REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JANUARY 14, 1980
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. Richard M. Lewis, Jr, Acting City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and the Reverend Richard J. Roche, Pastor of St. Ann's Catholic 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 present in the audience to observe Council proceedings.

The first order of business was the approval of minutes and upon motion by Mr. McBryde, seconded by Mr. Dawkins and carried unanimously, minutes of the regular meeting of December 17 were approved as submitted by the Clerk.

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

The City Manager requested an executive session at the end of this meeting to discuss land acquisition.

Public hearings:

A public hearing had been published for this date and hour on consideration of the Transit Operational Grant for the fiscal year 1979-1980. Assistant City Manager Smith presented this matter and stated this was the application by the City of Fayetteville through the City Transit Department (FAST) for operating assistance for the Fayetteville Area System of Transit for the period of July 1, 1979 thru June 30, 1980. He stated that the proposed funding was: federal-$349,000, local-$351,000. for a total of $700,000, and that the application would be submitted to UMTA in Atlanta, Georgia. Mr. Smith informed Council that Mr. Jim Gray, of the City Transit Department was present this evening to answer questions. Mr. Smith informed Council that approval is recommended by the adoption of a resolution.

Mayor Finch stated that since this was a public hearing, she would recognize any persons present in favor of the submission of this application. The President of the Cumberland County Senior Citizens Roundtable was recognized in favor.

There were no opponents.

Mr. Williams then offered motion for adoption of the resolution authorizing the submission of the application, seconded by Mr. Dawkins and carried unanimously.

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, USA FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964 AS AMENDED. RESOLUTION NO. R1980-1.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1980.

A public hearing had been published for this date and hour on the consideration of renewal of Piedmont Airlines Fuel Farm Lease and Freight Building Lease. Council recognized Mr. Cy Earnhardt, Chairman of the Fayetteville Airport Commission, who presented some statistics regarding these leases and informing Council that additional revenue for the City would be realized as a result of the renewals. He stated the Airport Commission recommends approval by the adoption of a resolution.

There were neither proponents nor opponents present.

Following a brief discussion, Mrs. Evans offered motion for approval of the renewal of these leases by the adoption of the following resolution, seconded by Mr. McBryde and carried unanimously.

RESOLUTION AUTHORIZING THE RENEWAL AND AMENDMENT OF PIEDMONT AVIATION'S FUEL FARM LEASE AND FREIGHT BUILDING LEASE. RESOLUTION NO. R1980-2.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1980.

Following this action, Mr. Dawkins expressed appreciation to the Airport Commission and to PWC for their dedicated efforts in behalf of the community.

A public hearing had been published for this date and hour on consideration of

land exchanges at the social services building and the new Cumberland County Courthouse between the City of Fayetteville and Cumberland County. The City Manager presented this matter and stated that in 1975 during the con struction of the Law Enforcement Center, a major drainage line became necessary to drain the entire block. The City Council agreed to accomplish the drainage on a participating basis with the county and the county's portion was $69,122.

The County had initially planned to finance its portion of the drainage through the HUD grant for the LEA Center, however, this was not approved and the matter still awaits settlement. The City and County Managers and the City/County Liaison Committee have proposed settlement of this matter by various exchanges of land for the City getting the following tracts.

1. A 12,148 square foot lot on the north side of Maiden Lane needed for the Social Services Parking Lot for the value of $31,800.

2. A 5,128 square foot tract of land at the corner of Hay Street and the SCL spur track needed for Ray Avenue Extension right-of-way, at a value of $23,075.

3. A 0.36 acre tract of land for the Dick Street-Franklin Street right-of-way and a 0.15 acre tract along the western margin of Cool Spring Street between Person and Russell Streets needed for a future widening project in the amount of $26,440.

The following is to go to the County:

1. A 5,139 square foot tract of land (formerly Maiden Lane right-of-way) abutting the new Social Services Center for the value of $10,280.

2. Drainage improvements for the Law Enforcement Center and Courthouse Complex for the value of $69,122.65.

There were neither proponents nor opponents present on this matter.

Following a brief discussion, Mrs. Evans offered motion for approval of the foregoing land exchanges as recommended by City Administration and on condition that the County approve their part, seconded by Mr. Hurley and carried unanimously.

A public hearing had been published for this date and hour on the consideration of the rezoning from R10 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification of an area located on the west side of Cain Road and north of Bragg Blvd. Planning Board recommended denial of C3 and approval of P2 zoning.

Attorney Gerald Beaver was recognized for the petitioners. He stated that petitioners do not want P2 zoning but will consider C1. He stated they will also agree to a buffer zone. He stated that development in the area had decreased and now there were no buyers interested in developing this tract for residential use and that the area was not conducive for residential development. He stated that a fast food restaurant was interested in purchasing the property.

Mrs. Carolyn Boose, Mr. Mike Shoetack and Mary Herbert, all Shamrock Drive property owners, were recognized in opposition to the rezoning and to the proposed commercial development in that it was a further encroachment of commercial enterprise into their residential area.

Following some discussion, Mrs. Evans offered motion to deny the rezoning and leave the area R10 Residential, seconded by Mr. Johnson and carried unanimously.

This completed the public hearings.

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 for the following dates:

A. Consideration of the initial zoning to R10 Residential District or to a more restrictive zoning classification of an area located at 3329 Boone Trail. Public hearing date is February 11, 1980.

B. Consideration of the 6th Year Community Development Entitlement Funding. Public hearing date is January 28, 1980.

C. Consideration of Redevelopment Plans for the Collier Drive and Simmons Street Urban Renewal Programs. Public hearing date is January 28,1980.

D. Consideration of designation by Ordinance of the Mansard Roof House as a historical building. Public hearing date is January 28, 1980.

Upon motion by Mr. Williams, seconded by Mr. McBryde and carried unanimously, a public hearing was set for February 25, 1980, for the closing of River Street between South Broad Street and South Racepath Street by the adoption of the following resolution:

PRELIMINARY RESOLUTION AND NOTICE OF INTENT TO CLOSE A PORTION OF RIVER STREET. RESOLUTION No. R1980-3.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1980.

Planning Board matters:

Upon motion by Mr. Williams, seconded by Mr. Johnson and carried unanimously, conditional approval as recommended by the Planning Board was given Hillendale West Subdivision extension review located west of Rosehill Road.

Upon motion by Mr. Williams, seconded by Mr. McBryde and carried unanimously, conditional approval as recommended by the Planning Board was given Cape Fear Professional Park and Subdivision group development preliminary and final review located west of Oliver Street, north of Sandhurst Drive.

PWC matters:

PWC Manager Muench presented these matters.

Upon motion by Mr. Dawkins, seconded by Mr. McBryde and carried unanimously, approval was given as recommended by PWC to an application for one-one inch water connection to serve a residence at Route 1, Box 504 River Road near Cargill, Inc.

