Manager requested approval of the foregoing restrictive covenant and that the Mayor be authorized to sign said restrictive covenant in behalf of the City.

Following a brief discussion, Mr. Williams offered motion, seconded by Rev. Johnson for approval of the foregoing and that the Mayor be, and she hereby is authorized and directed to sign said document in behalf of the City, motion carried unanimously.

Council next gave consideration to the approval of an amendment of the Charter of the Fayetteville Appearance Commission. The City Attorney presented this matter and stated that the provision that all members of said commission shall be residents of the City of Fayetteville and shall serve without compensation had been inadvertently omitted from the original charter. He recommended Council approve this amendment.

Mr. Williams then offered motion, seconded by Mr. Dawkins and carried unanimously, that the foregoing amendment to the Fayetteville Appearance Commission Charter be and the same is hereby approved.

A copy of the amendment will be placed on file in the Charter in the City Clerk's office.

Council next considered appointments.

Mayor Finch stated that she would now receive additional nominations for appointments to the Fayetteville Appearance Commission. She reminded Council that three nominations had been made at the last meeting.

Mr. Dawkins nominated Mr. Michael Currin, a horticulturist. Mr. McBryde nominated Steven Hurr, an architect. Rev. Johnson nominated Mr. Alfonso McCoy, a member of the Joint Planning Board. Mr. Hurley nominated Mr. Jim Kizer, a civil engineer.

Mayor Finch stated that these nominations would be considered for election at the next meeting of the Council.

Mayor Finch stated that the following named had been nominated to this commission at the last meeting: Mrs. Joan Allen, Mrs. John Foushee, Mrs. Rollin Shaw.

Mr. McBryde then offered motion to close nominations and elect the foregoing to the Fayetteville Appearance Commission by acclamation, seconded by Mr. Dawkins and carried.

Council next considered nominations to the Historic Properties Commission. Mayor Finch stated she would receive additional nominations to this commission, reminding Council that four nominations had been made at the last meeting.

Mr. Hurley nominated Dr. Charles Speegle. Mr. Williams stated that his nominee at the last meeting, Mr. Reggie Barton, had requested that his name be withdrawn. Mr. Williams then nominated Rev. Robert Ladehoff. Rev. Johnson nominated Mrs. Claudia Simpson.

Mayor Finch stated that the foregoing nominations would be considered at the next meeting.

Mrs. Finch then stated she would entertain a motion on the nominations made at the last meeting. Those being: Mr. Paul Eaglin, Mrs. Rosalie Kelly and Mr. Charles W. Pearson.

Mrs. Evans offered motion that nominations be closed and that the foregoing be elected to the Fayetteville Historic Properties Commission by acclamation, seconded by Mr. Dawkins and carried unanimously.

Council next considered appointments to the Fayetteville Redevelopment Commission. Mayor Finch reminded them that there was one resignation and one term expiration to be considered.

Mrs. Evans nominated Mrs. Jean Ladehoff to complete the term of Dr. Eddie Martin, resigned. Rev. Johnson nominated Mr. A.J. Pindle for reappointment.

Mayor Finch accepted the nominations and stated that they would be considered for election at the next meeting of the Council according to policy.

Mayor Finch reminded Council that one vacancy existed on the Human Relations Advisory Commission due to a resignation. There were no nominations for this vacancy and Mayor Finch stated it would be reconsidered at the next meeting of the Council.

Matters of interest to the City Council:

Mr. Williams suggested to Council that City Administration be requested to look into the possibility of a merger of the city and county animal control division.

Rev. Johnson suggested the reopening of the discussions with Spring Lake on the annexation of Ft. Bragg and Pope Air Force Base.

Mr. Dawkins expressed appreciation and thanks to everybody for coming to the meeting this evening.

Mr. McBryde extended thanks to Mr. Bob Henry, Executive Director of the Revitalization Commission for a job well done and congratulated Mr. John Monaghan, his replacement.

Mr. Hurley proposed a round of applause for Bob Henry and this was done.

Mr. Hurley informed Council that the Fayetteville Cumberland County Ministerial Association will sponsor a World Peace Prayer Service on the Market House balcony before the Christmas Parade begins on Saturday, December 15, at 9:30 A.M.

Mr. Hurley commented that city government had lost a friend through death of Mr. Bill Bowser and requested the Mayor to issue a proclamation of appreciation. There was no objection from City Council to this matter and Mayor Finch stated that she would comply with the suggestion.