Upon motion by Mrs. Evans, seconded by Mr. MCBryde and carried unanimously, the following bid awards for purchases of chemicals for municipal water and waste-water treatment were approved as recommended by PWC:

Hydrated Lime-Gold Bond Building Products	$11,308.80
Hydroflousilicic Acid-EnCee Chemical Co.	$3,300.00
Liquid Chlorine-Suffolk Chemical Co.	$103,500.00

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, the following low bid was approved as recommended by PWC for various quantities and sizes of water pipe:

ITT Grinnell Corporation $12,194.80

Mr. Muench stated that bids were received on December 13, by PWC for construction of a clarifyer for Cross Creek Wastewater Plant. The low bid by W.F. Brinkley & Son, Inc. in the amount of $831,000. was recommended.

Mr. McBryde offered motion for approval of W.F. Brinkley bid as recommended by PWC, seconded by Mr. Williams and carried unanimously.

Mr. Meunch then asked Council's consideration of a request by the Board of Cumberland County Commissioners for a drainage easement across City of Fayetteville property adjacent to the Campbell property north of Highway I-95.

Mr. Muench informed Council that this was the site of the Cumberland County landfill and the easement was needed for drainage of surface water from the landfill site. Mr. Williams suggested a trade of property for this easement with the county.

Following some discussion, Mr. Williams offered motion to continue this matter to a later date, seconded by Mrs. Evans and carried unanimously.

Council next gave consideration to a proposed ordinance amending Ordinance Number NS1978-46, City of Fayetteville Soil Erosion and Sedimentation Control Ordinance. Mr. M.G. Lamar, General Inspection Supervisor for the City Inspection Department presented this matter and stated that the North Carolina Sedimentation Control Commission did on November 14, amend the state regulations and model ordinance. In order to bring the City's Soil Erosion and Sedimentation Control Ordinance into conformance with the state model ordinance, it will be necessary to amend certain sections and sub paragraphs of the City ordinance. The amendments deal with definitions, basic control objectives, standards for land disturbing activity and appeals. The N.C. Sedimentation Control Commission is requesting that all local soil erosion and sedimentation ordinances be revised and submitted so as to arrive on or before January 30, 1980. He recommended the adoption of the proposed ordinance the Soil Erosion and Sedimentation Control Ordinance. He stated that this had been submitted to the City of Attorney and he recommended approval.

AN ORDINANCE AMENDING ORDINANCE NO. NS1978-46, CITY OF FAYETTEVILLE EROSION AND SEDIMENTATION CONTROL ORDINANCE. ORDINANCE NO. NS1980-1.

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 Ns1980.

Council next gave consideration to tax matters.

The first was the refund of 1978 ad valorem taxes for City of Fayetteville paid in error by Clyde and Estelle MCDaniel. The City Manager presented this matter and recommended refund of the 1978 taxes paid in error by Mr. and Mrs. McDaniel in the amount of $180.05 for property located at 606 Country Club Drive.

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

The next tax matter was a refund of tax penalties to Mrs. Margaret Haigh. The City Manager presented this matter and stated that due to an erroneous assumption by the tax appraiser of property located at 210 and 216 Gillespie Street, Mrs Haigh had been assessed only for the front portion of the lot. The tax bills came each year with the designation 210 and 216 Gillespie Street and there was no way for her to know that she was not being assessed for the rear portion of the lot. Mrs. Haigh asked the City refund $121.60 in penalties due to this oversite. The City Manager recommended approval.

Mr. Johnson then offered motion for approval of the foregoing refund of $121.60 to Mrs. Haigh, motion seconded by Mr. McBryde and carried unanimously.

Council next gave consideration to bids.

Mr. Al Jordan, City Purchasing Agent, presented these matters.

Mr. Jordan stated that bids were received in November for the sale of 21 surplus city busses and one lot of miscellaneous new and used bus repair parts. He recommended that the busses and parts, less tires, which are leased, be transferred by title change to the highest bidder, Mr. George Bowman, for the sum of $18,342.47.

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

Mr. Jordan stated that bids were received for thirteen (13) 1980 mid-sized interceptor police sedans and one (1) window van for the Police Department in January and recommended that the low bid of Royal Dodge for $85,787. for the sedans and $8,575. for the van be approved.

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

Mr. Jordan then stated that bids were received in October for furnishing printing and peripheral equipment to the City and stated that cost analysis conclude that the most expedient purchase is the AM International bid of $31,015.30 and recommended that AM International bid be accepted.

Mrs. Evans offered motion for approval of the foregoing bid of AM International as recommended, seconded by Mr. McBryde and carried unanimously.

Mr. Jordan stated that bids were received in December for the sale of a surplus drag line from the discontinued sanitary fill operation. The drag line is a 1967 Bucyrus-Erie. He stated that this item is surplus to the needs of the City an d has remained idle for some time and continues to deteriorate from the elements and recommended that the item be sold to the high bidder, Mr. H.B. Smith, Jr. for $12,675.

Mr. Williams offered motion for acceptance of the foregoing bid as recommended, seconded by Mr. Johnson and carried unanimously.

This completed the bid items and Mr. Jordan was excused from the meeting.

Council next gave consideration to a proposed procedure for processing Section 8 housing proposals. Assistant City Manager Smith presented this matter and stated that federal regulations require the area office of HUD to request comments from the Mayor on any application HUD receives for a Section 8 Housing Project, such as the one under construction on Law Road. The purpose of these comments is to ensure that a proposed project does not conflict with the City's Housing goals. Federal regulations also require all requestsfor Federal assistance to go through what is called an A-95 review process. This A-95 review requires comments from a local or area-wide planning agency. A-95 comments for local Section 8 housing proposals are made by the Joint Planning Board staff through Region M.

A procedure has been developed at the request of Mayor Finch for handling requests for Mayor's comments on such section 8 applications. The purposes of this procedure are:

1. To insure a uniform review process on all applications with staff input.

2. To coordinate the Mayor's comments with the Planning staffs comments under the A-95 process.

3. To provide for City Council notification and input into the review and comments.

Under this procedure, whenever the Mayor's office receives a request for comments of section 8 application, the Mayor's office will request the Planning staff review. The Planning staff will forward a summary of their comments to the Mayor, the City Council and the City Manager. The Council can then consider the staff's comments and provide input at the next Council meeting after which comments will be forwarded to HUD. Mr. Smith stated to Council that no action is requested on this matter this evening that it was only presented for information and discussion.

Following some discussion of this matter, Mrs. Evans offered motion to approve the proposal as presented, seconded by Mr. McBryde and carried unanimously.

Council next gave consideration to award of City Contract No. 224 for construction of Parks an d Recreation building lot at the new office building located on Lamon Street. City Engineer Bennett presented this matter and stated that bids were opened recently on this project and the low bid was submitted by Cobb Paving Co. in the amount of $14,029.10. He recommended that since construction items on this contract are on a unit price basis and the quantities are estimated, the final contract price may vary somewhat from the total bid and that the bid be awarded to Cobb Paving Co. and budgeting $15,000. for the project.

Following a brief discussion, Mr. Williams offered motion to award the foregoing contract to Cobb Paving co. and budgeting $15,000. for the project as recommended by the City Engineer, seconded by Mrs. Evans and carried unanimously.

Council next gave consideration of concurring in a speed limit ordinance with the North Carolina Department of Transportation for Rosehill Road northwest from U.S. 401 By-pass. The City Engineer presented this matter and stated that the City had been requested by NCDOT to adopt a concurring ordinance of 45 mph on the portion of Rosehill Road (SR1615) from U.S. 401 By-pass northwestwardly to the City boundary line. Apparently, he stated , the existing speed limit is that of the general state-wide limit of 55 mph. The proposed ordinance requested for adoption this evening does not change the existing 35 mph limit on Rosehill Road between Ramsey Street and U.S. 401 By-pass. He recommended adoption of the ordinance setting the 45 mph speed limit.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE NO. 8, "SPEED CONTROL" DESIGNATING 45 MPH ALONG ROSEHILL ROAD (SR1615) FROM U.S. 401 BY-PASS WESTWARDLY TO THE CORPORATE LIMITS. ORDINANCE NO. NS1980-2.

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 NS1980.

Council next gave consideration to the selection of an Engineering consultant in connection with railroad track relocations and in improvements in the downtown area.

The City Manager presented this matter and stated that the City had divided all of its negotiations with the railroad into two major packages. The first had been completed with the transfer of the railroad property on the north side of Maiden Lane behind the old Sears building. The second part concerns the relocation of the spur line of the railroad. This has been a major objective of the downtown revitalization program. All four railroads had been consulted, met with City Council and agreed that they would all support and participate in a plan. It was discussed securing the services of a consulting firm with expertise in this field and the '69 study was conducted Whitehead and Associates, employed by the City in 1969 to conduct the feasibility study of the relocation of the railroad at that time. Late in December, he stated, he asked Mr. Whitehead to come to Fayetteville and make a proposal to us and he stated the city needed to revise the preliminary plan dating back to 1969, and a draft memorandum of understanding to be prepared between the city and the railroad companies. This memorandum of understanding would mean that after the railroad had seen what the preliminary plan would be that they would enter into an agreement that they would continue the final stage of making a final proposal. So to do these three things, Whitehead Associates has agreed to do it on an hourly cost plus basis not to exceed $12,452. In view of the past studies, made by Whitehead Associates, in the city concerning these matters, the City Manager recommended that Whitehead and Associates be retained to conduct this revised preliminary plan updating the project on cost estimates and the memornadum of understanding.

Following a brief discussion, Mrs. Evans offered motion for approval of the retention of Whitehead and Associates to conduct the study as recommended by the City Manager, seconded by Mr. Hurley and carried unanimously.

Council next gave consideration to the entering into an agreement with the County to provide street improvements on dedicated right-of-way at the new County Health Center on McGilvary-McIver Street within one year or to coincide with the completion of the Health Center. (Four streets are involved at an estimated cost of $72,000.)

The City Engineer presented this matter and stated that in November of 1977,

the Council requested that the Cumberland County Commissioners dedicate additional rights-of-way for future street improvements abutting the proposed Public Health Center site and involving McGilvary Street on the south, Fountainhead Lane on the west, Pershing Street on the north and Robeson Street on the east. In June of 1978, the Planning Board reviewed the site plan and also recommended these additional rights-of-way be dedicated and since the site is within the city, the plan was submitted to the Council at the same time. The Council approved the plan with the stipulation that the rights-of-way be dedicated. We understand, he stated, the County has responded that they will dedicate the rights-of-way but they desire that the street improvements be made within one year or to coincide with the completion of the Health Center. The estimated cost improvements to the four streets involved, is $72,000. The Engineer stated that it is important that the rights-of-way be preserved. There is an advantage of doing the street improvements now so that the Health Center in the future project in the old Alexander Graham School site can be planned to fit the streets and sidewalks. The City Engineer recommended approval of the agreement.

Following a brief discussion, Mr. Hurley offered motion to follow the foregoing recommendation of the City Engineer and approve the agreement with the County to provide the street improvements around the Health Center at the estimated cost of $72,000, seconded by Mrs. Evans and carried unanimously.

Council next gave consideration to the approval of taxicab driver permits. The City Manager presented this matter and stated the following named were recommended:

Branson Floyd Barnhill
Seth Hamilton Giddens
William C. Byrum
Leroy Fisher
Merle Sylvester Taylor
James Vernon Driggers
Dennis Vaughn Romstadt
Martin Luther Matthews
Jimmie Lee Evans
Richard Daniel Lasalatta
Randall D. White

Mr. Williams offered motion that taxicab driver permits be approved for the aforenamed as recommended, seconded by Mr. McBryde and carried unanimously.

Council next moved to the consideration of appointments.

At the last meeting Mr. Monroe Evans had been nominated to fill the vacancy on the Human Relations Advisory Commission. Mr. Williams offered motion that nominations be closed and that Mr. Monroe Evans be appointed by acclamation to the Human Relations Advisory Commission to serve the balance of the term of Mr. Don Lundy who resigned, said term to run to March 1981, motion seconded by Mr. Dawkins and carried unanimously.

Council next considered nominations for one appointment of Treasurer to the Board of Trustees, North Carolina Firemans Relief fund. Mr. George McCarthy, the City Finance Director is the incumbent in this position. The City Manager requested postponement of this matter until the next regular meeting. Council agreed.

Delegations:

Council recognized Mr. Clinton Harris, a local citizen who requested that Council consider the construction of sidewalks on both sides of U.S. 401 By-Pass. Mr. Harris also requested Council to consider the merging of Fayetteville, Spring Lake and Ft. Bragg into one municipal area in order to provide bus service to those communities. Mr. Harris also suggested that Council look into the problems being experienced by women desiring to vote in city and county elections and being refused by the County Board of Elections due to the fact that their husbands are registered to vote in other states. Mr. Harris was reminded that the County Board of Elections was already doing this. Mr. Harris then suggested that Council look into the question of retaining a solar engineer and to seek federal funds to finance the project. He suggested that Council contact PWC in this matter to see what could be done.

Mr. Hurley suggested that the City Manager look into the solar energy problem with PWC.

City Manager' report:

The City Manager informed Council that several matters would be presented at the Council's information meeting on January 21. The City Manager informed Council that a grant had been received for an Arson Convention in New Orleans later on this year in which himself, the Chief of Police, working with the District Attorney's Office would attend seminars on Arson Prevention. The City Manager stated too that tax matters would be presented at the information meeting. The City Manager requested a meeting be scheduled this week by the City Council so that he could present information on the current audit report for Council's benefit. The meeting was set for Friday, noon, January 18, in the Kyle House. The City Manager stated regarding the status report on the consolidation of the City/County Animal Control, circumstances had prevented his accumulating this data for presentation at this time. The circumstance being that he had been called to jury duty and had not had time to compile the information, but that he would do so at a later date.

The City Manager reported concerning the Ft. Bragg Annexation issue that he had talked with Mr.Nichols, Town Supervisor of Spring Lake who had informed him that the Spring Lake Board of Aldermen intended to appoint a committee tonight at their meeting to study the question. Following some brief discussion, Mr. Hurley suggested that Fayetteville do the same thing. Mayor Finch suggested that the City Council sit as a committee as a whole on this matter. Following some discussion, Mr. Johnson offered motion that we make contact with the Spring Lake Board of Aldermen to inquire if they are interested in reopening negotiations on the annexation of Ft. Bragg, seconded by Mrs. Evans.