Mayor Finch then informed Council and those present in the audience that the

church bells in the City and the Market House bell are being rung daily at noon to support the efforts of our country to free the hostages held by the country of Iran.

Thereafter, all matters of business having been completed, this meeting was adjourned at 7:45 P.M. upon motion made and duly seconded.

Maurice W. Downs

Maurice W. Downs
City Clerk



JUDGE ARTHUR LANE ADMINISTERING THE OATH OF OFFICE TO MAYOR BETH D. FINCH MONDAY, DECEMBER 10, 1979 IN THE COUNCIL CHAMBER IN THE FAYETTEVILLE CITY HALL. IN THE BACKGROUND ARE COUNCIL MEMBERS AARON JOHNSON, MILDRED EVANS AND JOHN WILLIAM (BILL) HURLEY.



COUNCILMAN WAYNE T. WILLIAMS
COUNCILMAN J. L. DAWKINS
COUNCILMAN F. MILO MCBRYDE

JUDGE ARTHUR LANE COUNCILMAN AARON J. JOHNSON
MAYOR BETH FINCH COUNCILWOMAN MILDRED EVANS
COUNCILMAN JOHN W. (BILL) HURLEY

RIGHT FOREGROUND
REV. ROBERT LADEHOFF
RECTOR, ST. JOHNS EPISCOPAL CHURCH

EXTREME RIGHT FOREGROUND
MAURICE W. DOWNS
CITY CLERK

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
DECEMBER 17, 1979
7:00 P.M.

Present: Mayor Beth Finch

Council Members: Wayne Williams, Aaron Johnson, J.L. Dawkins, Milo McBryde, Mildred Evans and Bill Hurley.

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

Mayor Finch called the meeting to order and the Reverend A.R. Teachey, Pastor of WalStone Memorial Baptist Church offered the invocation. Mayor Finch then led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch presented service pins to the following in recognition of their faithful service to the City:

Five years:

William Coleman-Fire Department
William Ford-Fire Department
Benjamin Nichols-Fire Department
Raymond Smith-Fire Department
Jerome Smith-Fire Department
Leroy Dunbar-Recreation & Parks Department

Ten years:

James Brooks-Engineering
Elmer Floyd-Director of Human Relations
Barbara Goggio-Deputy Tax Collector

Twenty years:

Robert M. Bennett-City Engineer

Twenty five years:

Henry Williams-Fire Department

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

The first order of business was the approval of minutes and upon motion by Mr. Dawkins, seconded by Mr. McBryde and carried unanimously, the minutes of a special meeting of December 10, were approved as submitted by the Clerk.

Upon motion by Mr. McBryde, seconded by Mr. Dawkins and carried unanimously, the minutes of a regular meeting of December 10, were approved as submitted by the Clerk.

The City Manager requested an executive session of the Council on a land transaction matter at the end of this regular meeting. There was no opposition.

Public hearings:

A public hearing was held as continued from the meeting of November 19, on the rezoning from R5A Residential District to R10 Residential District or to a more restrictive zoning classification than presently zoned of an area located between Law Road and Longview Drive east of Ramsey Street. Planner Mitchell again informed Council that the Planning Board recommended denial of this petition for rezoning.

Mayor Finch re-opened this public hearing by offering comments to the approximately 200 persons assembled in the council chamber on this matter. She extended thanks to everyone for their information and help reminding them that it was a difficult decision for the City Council to make and that they hoped for a right one. Mayor Finch reminded those persons present that government process does not always please every person. She also reminded those present and the Council that Councilwoman Evans was still requesting permission to abstain from discussion or voting on this matter, due to a personal interest.

Mayor Finch then asked if there were those present who wished to be recognized in favor of the proposed rezoning and Attorney Gerald Beaver representing area property owners was recognized in favor of the rezoning. Mr. Beaver reviewed the actions of the property owners up to the last meeting on November 19. He stated to Council that he had been informed by Congressman Charlie Rose, III, that HUD had informed him the city is in no danger of losing funds in the city can justify the rezoning. He stated also that Senator Helms and Morgan have also been contacted on this matter. He stated regarding the civil suit threats against the Mayor and Council that the city and Council are immune from such prosecution. There were approximately 100 area

residents present in favor of the rezoning.

Council again recognized Mr. Jim Taylor, an area property owner, for the rezoning. Mr. Taylor again mentioned that the construction of the apartments in this area would cause a heavier than normal population density, traffic problems and drainage problems, and an increase in crime.

Mayor Finch then recognized Attorney Stacy Weaver, Jr., representing the Westminster Co., the apartment complex constructor. Mr. Weaver reviewed their case for the housing complex stating that considerable expenditures had been made by Westminster in the construction of this housing complex. He reviewed the past action. He reminded Council that the Planning Board recommended denial and cited an identical case in Jacksonville, North Carolina, and read from an excerpt of a news release that the fears of the property owners in that city had proven unfounded.

Council then recognized Mr. Harry Jones, Executive Director of the Fayetteville metropolitan Housing Authority who spoke in favor of the low rent housing program, and in opposition to the rezoning, for the persons who would benefit from the housing since they have not been heard in this case. These are the low and moderate income segment of the population. Mr. Jones requested the City Council to use the Housing Authority as an advisory arm in these cases.

Following some discussion, Mr. McBryde moved to approve the rezoning as petitioned. The motion was lost for lack of a second.

Mr. Hurley then offered motion to follow the recommendation of the Planning Board and deny the request for rezoning. This motion was also lost for lack of a second.

After some moments, Mayor Finch asked if there was a further motion concerning this matter. There were none, so Mayor Finch ruled that the property remains zoned R5A Residential. Mayor Finch then announced that this matter cannot be heard again for one year in accordance with the provisions of the city code and the zoning ordinance.

Council next moved to the next item on the agenda which was consideration of a resolution authorizing a lease between the Airport Commission and Frederick M. Powell (Powell Avionics) for corporate hangar aircraft tie-down area. The City Attorney presented this matter and stated the resolution would authorize the lease of the Fayetteville Municipal Airport property for a radio shop hangar.

Council recognized Mr. Cy Earnhardt, Chairman of the Airport Commission, who requested approval of the lease agreement stating that a radio shop is needed to service the numerous aircraft using the municipal airport.

There was no opposition present.

RESOLUTION AUTHORIZING THE LEASE OF THE FAYETTEVILLE MUNICIPAL AIRPORT PROPERTY FOR A RADIO SHOP HANGAR. RESOLUTION NO. R1979-66.

Following a brief discussion, Mr. Williams introduced the foregoing resolution and moved its adoption, seconded by Mr. McBryde and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1979.

Council next gave consideration to the paving without a petition of Caldwell Street from Cochran Avenue to Kirkland Drive.

The City Clerk certified that the property owners in the area had been notified of this public hearing by first class mail as required.

The City Engineer presented this matter and stated that the city had received a paving petition signed by 2 of the 4 property owners of this block. The two property owners that have signed represent exactly 50% of the abutting footage, since the street must have over 50% of the property owners signing the petition, the Council set a public hearing at the November 13 meeting for this date to consider the paving without a petition. The City Engineer recommended approval.

Council recognized Mrs. Venia Geddie an area property owner living at 201 Cochran Avenue, one of the property owners in favor of the paving.

Council also recognized Mr. Eldon (Dick) Riddle, a Kirkland Drive resident also in favor of the paving.

There was no opposition present.

Following a brief discussion, Mrs. Evans offered motion for approval of the paving curbs and gutters by the adoption of the following resolution, seconded by Mr. Dawkins and carried unanimously.

FINAL RESOLUTION REQUIRING THE PAVING WITHOUT A PETITION OF CALDWELL STREET BETWEEN COCHRAN AVENUE AND KIRKLAND DRIVE. RESOLUTION NO. R1979-67.

A copy of the foregoing resolution is on file in the Clerk's office in Resolution Book R1979.

Public hearings to be set:

Upon motion by Mr. Dawkins, seconded by Mr. McBryde and carried unanimously, public hearings were set for January 14, 1980 on the following items:

- A. Consideration of renewal of Piedmont's fuel farm lease and freight building lease.
- B. Consideration of land exchanges at the Social Services Building and the new Cumberland County Court House between the City and Cumberland County.

January 28, 1980:

- A. Consideration of the paving without petition of Cochran Avenue from Ramsey Street to the southeastern corner of Lot 1, Block 8, Plat Book 10, Page 73.

PRELIMINARY RESOLUTION REQUIRING THE PAVING WITHOUT A PETITION OF COCHRAN AVENUE FROM RAMSEY STREET TO THE SOUTHEAST CORNER OF LOT 1, BLOCK 8, PLAT BOOK 10, PAGE 73. RESOLUTION NO. R1979-68.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1979.