Following some discussion, Mr. Williams offered substitute motion that we address the issue of the annexation of Ft. Bragg at the information meeting on January 21, with the Assistant City Manager and City Attorney present to present complete information on the topic, seconded by Mr. Dawkins.

The question was then called on the substitute motion and the vote was as follows: For: Councilmembers Williams and Dawkins. Against: Councilmembers Johnson, McBryde, Evans and Hurley.

Mayor Finch then declared the substitute motion lost by a vote of two for and four against.

Mayor Finch then called for a vote on the main motion which was to contact Spring Lake and reopen engotiations and the vote was as follows: For: Councilmembers Johnson, Dawkins, McBryde, Evans and Hurley. Against: Councilmember Williams. Mayor Finch declared the main motion carried by a vote of five for and one against.

Matters of interest to City Council:

Mr. Williams asked about the Law Road-Raleigh Road intersection work and the City Engineer informed him that the state is planning to restudy this intersection.

Mr. Williams asked about the problem of sedimentation in the City lakes, and Council decided to look at this question again.

Mr. Johnson asked about the erosion problem in the housing project on Longview Road. The City Engineer stated that this was satisfactory.

Mr. Hurley informed Council that there would be a Region M meeting in Salemburg on January 24, and that all Councilmembers are invited.

Mr. Williams informed Council that there would be a meeting with the Commanding General of Ft. Bragg to discuss a Ft. Bragg-Spring Lake connector. This meeting is to be held at 9:00 A.M. on January 18, and Councilmembers are invited.

All items of regular business having been completed, Mr. Dawkins offered motion at 9:30 P.M. that Council go into executive session to discuss land acquisition matters, motion seconded by Mr. Williams and carried unanimously.

City Council then reconvened into regular session at 10:10 P.M.

Mrs. Evans then offered motion that we amend the area of paving the Elfmon-Kent Property to include only the described property shown in green on the map as presented and that the area taken be reappraised and an offer of that value be made to the owner, seconded by Mr. Williams and carried unanimously.

Mr. Williams then offered motion that we accept the parcel post building located on railroad property as a gift from the Thomason Family, seconded by Mr. McBryde and carried unanimously.

Motion was then made and duly seconded for adjournment of this session at 10:12 P.M. and the Mayor so declared this session adjourned.

Maurice W. Downs
City Clerk

SPECIAL MEETING
FRIDAY
12:00 NOON
JANUARY 18, 1980
COUNCIL CHAMBER
KYLE HOUSE

Present: Mayor Beth Finch

Council Members: Wayne Williams, Aaron Johnson, J.L. Dawkins, Milo McBryde Mildred Evans and Bill Hurley

Also present: Mr. William G. Thomas, III, City Manager
Mr. Robert Cogswell, City Attorney
Sol Rose, Rose and Purcell, Consulting Engineer for Cumberland County

Mayor Finch called this special session to order and called on City Manager Thomas to make the presentation.

Mr. Thomas stated that the County had requested this action due to an emergency situation at the new county landfill site off I-95, to the immediate west of the City of Fayetteville (PWC) waste treatment plant. He reminded Council that PWC Manager Muench had presented a request at last Monday night meeting of the Council that the City grant an easement for drainage to the County at the landfill site. However, since the City Engineer and the City Attorney had not been informed as to the details of the request, Council had postponed the matter until the next meeting on January 28.

The County has renewed their request due to the fact that they are running out of space at the old landfill site and urgently need to begin operations at the new location and the easement is needed. Mr. Thomas stated that he had met with the City Engineer and City Attorney on the matter and now recommended with their concurrance the approval by the City of the easement. Mr. Rose was recognized and stated that the easement was urgently needed for drainage at the site and also requested approval of the granting of the easement. Mr. Rose reiterated that the location is just west of the PWC waste treatment plant off I-95.

Following a brief discussion, Mr. Williams offered motion for approval of the granting of the easement as requested and recommended, at the location indicated. Motion was seconded by Mr. Hurley and upon being put to vote, carried unanimously.

This special session was then adjourned at 12:08 p.m. upon motion made and duly seconded.

Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JANUARY 28, 1980
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 Robert Ladehoff, Rector of St. John'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. McBryde, seconded by Mr. Dawkins and carried unanimously, minutes of the regular meeting of January 14, were approved as submitted by the Clerk.

Upon motion by Mr. Dawkins, seconded by Mr. Johnson and carried unanimously, minutes of a special meeting of January 18, were approved as submitted by the Clerk.

Public hearings:

A public hearing had been published for this date and hour on the consideration of the 6th Year Entitlement Community Development Funding. Council recognized Mr. Richard Herrera, Executive Director of the Community Development Department, who presented this matter.

Mr. Herrera stated that this is the recommended Community Development Funding levels and programs for the fiscal year 1980. He submitted a copy of programs and funding levels that had been endorsed by the Community Development Advisory Board and the Commission. He also submitted funding requests made by mail and in person at the public hearings held for that purpose on October 30 and November 5, 1979. He stated the Commission has reenforced its position that Community Development is still basically the housing program that needs to focus on activities that bear a direct relationship to housing. The new programs being proposed are: 1) a comfort station for Hope Park-$11,000, 2) rehabilitation on Burnett Street-$90,000, 3) target area #1, Arsenal Avenue South-$120,000, 4) a loan program for energy conservation-$150,000, 5) the paving of Burnett Street-$88,000.

Previously approved program areas receiving additional funds are: 1) Senior Service Center-$75,000, 2) expansion of the North Street Extension rehabilitation program-$276,618.

Mr. Herrera also presented funding suggestions for 1980 as follows: 1) downtown market-$75,000, 2) Hope Park-$11,000, 3) Center Street-$207,604, 4) North Street Extension-$276,618, 5) Target area #1, Arsenal Avenue South-$120,000, 6) loan program for energy conservation for designated target areas-$150,000.

Mr. Herrera also presented to Council in his memorandum, funding suggestions for the fiscal year 1980 as presented at the various public hearings. Mr. Herrera stated that the Commission requests Council approval of the foregoing.

Mayor Finch asked if there were comments from the audience and Mr. Clinton Harris was recognized and stated that he was not opposed to any of the foregoing, but that he did not see plans for sidewalks in the program. There was no opposition present.

Following a brief discussion, Mrs. Evans offered motion to approved the foregoing as presented by Mr. Herrera for the Redevelopment Commission, seconded by Mr. Hurley and carried unanimously.

Public hearings had been published for this date and hour on the Redevelopment plans for the Collier Drive and Simmons Street Urban Renewal Programs.

Council again recognized Mr. Herrera who presented this matter and stated that these are the 1978-80 Community Development programs for Collier Drive and Simmons Streets Urban Renewal and Feasibility of Relocation. Approval of these tonight will permit the making of offers to the persons in these areas within the next several days. Mr. Herrera stated that the Commission requests approval of the two proposed resolutions.

Mrs. Finch asked if anyone wished to be recognized in favor of the proposal and Mr. Clifford T. Garland of 1021 Newton Street was recognized with a question.

There was no opposition present.

Mr. Williams then offered motion for adoption of the resolutions on Collier Drive and Simmons Street as requested, seconded by Mr. McBryde and carried unanimously.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL APPROVING URBAN RENEWAL PLAN AND THE FEASIBILITY OF RELOCATION FOR THE COLLIER DRIVE COMMUNITY DEVELOPMENT PROGRAM. RESOLUTION NO. R1980-4.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL APPROVING URBAN RENEWAL PLAN AND THE FEASIBILITY OF RELOCATION FOR THE SIMMONS STREET COMMUNITY DEVELOPMENT PROGRAM. RESOLUTION NO. R1980-5.

Copies of the foregoing resolutions are on file in the Clerk's office in Resolutions Book R1980.

A public hearing had been published for this date and hour on the consideration of designation by ordinance of the Mansard Roof House as an historic building. (City Code, Section 2-54, Joint Public Hearing With Historic Properties Commission). The City Attorney presented this matter and stated the Fayetteville Historic Properties Commission had met on January 9, and adopted a resolution requesting Council to designate the Mansard Roof House as an historic building. He stated to Council that the owner of the property had requested this action also. There was no opposition present.

AN ORDINANCE DESIGNATING THE MANSARD ROOF HOUSE, LOCATED AT 214 MASON STREET AS AN HISTORIC BUILDING PURSUANT TO SECTION 2-54 OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. NS1980-3.

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

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1980.

A public hearing had been published for this date and hour on consideration of paving without petition of Cochran Avenue from Ramsey Street to the southeast corner of Lot 1, Block B, Plat Book 10, Page 73, Cumberland County Registry. The City Engineer presented this matter and stated that in December, the City received a petition for paving Cochran Avenue signed by 9 of 14 property owners which does not constitute an adequate petition because it does not meet the majority of abutting footage requirement. The Veterans Administration owns the entire south side and will not join with the petitioners. Therefore, an adequate petition can never be attained because of the situation. The Council, on December 17, set a public hearing for this date to consider the paving of Cochran Avenue from Ramsey Street eastwardly to its dead end without a petition. The City Engineer stated that it is proposed to construct a 29 foot wide paved street in a 40 foot right-of-way. Mr. Johnson raised the question on the removal of the fence along the VA property on the south side of Cochran Ave. (The Clerk certified in writing that all property owners on Cochran Avenue had been mailed notices of this public hearing by first class mail). In response to Johnson's question concerning the removal of the VA's fence, Mayor Finch stated that she would talk to Mr. Phillips of the Veterans Administration concerning this matter.

Mr. Kermit Weeks of 107 Cochran Avenue, was recognized in favor, but wants the street to be paved wider than 29 feet if possible and that the fence be moved.

Mrs. Elsbeth Hatcher, a property owner on the corner of Kirkland and Sherrerd Streets was recognized on the question on paving the dirt cross street at this intersection.

There was no opposition present.

Following some discussion, Mrs. Evans offered motion for approval of the paving of Cochran Avenue by adoption of the following resolution, seconded by Mr. Williams and carried unanimously.

FINAL RESOLUTION REQUIRING THE PAVING WITHOUT A PETITION OF COCHRAN AVENUE WHICH LIES BETWEEN RAMSEY STREET AND THE SOUTHEASTERN CORNER OF LOT 1, PLAT BOOK 10, PAGE 73, CUMBERLAND COUNTY REGISTRY. RESOLUTION NO. R1980-6.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1980.

A public hearing had been published for this date and hour on the 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 City Attorney presented this matter and stated that the church originally had desired to purchase this tract about a month ago. The church's bid had been raised however, and the church outbid. The church no longer desires the property. The high bidder, in view of this circumstance also desires to withdraw his bid. Therefore, no action needs to be taken.

There were neither proponents nor opponents present. Therefore, Mayor Finch declared that no action needs to be taken.

Public hearings to be set:

Mr. Williams offered motion, seconded by Mr. McBryde and carried unanimously, that public hearings be set for February 25 on the following matters:

A. Rezoning from R10 Residential District to C1 Local Business District or to a more restrictive zoning classification an area located at 1015 and 1017 Pamalee Drive.

B. Rezoning from R6 Residential District to P2 Professional District or to a more restrictive zoning classification of an area located at 1623 Ft. Bragg Road.

C. The rezoning from R6 Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located at 104 Scott Avenue.

D. The paving of White Street from Virginia Avenue to dead end pursuant to petition by the adoption of the following resolution.

PRELIMINARY RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION OF WHITE STREET FROM VIRGINIA AVENUE TO ITS DEAD END. RESOLUTION NO. R1980-7.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1980.

Planning Board matters:

Planner Al Mitchell presented these matters.

Upon motion by Mr. Williams, seconded by Mr. Johnson and carried unanimously, conditional approval as recommended by the Planning Board was given the Johnson Street housing project (group development) review located east of Bragg Blvd. on the south side of Johnson Street.

Upon motion by Mr. Williams, seconded by Mr. McBryde and carried unanimously, conditional approval as recommended by the Planning Board was given the Whitfield Street housing project (group development) review located at the intersection of Whitfield Street and Camden Road.

This concluded Planning Board matters.

PWC matters:

PWC Manager Muench presented these items.

The first item was approval of bids for purchases of chemicals (activated carbon, sodium silcofluoride, sodium hydroxide and liquid aluminum sulfate) for municipal water and wastewater treatment.

Upon motion by Mr. McBryde, seconded by Mr. Williams and carried unanimously, the following bids for the foregoing were approved:

Activated carbon	Southchem	$2,591.00	(30 day firm bid)
Sodium Silicofluoride	Suffolk Chemical Co.	$3,424.00	
Sodium Hydroxide	Suffolk Chemical Co.	$36,747.50	
Liquid aluminum sulphate	American Cyanamid	$34,542.84	

Upon motion by Mr. Williams, seconded by Mr. Johnson and carried unanimously, one four inch sanitary sewer connection to an existing main to serve residence at 4421 Lakeside Drive outside the city (Mr. Terry Bill) was approved as recommended by PWC.

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

Council next gave reconsideration to a amendment to Chapter 16 of the Fayetteville City Code "Buildings". (This matter continued from the December 17 regular meeting).

The City Attorney presented this matter and stated that this amending ordinance was recommended for adoption by Mr. Al Albritton, City Inspection Superintendant. The proposed ordinance would redefine the definition of the word "buildings" as any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry or other public or private purposes or accessory thereto and also tents, lunch wagons, dining cars, trailers, free-standing billboards and signs, fences and similar structures whether stationary or movable. The City Attorney stated he had reviewed the proposed ordinance and recommended Council's adoption of the above amendment.

AN ORDINANCE AMENDING CHAPTER 16, "HOUSING, DWELLINGS AND BUILDINGS" OF THE FAYETTEVILLE CODE OF ORDINANCES DELETING THE PRESENT DEFINITION OF BUILDINGS AND SUBSTITUTING A NEW DEFINITION AFOREMENTIONED. ORDINANCE NO. S1980-1.