The City Attorney stated that item 3d scheduled for setting as a public hearing actually did not require a public hearing and could be considered tonight by the City Council if it so desired. This item was consideration of a request from the Attorney representing the Vander Church of God for the city to relinquish an unused portion of South King Street right-of-way. The church's Attorney, Mr. Cyrus J. Faircloth was present and requested recognition tonight to present this item.

Mr. Faircloth was recognized and stated that the Campbellton Presbyterian Church has had possession of this segment of South King Street for many years and requested that the city relinquish said unused portion of South King Street right-of-way to the Vander Church of God.

Following a brief discussion, Mr. Williams offered motion that the City Council convey the property in question to the Vander Church of God subject to the provisions North Carolina General Statute 160A-269, motion seconded by Mr. Johnson and carried unanimously.

PWC matters:

PWC Manager Ray Muench presented these items. The first was bids received for the construction of a new waste water effluent discharge point from Cross Creek Wastewater Plant to the Cape Fear River. The low bid was by T.A. Loving Co. in the amount of \$476,500. and is the bid recommended.

Mr. McBryde offered motion to accept the low bid of T.A. Loving Co. as recommended, seconded by Mr. Johnson and carried unanimously.

The next PWC item was an application for one 2-inch water connection to existing main to serve four mobile homes on Pioneer Drive, outside the city. PWC Manager Muench stated the property owners will sign an annexation agreement.

Mrs. Evans offered motion for approval of the foregoing 2-inch water connection as recommended, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a resolution authorizing the filing of an application with the Department of Transportation for a grant under the Urban Mass Transportation Act of 1964 as amended. Assistant City Manager John Smith presented this matter and stated that this action was actually taken by the Council on their own motion at the September 24 meeting, but it had since been determined that the action must be taken by the formal adoption of a resolution. He reminded Council that the grant is for the Transit Department of the city for a training room, monitors, wheel chair lifts, and curb cuts. The total cost being \$298,585., a portion of which would be shared by the city.

Following a brief discussion, Mrs. Evans offered motion for adoption of the formal resolution as requested, motion seconded by Mr. Williams and carried unanimously.

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964 AS AMENDED. RESOLUTION NO. R1979-69.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1979.

Council next gave consideration to an amendment to Chapter 16 of the Fayetteville City Code, "Buildings".

The City Attorney presented this matter and stated the request came from the Inspection Department. The amendment would delete in its entirety the definition of building, and substitute therefor, the present definition plus the wording "free standing billboards and signs, fences and similar structures whether stationary or movable." The City Attorney explained that this would pertain especially to portable signs.

Following a brief discussion, Mr. Dawkins offered motion, seconded by Mr. Johnson and carried unanimously to defer this matter to the next meeting of the Council on January 14.

Council next gave consideration to a resolution authorizing the purchase of 1/6 undivided interest from Anna Townsend and Charles Fake in City property located on Ann Street. The purchase price is \$500.

The City Attorney presented this matter and stated it was requested to clear the title. The location of the property is to the north side of the present Cemetery Department office in the 600 block of Ann Street.

Following a brief discussion, Mrs. Evans offered motion that the city purchase this 1/6 undivided interest by the adoption of the resolution, seconded by Mr. Dawkins and carried unanimously.

RESOLUTION AUTHORIZING THE PURCHASE OF THE TOWNSEND-FAKE PROPERTY LOCATED ON ANN STREET. RESOLUTION NO. R1979-70.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1979.

Council next gave consideration to the approval of State Airport Aid contracts for funding of State project 80-08 at Fayetteville Municipal Airport. Mr. Cy Earnhart, Chairman of the Airport Commission, was recognized and presented this matter stating the grant was in the maximum amount of \$112,355. and was to be used to strengthen the airline terminal apron. Mr. Earnhart requested approval of the submission of the grant agreement.

Following a brief discussion, Mr. Williams offered motion for approval of the foregoing as requested for the Airport Commission, seconded by Mr. McBryde and carried unanimously.

Council next gave consideration to a request that the new City Engineering Department building located at 339 Alexander Street be dedicated to the memory of Willis Walters Baker, former City Engineer. City Engineer Bob Bennett presented this matter and stated that bad weather has delayed completion of the parking lot at the new building, but when this work is complete, we would suggest an open house be held with an appropriate service. He stated that several city employees worked with former City Engineer W.W. Baker, now deceased, for many years and came to admire his engineering ability and loyal service to the city. These employees have signed a petition asking that consideration be given to dedicating the new Engineering building to Mr. Baker's memory and acknowledgement of his past dedicated and loyal service to the citizens of Fayetteville. If this proposal is approved, he stated, we would suggest an open house service sometime during the week of January 21. The petition, signed by twenty-eight employees stated that we the undersigned, employees of the City of Fayetteville Engineering Department do hereby petition the Mayor and City Council to dedicate the Engineering building to the memory of Mr. Baker in acknowledgement of his past dedicated and loyal service to the citizens of the City of Fayetteville. City Engineer Bennett stated that Mr. Baker attended Campbell College and North Carolina State University where he studied civil engineering. He began his engineering duties in Southern Pines in 1906. He was instrumental in installing Fayetteville's first sanitary sewer. Later in 1906, Mr. Baker worked for the A&R Railroad as a surveyor. He also worked with the old Atlantic & Western Railroad, now the Seaboard Coastline. In 1917, Mr. Baker worked for the North Carolina Highway Department and later in Arkansas until 1932, when he returned to Fayetteville. In 1934, Mr. Baker was hired to work for the City of Fayetteville as City Engineer. He also filled the positions of building inspector, electrical inspector, and plumbing inspector. In 1941, he became the City's first full-time Engineer. Mr. Baker was elected Fayetteville's Public Works Man of the Year in 1963. In May of 1965, Mr. Baker was appointed as consulting engineer until his retirement in August 1966. He continued giving his time wisdom and knowledge to "his" City of Fayetteville until his death in December 1973.

Records in the Register of Deeds Office indicate that Mr. Baker was recording surveys as early as 1906 and he was still signing plats for recordation in 1965. To this date, records signed by W.W. Baker prove over and over to be absolutely correct. It has been said many times that "if Mr. Baker did it, it's right".

Following a brief discussion, Mr. Williams offered motion for approval of the foregoing request and also for the preparation of a plaque commemorating Mr. Baker's service, motion seconded by Mr. Hurley and carried unanimously.

The Council next gave consideration for paving, curb and gutter at Winslow Street refuse transfer station. City Engineer Bennett presented this matter and stated that bids were opened on December 14, and recommended awarding the contract to the low bidder, Cumberland Paving Company in the amount of \$69,749.25 on a unit price basis. He also recommended approval of a contingency of 10% above the bid and budgeting \$77,000 for the project. He informed Council that the paving work would proceed by the first week in January.

Following a brief discussion, Mrs. Evans offered motion to follow the foregoing recommendation of the City Engineer and award the bid to Cumberland Paving Company on a unit price basis and also approve a contingency of 10% and budgeting \$77,000. for the project, seconded by Mr. Dawkins and carried unanimously.

Council next heard a report from City Engineer Bennett on the traffic problem at the junction of West Dobbin Avenue and Old Fort Bragg Road.

City Engineer Bennett stated that some accidents have occurred involving east-bound Ft. Bragg Road traffic failing to turn right onto Dobbin Avenue. He recommended the installation of a flashing yellow arrow sign in addition to a reflectorized arrow now in use. The flashing arrow would be operated by photo cell and operate only at night. He stated he had inquired with PWC Engineering about moving the utility pole farther away from the corner of the traffic island and they cited several problems in relocation. The solution is still being studied until PWC relocates the utility pole it was recommended that stub-out poles remain because of greater hazard that would be created in the event a vehicle struck this pole and caused the electric line and transformer to fall. The estimated cost of the flashing arrow is \$500, he stated. Meanwhile, he informed Council that a hazard warning flasher had been installed last Friday, December 14, as a protective measure, until such time as the proposed flashing arrow is approved.

Following a brief discussion, Mr. Williams offered motion to follow the foregoing recommendation of the City Engineer and install the flashing arrow at a cost of \$500., motion seconded by Mr. McBryde and carried unanimously.

Council next considered bids. City Purchasing Agent, Al Jordan, presented these matters.

Upon motion by Mrs. Evans, seconded by Mr. Williams and carried: Mr. Johnson voting no; the bid submitted by Corder Vossler, Inc. in the amount of \$26,496.75 for tire recapping service for the City and PWC was approved.

The second bid was on Police Department summer and winter uniforms, school crossing guard uniforms and shoes for Fire and Police Department.

Mr. Dawkins offered motion, seconded by Mr. Hurley and carried unanimously that the bid by Castle Uniforms in the amount of \$19,958.09 for the foregoing uniform items be approved.