Following a brief discussion, Mr. McBryde offered motion for adoption of the foregoing ordinance 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 S1980.

Council next gave reconsideration of the preservation of the Thornton House on Maiden Lane. (this was given a three month extension at the October 8, 1979 meeting).

The City Manager presented this matter and stated that it is desired and recommended that a further extension of 90 days be granted.

Following some discussion, Mr. Williams offered motion that the Thornton House on Maiden Lane be given an indefinite extension for historical preservation until such time as the property is needed by the City, seconded by Mr. McBryde and carried unanimously.

Council next recognized a delegation of residents from Pennsylvania Avenue concerning improvements of their street. Their spokesman, a Mr. Loutenant Tisdell, was recognized and stated that the residents concern is to have Pennsylvania Avenue paved. At times, the street is in very bad condition and is always substandard. For many years, the maintenance service provided has been extremely poor and unacceptable. Our request for maintenance of the street over the years has been constantly ignored. Mr. Tisdell requested the paving and improving of the street by Community Development or Revenue Sharing funds, if possible. He submitted an informal petition for the paving signed by owners and residents on the street.

Elder D.E. McKinnon, Pastor of a church in the area, was also recognized in favor and stated that the street is in poor condition and requested Council's help with the problem.

Louise Jenkins was also recognized in favor of the paving and requested paving and rehabilitation of the housing on the street also.

Mayor Finch suggested to Mr. Tisdell that he contact City Engineer Bob Bennett and draw a formal street paving petition. This was discussed for some moments.

Mr. Johnson then stated that a good number of senior citizens on fixed incomes lived on this street and suggested that Council look at the paving of the street with Community Development or Revenue Sharing funds to pave it without assessment to the property owners.

Following some discussion of the matter, Mr. Williams offered motion for the adoption of a resolution setting a public hearing on this request on February 25, 1980, for the paving of Pennsylvania Avenue from Murchison Road to the western margin of the Cade property, seconded by Mr. McBryde and carried unanimously.

PRELIMINARY RESOLUTION REQUIRING THE PAVING WITHOUT A PETITION OF PENNSYLVANIA AVENUE FROM MURCHISON ROAD TO THE WESTERN MARGIN OF THE CADE PROPERTY. RESOLUTION NO. R1980-8.

Mr. Johnson also suggested the extension of Ernest Street to Pennsylvania Avenue in order to provide a signalized access to Murchison Road for the residents of that area. The City Engineer was requested to check this out.

Mayor Finch then explained to the approximately 25 residents present in the assembly, that they should return on February 25 in order to discuss this matter further.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1980.

Council next gave consideration to a proposed ordinance amending Traffic Schedule #11, "Parking prohibited at all times" on both sides of Rosehill Road from West curbline of Ramsey Street northwardly to the south curbline of U.S. 401 By-pass (Country Club Drive). The City Engineer presented this matter and stated that the widening project along this section of Rosehill Road is about complete, which was designed and constructed by the City to operate as a four lane facility in which is justified by the traffic volume which will no doubt, increase in the future. There is adequate off-street parking on abutting properties, he stated, therefore we would like to recommend that parking be prohibited by the adoption of the proposed ordinance.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 11, PARKING PROHIBITED-ALONG ROSEHILL ROAD, BOTH SIDES FROM THE WEST CURBLINE OF RAMSEY STREET NORTHWARDLY TO THE SOUTH CURBLINE OF 401 BY-PASS (COUNTRY CLUB DRIVE). ORDINANCE NO. NS1980-4.

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

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1980.

Council next gave consideration to the release of 50% of the late listing penalties due pursuant to G.S. 105-312 (1) for the following:

A.	Fasco Industries	$18,589.18
B.	Gaylords of Fayetteville, Inc.	611.25
C.	M&O Chevrolet	4,869.59
D.	Southland Rentals & Supply Co.	407.73
E.	Bullards-Raeford Road	333.79
F.	Bullards-Raleigh Road	135.61
G.	SpeediPrint	67.15
H.	Kingspoint Manufacturing Co.	3,172.63

Assistant City Manager John Smith, presented the foregoing and reminded Council this matter was presented and discussed at the information meeting on January 21, and recommended the City release the foregoing penalties, the total of which amounted to $28,186.93. He stated the County Commissioners had taken this action and it is recommended by City Administration that the City release the foregoing penalties.

Mrs. Evans stated that she would have liked to have had time to have considered and voted on this matter before now. Mr. Smith stated that this was the first of these kind since the City and County Tax Departments were combined.

Following a brief discussion, Mr. Williams offered motion to follow the foregoing recommendation of City Administration and release the penalties as presented, seconded by Mr. Johnson and carried unanimously.

Council next gave consideration to bids. Mr. Al Jordan, the City Purchasing Agent presented these matters.

Mr. Jordan stated that bids for furnishing a 30 KVA portable computer power system for the City Finance Department were received,opened and read publicly on January 14. Mr. Jordan explained that this item was needed for the City's computer due to fluctuations in the City's public power supply. Recently, he stated, due to an interruption of the power, the entire payroll system was erased from the computer memory and had to be reconstructed in its entirety before the payroll could be prepared. This computer power system would stabilize the electric power and prevent this from happening again. Mr. Jordan recommended that the low bid of Burroughs Corporation in the amount of $6,780. for this power system be accepted.

Mr. Hurley offered motion for approval of the bid of Burroughs Corporation as recommended, seconded by Mr. Williams and carried unanimously.

Mr. Jordan stated that bids for furnishing a fixed mobile and portable VHF communications equipment for the Fayetteville Fire Department and mobile VHF communications equipment for the Sanitation Department were received, opened and read publicly on January 15. The low bid of $13,494.32 submitted by Standard Communications was recommended.

Mr. Dawkins moved for approval of the low bid of Standard Communications as recommended, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to a proposed ordinance relating to the defense of city employees or officers and judgements sought or entered against the employees or officers.

The City Attorney presented this matter and stated that this ordinance would establish a new article IV of Chapter II of the Fayetteville City Code of Ordinances entitled "Defense of City Employees and Officers and Payment of Judgements." Mr. Cogswell stated that state law authorizes cities to defend and to pay judgements entered against employees and officers when the acts giving rise to the claim were performed by the employee or officer in the course of his employment and without fraud, corruption or malice. The law requires that uniform standards be adopted under which claims made or civil judgements entered against employees or officers or former employees or officers shall be paid. Hence, the desire to establishment of the new Article IV of the City Code. He recommended adoption of the ordinance.

AN ORDINANCE RELATING TO THE DEFENSE OF CITY EMPLOYEES OR OFFICERS AND JUDGEMENTS SOUGHT OR ENTERED AGAINST CITY EMPLOYEES OR OFFICERS. ORDINANCE NO. S1980-2.

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 S1980.

Council next considered appointments. One nomination for one appointment of Treasurer of the Board of Trustees of the North Carolina Firemans Relief Fund. The City Manager requested postponment of action on this matter until the next meeting of the Council, and it was so ordered.

There were no delegations present.