Council next gave consideration to a bid for printing equipment for the City. Mr. Jordan stated that bids for furnishing printing and peripheral equipment to the City were opened and read publicly on October 29. Invitation for bids provided for a variety of bid options to facilitate cost study which took into consideration budget restraints and five year economic considerations of supply operating cost realizing that operating cost are in fact of major long term consequence. The bidders were required to furnish captive consumable replenishment rates and current published government procurement cost for sole source operating supplies available from only them. The bids were as follows:

<u>Bidder</u>	<u>Item Bid</u>	<u>Bid Price</u>
AM International	TCS Copy Center	\$31,015.30
Gray & Creech	AB Dick Moden 1600	\$20,000.00

Sole source operating supplies available only from the equipment supplier (toners, conversion solutions, concentrates, conditioners, wicks, ink, deglazers, etc.) less bond paper, were calculated as follows for 60-month (5 years) operation:

AM International	\$4,864.20
Gray & Creech	\$33,546.00

Annual maintenance availability:

AM International	\$3,570.00
Gray & Creech	\$2,756.70

The AM International equipment bid is of more advanced design, is more automated (allowing less than journeyman trained printer operator) and would provide the City's current and future needs in a professional manner at the lowest overall adjusted cost.

Cost analysis conclude that the most cost expedient purchase is the AM International bid of \$31,015.30. It is therefore recommended that the AM International bid be accepted by Mr. Jordan. Mr. Jordan did state however, that he had received a request this morning from a participant for a postponement of this bid award in order that additional pertinent information be presented.

Following some discussion, Mrs. Evans offered motion to continue this matter to the next meeting of the Council on January 14, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to the funding of energy saving equipment for the proposed Senior Citizen's Multi-Purpose Center.

The City Manager presented this matter and in a memorandum stated that bids for constructing the center on Blue Street were opened and read on December 13, by the architect. Through deletions and substitutions the cost of the center was brought within the amount of Community Development Block Grant Funds available for the project and the Fayetteville Redevelopment Commission has awarded contracts for construction. Among the items deleted due to cost were energy saving features in the heating, ventilating and air-conditioning system of the building costing \$4,207.46. The architect and the Commission recommends strongly that the City consider funding these items because of their potential impact on the life cycle of operating costs of the Center. He stated that City Administration concurs in the recommended funding.

Mrs. Evans offered motion for approval of the foregoing as recommended, seconded by Mr. Hurley and carried unanimously.

Council next gave consideration to a recommendation to hire Economic Research Associates and Walter Vick for the Municipal Market feasibility studies.

Council recognized Mr. Horace Thompson, Chairman of the Fayetteville Revitalization Commission, who stated that based on the recommendation of the Municipal Market feasibility analysis proposal review committee, the recommendation of the Municipal Market Super Committee and the recommendation of the Fayetteville Redevelopment Commission, the Council is requested to authorize the City Manager to negotiate and approve contract with Economic Research Associates (ERA) and Walter Vick to provide feasibility analysis services on the Municipal Market project. The cost of these services are within the cost of \$11,500. recommended for the Economic Feasibility Analysis.

Following a brief discussion, Mr. Hurley offered motion for approval of the foregoing not to exceed \$11,500. as recommended, seconded by Mr. McBryde and carried unanimously.

Council next gave consideration to tax matters.

The City Manager presented this matter and stated that it had been City Administration's understanding that when the City and County Tax Department were combined that the Tax Department would handle all matters concerning taxes in behalf of the city, however, according to the County Commissioners and the County Manager, only the City Council can forgive, refund and release city taxes.

The City Manager then presented a request for refund of 1979 personal property tax to Cpt. Bernard A. Bullock. Cpt. Bullock has requested a refund of his City personal property tax in the amount of \$49.86. The tax was erroneously paid by his mortgage company. Cpt. Bullock's state of legal residence is the state of New York and is therefore exempt from personal property tax in North Carolina. The City Manager recommended that Council authorize a refund of \$49.86 to Cpt. Bullock.

Mr. Dawkins offered motion, seconded by Mr. Williams and carried unanimously to approve the foregoing refund as recommended.

The City Manager then presented a release of late listing penalty for Mr. & Mrs. Cosmos D. Eglin, Sr. He stated that Mr. & Mrs. Eglin of 3121 Wedgewood Drive have requested release of the following late listing penalty for 1979.

	County	City	Total
Real Estate	\$41.25	\$19.13	\$60.38
Personal	8.89	4.12	13.01
	<u>\$50.14</u>	<u>\$23.25</u>	<u>\$73.39</u>

Mrs. Eglin states that they did list last January and therefore should not be penalized because of an administrative error in the tax office.

The board of County Commissioners released the county late listing penalty in the amount of \$50.14 on October 15, 1979.

The City Manager recommended that the City Council release the city late listing penalty in the amount of \$23.25.

Mrs. Evans offered motion for approval of the release of the late listing penalty in the amount of \$23.25 as recommended, seconded by Mr. Hurley and carried unanimously.

The City Manager then presented Discovered property for tax purposes.

In a memorandum to the City Council the City Manager commented on the county's discovery of property in the form of equipment and inventory which was not listed for tax purposes by several local business in the county and in the city. The

amount of taxes due on the discovered property is large since the property can be taxed for the current year and prior five years if in existence. He recommended that City Council schedule consideration of these matters for their information meeting on January 21, 1980, and those businesses be listed be offered the opportunity to present any request for release of taxes and penalties at the information meeting, and that City Council take action on the matter at its regular meeting on January 28, 1980.

Following a brief discussion, Mrs. Evans offered motion to receive the information at the information meeting as recommended by the City Manager, seconded by Mr. Williams and carried unanimously.

Council then considered appointments. The first were four appointments to the Fayetteville Appearance Commission. Mayor Finch reminded Council that four nominations had been made for the remaining four vacancies at the last meeting.

Mr. Dawkins then offered motion that nominations be closed and the following appointed by acclamation, seconded by Mr. Williams and carried: Mr. Michael Currin, Mr. Steven Hurr, Mr. Alfonso McCoy and Mr. Jim Kiser.

Mayor Finch then moved to two appointments to the Historic Properties Commission and reminded Council that three nominations had been made at the last meeting to fill the remaining two positions.

Mrs. Finch then called for votes on the remaining two positions and the following were elected: Dr. Charles Speegle and Rev. Robert Ladehoff.

Mayor Finch informed Council that the length of terms of office of the foregoing members of the Appearance and Historic Properties Commission would be determined at the first organizational meetings of these commissions.

Council next considered two appointments to the Fayetteville Redevelopment Commission.

Mayor Finch reminded Council that two nominations had been made at the last meeting, and that they were Mrs. Jean Ladehoff and Mr. A.J. Pindle.

Mr. Williams then offered motion that nominations be closed and that Mrs. Ladehoff be appointed to complete the unexpired term of Dr. Eddie Martin, said term to run to December 1980, and that Mr. A.J. Pindle be reappointed for the new five year term of office, said term to run until December 1984, seconded by Mr. Johnson and carried unanimously.

Mayor Finch then asked if there were nominations for one vacancy on the Human Relations Advisory Commission, and Mr. Hurley nominated Mr. Monroe Evans to fill this term created by a resignation.

Mayor Finch stated that this would be considered further at the next regular meeting on January 14.

Delegations:

Council recognized Mr. Clinton Harris, a local citizen, who offered comments about the City's racism, slaves, crime, bigotry and dope. He also commented that the Law Road rezoning issue was a racial one. He commented further on the Rosehill Road area project as it related to the Law Road project.

City Manager reports:

The City Manager reported that the following named had been certified by the Civil Service Commission for employment in the Fayetteville Fire Department:

Kenneth W. Blackburn
James T. Hughes, Jr.
James H. Berry
John S. Butler
Alfred R. Pittman
Ferrel D. Hood

Mark A. Zema
David M. Seldomridge
Clinton R. Anderson
Tyrone W. Williams
Earl McDaniel
Steven D. Blackburn

The City Manager recommended approval.

Mr. Dawkins then offered motion that the aforementioned be, and they hereby are, appointed to the Fayetteville Fire Department, seconded by Mr. Williams and carried unanimously.

The City Manager reported the resignation of the following named from the Fire Department: William T. Melvin.

The resignation was noted by the City Council.

The City Manager then stated that the Mayor and Councilmembers had often speculated about the Public Relations value and the cost effectiveness of special advertisements in the newspapers concerning zoning matters, assessment rolls, annexations and other matters of interest to particular neighborhoods or special interest groups.

Interest in this matters stems from the frequent citizen complaint of "I was not informed".

In reviewing past agendas and minutes of meeting, he stated, it appears that by far the most citizen complaints about not being informed have been associated with zoning matters, street assessments, drainage assessments, community development projects and annexation considerations. He stated he was aware of many other instances not reflected in City Council meeting minutes pertaining to a wide variety of specific subjects where individuals or groups of citizens have lamented that they did not know that the City Council was considering any action which would be of benefit or a detriment to their interest. Based on this experience, he continued, it is my conclusion that if the City Council were to advertise meeting agendas, the entire agenda should be advertised rather than just zoning, assessment, etc. items.