City Manager's report:

The City Manager reported the following named had been certified by the Civil Service Commission and recommended by the Chief of Police and himself for appointment to the Fayetteville Police Department:

Michael A. Caffee	Charles Stafford
Albert Hensley	Kenneth B. Wiseman
Edward J. McClellon	Paul S. Warner
Bobby J. Chapman	Kenneth Wioskowski
Douglas Case	Dennis Dumas
Robert B. Whiteman	Judy L. Gardner
Gary L. Hoover	Tyrone McLaurin
William T. Peregoy	James N. Mitchell

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

The City Manager stated that Mr. John Rose, the architect, would give a report to the City Council on the Prince Charles Hotel at the next regular meeting on February 11. He did state that the hotel building can be used for office spaces.

Concerning Ft. Bragg Annexation, the City Manager reported that he had spoken with the Town Manager of Spring Lake and had been informed that a workshop session would be held by them on Tuesday evening and that information would come from this meeting regarding Spring Lake's reply to the City of Fayetteville regarding reopening of the Annexation of Ft. Bragg.

The City Manager reported that he had received a request from Cross Creek Mall that they be permitted to hold a Fourth of July Celebration with a "dazzling" display of fireworks. The City Manager stated the Fire Chief had reviewed the request and recommends approval. The City Manager also recommended approval. In response to query, the City Manager stated that a $1,000,000. bond had been submitted to protect the City against any liability. Also, the fireworks display would be handled by a qualified pyrotechnician, as in the case of Eutaw Shopping Center last year.

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

Matters of interest to the City Council:

Mr. Williams suggested that the City look at a sidewalk policy. He also suggested that the City consider mailing the dogtags and license stickers with the tax bills, in an effort to keep from losing revenue.

Mr. Johnson suggested that the City Council should consider a comprehensive energy policy.

Mayor Finch in reply, suggested that this go to the policy committee for study and recommendations.

Mr. Dawkins stated that the Town of Hope Mills was reconsidering bus service. Mr. Dawkins also suggested the repairing of Hay Street in the 300-400 block at the new Social Services Offices.

Mr. McBryde stated that he was still interested in parking meters in the downtown area. He also suggested that consideration be given to a connector street between Woodcliff Road and Tokay Drive and between Anarine Road and McGugan Road.

Mrs. Evans suggested that consideration be given to a parking authority or commission for downtown Fayetteville.

Mr. Hurley suggested a parking authority or commission also. Mr. Hurley asked about a flashing sign ordinance and the City Attorney stated that this is being considered.

Mr. Hurley asked about the Council's action on the Ft. Bragg Annexation and the City Manager stated that they were waiting for a reply from Spring Lake.

Mr. Hurley suggested that Park Police (Rangers) be considered in the 1980-81 budget of the City.

Mayor Finch reminded City Council of an invitation from Mr. Bryan Bizzell, of the Taxpayers Association that Council meet with their organization in the Old County Court House on February 6.

Thereafter, all matters of business having been completed, this regular session was adjourned at 9:15 P.M. upon motion made and duly seconded.

Maurice W. Downs

Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
FEBRUARY 11, 1980
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. Robert Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and the Reverend Grady McKeithan offered 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 present in the audience to observe Council proceedings.

Mayor Finch also recognized the newest member to the City Administrative Staff, Mr. Roger Stancil, Administrative Assistant to the City Manager. The Mayor and Council welcomed Mr. Stancil who was former town manager for the towns of Grifton, Winterville, and Fountain, as well as former Assistant Director of Human Relations and Supervisor of Revenue Collections for the City of Rocky Mount for four years.

Council next proceeded to the approval of the minutes of the regular meeting of January 28, 1980. Mrs. Evans offered a comment regarding the proposed connector road to Tokay Drive as presented at the last regular meeting. She stated she had made a comment that the four way intersection at Tokay Drive and Ramsey Street was extremely hazardous even with the traffic light and requested that her remark be included in the minutes of this meeting.

Mr. Dawkins then offered motion for approval of the minutes of January 28, as amended to include the foregoing remark, motion seconded by Mr. McBryde and carried unanimously.

Mayor Finch then announced that the City Attorney had requested an executive session to consider litigation at the end of this meeting.

Mayor Finch also stated that the City Attorney requested Council's consideration be given to an additional public hearing to be set at the time public hearings are set on this agenda.

Public hearings:

A public hearing had been published for this date and hour on the initial zoning to R10 Residential District or to a more restrictive zoning classification of an area located at 3329 Boone Trail.

Planner Al Mitchell stated that this was a newly annexed area being annexed on November 19, 1979, and the Planning Board recommended initial zoning to 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 3329 BOONE TRAIL. ORDINANCE NO. NS1980-5.

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

A copy of the foreging ordinance is on file in the Clerks office in Ordinance Book NS1980.

Public hearings to be set:

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

For March 10, 1980:

A. Consideration of the rezoning from C3 Heavy Commercial District to M2 Heavy Industrial District or to a more restrictive zoning classification of an area located at 815 Gillespie Street.

For February 25, 1980:

A. Consideration of the proposed annexation of the Bob Bryan property located at 4923 Raeford Road.

Public Works Commission matters:

PWC Manager Ray Muench presented these matters.

The first was consideration for an application for one 4-inch sanitary sewer connection to existing main to serve residence at 1842 Glenwick Drive outside the city. (for John F. Nalepa).

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

The next item was consideration of an application for one 1-inch water and 4-inch sanitary sewer connection to serve residence at 2211 Redstone Drive. Property owner, Shirley G. Brewington, will petition for annexation as property is contiguous to the present city limits, Mr. Muench stated.

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

The next item for consideration was a request for city participation in the drainage cost and for the adjustment in an easement location in a drainage project at the southeast corner of Ellis Street and Silk Lane.

The City Engineer presented this matter and stated that the City has a request through Attorney John Blackwell, Jr. for Mr. Fred Davis for City participation in drainage across Mr. Davis' lot located at the corner of Ellis Street and Silk Lane. The drainage cost has been estimated to be $12,000. In accordance with the City drainage policy, he stated, 50% of this amount would be paid by the city and 50% by the property owner. An easement is being offered by the property owner to accomodate this drainage.

There is an existing easement across Mr. Davis' property which he has asked the City to release. There are no utilities in this existing easement and the new easement being offered is adequate for the City's needs.

We recommend approval of both requests: participation in the drainage improvement with the estimated cost to the City being $6,000 and proceeding with the appropriate legal document to release the existing unused easement.

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

Council next gave consideration to updating stop and yield traffic signals.

The City Engineer presented this matter and stated that subdivision developments, street name changes and changing conditions require frequent upgrading of stop and yield traffic ordinances. He presented two proposed traffic ordinances adopting new stop and yield intersections.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE #6, " STOP INTERSECTIONS", REGARDING, RESCINDING, FROM SAID SCHEDULE, BREEZEWOOD AVENUE AND PARNELL DRIVE AND DECLARING STOP INTERSECTIONS FOR BREEZEWOOD AVENUE AND MARLBORO ROAD AND OTHERS. ORDINANCE NO. NS1980-6.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE #14, "YIELD RIGHT-OF-WAY", RESCIND FROM SAID SCHEDULE LAKE CLUB DRIVE AND DECLARE ON SAID SCHEDULE DAUGHTRIDGE DRIVE. ORDINANCE NO. NS1980-7.