He stated he had discussed the cost of publication of City Council agendas with the local newspapers and it was determined that a special advertisement twice a month published on Saturday morning and afternoon before the Monday night regular meeting could be arranged for a special six month contract rate of \$175.60 per month for a total of \$1,053.60 for the six month period. He recommended that the Council authorize administration to enter into a six month contract as a test period to test the cost effectiveness and public reaction to the publication of Council agendas. The City Manager further informed Council that these advertisements would be in the form of display ads rather than legal ads in order to give better exposure.

Following a brief discussion, Mrs. Evans offered motion that the City Manager be, and he hereby is, authorized to enter into a six month contract with the Observer and Times to publicize the City Council agenda as a test period, seconded by Mr. Williams and carried unanimously.

The City Manager informed Council that he was in receipt of a communication from the Reverend Stonebreaker, Associate Pastor of First Presbyterian Church, informing him that the four downtown churches propose to hold a Christmas Candle-light service following the Christmas Eve Services and beginning at 8:30 to 8:45 to Cross Creek Park for the singing of carols in the park. This special candle-light service and walk has been coordinated with the Police Department, he stated. He requested approval, the City Manager stated and the City Manager so recommended.

Mr. Dawkins offered motion for approval as requested, seconded by Mr. Williams and carried unanimously.

The City Manager informed Council that the Civil Service Commission and the Police Department recommend the promotion of Police Officer J.P. Cook to the rank of Sergeant.

Council received the matters, but stated that since it was not on the agenda, and it was their policy not to consider matters not on the agenda, it could not be considered this evening. Therefore, a special meeting was set for 4:45 P.M. Thursday, December 20 in the Kyle House to consider this item.

Matters of interest to the City Council:

Mr. Williams requested information on his suggestion to combine the City and County Canine Departments. The City Manager replied that he was in the process of collecting the information and would have a report at a later date.

Reverend Johnson inquired about the drainage situation on Law Road and the City Engineer gave a brief report.

Mr. Dawkins commented on the need for street maintenance in the 400 block of Hay Street.

Mr. McBryde suggested that consideration be given to the removal of on-street parking meters in the downtown area and the implementation of a tire marking system every two hours. Mr. McBryde also suggested a study of the present process of issuing building permits in areas where zoning is being considered.

Mr. Hurley suggested the City look into the needs at the Law Road-Ramsey Street location concerning traffic signals and other matters.

Mayor Finch informed Council that she had drawn the committee appointments for the various committees for the calendar year 1980. Council requested that this matter be held until the next meeting.

Mayor Finch informed Council that the Mayor and Board of Commissioners of Hope Mills had issued an invitation to City Council to attend their Yule Log Christmas activities.

Mr. Dawkins then offered motion that 10:05 P.M. that Council convene into executive session to consider a land transaction matter, seconded by Mr. McBryde and carried unanimously.

Council then reconvened into regular session at 10:15 P.M. and adjourned upon motion made and duly seconded.

Maurice W. Downs
Maurice W. Downs
City Clerk

SPECIAL MEETING
THURSDAY, DECEMBER 20, 1979
4:45 P.M.
MAYOR'S OFFICE
KYLE HOUSE

Present: Mayor Beth Finch

Council Members: Aaron Johnson, J.L. Dawkins, Milo McBryde, Mildred Evans
and Bill Hurley.

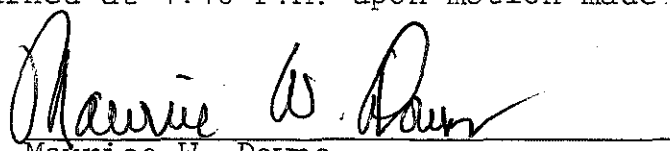
Council Member absent: Wayne Williams

Also present: William G. Thomas, III, City Manager
Bob Cogswell, Jr., City Attorney

Mayor Finch called this special session to order for the previously announced purpose of considering the promotion of Police Officer J.P. Cook to the rank of Sergeant.

Councilman Dawkins offered motion that Police Officer J.P. Cook be and he hereby is promoted to the rank of Sergeant as recommended. Motion seconded by Councilman McBryde and upon being put to vote carried unanimously.

This special session was then adjourned at 4:46 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