Mr. Hurley introduced the foregiong ordinancesand moved their adoption as recommended, seconded by Mrs. Evans and carried unanimously.

Copies of the two foregoing ordinances are on file in the Clerks office in Ordinance Book NS1980.

Council next gave consideration to a summary packet of the Prince Charles Hotel Feasibility Study.

Council recognized Mr. John Rose, Architect, and his associate, Mr. Andrew Privette, who presented this matter. Mr. Rose stated that the nature of this study at Council's request is basically one of a positive attitude. We wish to see the Prince Charles Hotel building preserved. We feel that the renovation of the building will have a positive impact and influence upon downtown revitalization. It's structural integrity, historical significance and wealth of architectural detail cannot be ignored. Unlike most projects where the key to successful development, is location, here we are searching for a successful use for an already determined and particular location.

The purpose of this study then is to develop the tools to help us make decisions, identify characteristics of the building, resolve the negative aspects, amplify the positive aspects, and develop viable alternatives for the building's use.

Mr. Rose exibited displays and projections along with his narration and stated

further that the structure is in good condition and the original eight stories has a reinforced concrete ribbed floor and roof system with tile fillers. Floor slabs are supported by steel columns and beams, fireproofed with tile and plaster. The seven story addition, (1942) is steel column and beam construction with junior beams covered with two inch concrete floors and roof. This structure is also fire-proofed with concrete and plaster. Exterior walls are not loadbearing.

There is a one story area in the rear and this structure is questionable and is evident from visual inspection that some work will be necessary if this part of the building is to be renovated.

The interesting and most gratifying part was the test of the original 1925 structure involving loading an area of floor with concrete block to a predetermined testing load in this case 120 lbs. per square foot. With the use of guages on the floor below, the deflection sagging of the beams and joists were recorded in thousandths of an inch. From observation of beam and joist sizes, the allowable safe deflection was then determined by calculation.

The observed deflection was compared to the allowable safe deflection and it was determined that for that particular area tested, the observed deflections were well below calculated allowable values. No cracking of any member was noted during the load test. Therefore, basically the structure passed the load test with no trouble and it can safely be assumed that it will stand office loading, our most extreme loading condition.

Mr. Rose commenting on the building types, stated that we can group the uses in the composite list into the following six distinct building types:

1. Residential-primarily for housing
2. Cultural/Recreation which is self explanatory.
3. Administrative/Meeting for civic groups and the like.
4. Offices for Citywide churches and government.
5. Retail services for restaurants, mini-malls, etc.
6. Multi-Use for housing, office, retail and meeting.

Mr. Rose then displayed projections of the six distinct building types. The diagrams demonstrated a more detailed program for each building type. Particular areas of the building were designated for the many uses involved with each building type. Following this, Mr. Rose presented the following estimated costs for general renovation of the hotel, to bring the building up to present code requirements regardless of the use program. The estimates are based on 1979 cost figures including 1½ % inflation per month and related preliminary drawings. Mr. Rose then gave the general requirements by division as laid out in the summary packet. The total cost figure was 3,475,345.

Concerning demolition of the present building, Mr. Rose stated that for $200,000. the building can be demolished and the site cleared and ready for excavation for a new 76,000 square foot building today. Costs would be as follows:

Residential	$4,854,108
Cultutal/Recreation	5,688,103
Administrative/Meeting	5,886,652
Offices	5,973,178
Retail services	5,035,813
Multi/Use	5,487,671

Mr. Rose stated that from a developed criteria matrix the indication was that the most practical use was for offices.

Mr. Rose concluded his presentation by stating that this matter would be discussed further at a meeting Thursday, February 14, before the Buildings and Properties Committee of the City.

Mayor Finch and the Council then thanked Mr. Rose for his presentation and moved on to the next order of business on the agenda.

The next item was the consideration of the revision to Chapter 17, "Licenses", of the City of Fayetteville City Code. The City Attorney presented this matter and stated that said section in the license code referred to license requirements and provisions for bookstores and massage parlors and specifically the licensing of such individuals connected with such activities. He stated to Council that he had drawn this amended ordinance revising sections of Chapter 17 because of court decisions and because the present provisions are considered unconstitutional.

Following some discussion of this proposed ordinance, Mr. Hurley suggested that Council study the proposed ordinance and discuss it at length at the Council's information meeting on Monday, February 18.

Following some further discussion, Mr. Williams offered motion for adoption of the ordinance as presented, motion seconded by Mrs. Evans.

AN ORDINANCE AMENDING CHAPTER 17, "LICENSES" OF THE FAYETTEVILLE CITY CODE OF ORDINANCES.

Following some further discussion, Mayor Finch called for a vote on the motion and it was as follows: For the motion; Councilmembers Evans McBryde and Williams. Against the motion: Councilmembers Hurley, Dawkins and Johnson.

Mayor Finch declared a tied vote and cast her vote in favor of the adoption of the ordinance. The vote being four for and three against. Mayor Finch declared the ordinance carried on first reading and stated it would be reconsidered at the next regular meeting of the Council on February 25.

Council next gave consideration to installing a centralized telephone system for the City.

The City Manager presented this matter and stated in a memorandum to the Council that for several months, the City Staff has been investigating the feasibility of substituting a centralized telephone system for the decentralized system currently in use. In the past, efforts to make the change were abandoned due to the lack of funds and a lack of convincing evidence of significant improvement to justify the increased cost. Recent developments in telephone communication equipment has vastly increased the capabilities of the equipment and at the same time, established a more favorable cost benefit relationship.

Our investigation reveals that a centralized system would provide the following advantages to the city if installed:

A. Improved public relations by providing one main number for the public to dial to have access to all city offices.

B. Provide an opportunity to set up an information center which could operate as a referral service for governmental services.

C. Provide easy communications from department to department without the need for attendant assistance for the use of three number dialing.

D. Provide a city staff conference call capability.

E. Can be programmed to provide a night or holiday emergency answering capability.

F. Can be programmed to control the class of service for each station in the system.

G. By the addition of a special recorder and printer, a complete record can be kept of all long distance calls indicate an origin, destination, time, cost, etc.

The new system would include many of the new time saving and convenient features such as:

(1) Camp on busy
(2) Automatic recall
(3) Call forwarding

Mr. Thomas stated that one months telephone bill now amounts to $2,506. Under the new system, it would cost $5,759 an increase of $3,253. The present annual telephone bill is $30,072. Under the new system including the operator for the switchboard, the cost would be $44,552. a difference of $14,480. (This would be for six succeeding fiscal years).

After seven years of operation, the annual cost would be $30,072. for the present system and $30,956. for the new system. A difference of $884. Mr. Thomas stated that the new system would provide considerable improved public relations inasmuch as a caller not being familiar with city operation, or an office called could refer the caller to an incorrect location causing considerable delay and aggrevation. A central switchboard would alleviate this problem. Mr. Thomas also displayed projections of cost summaries for Council's information.

Mr. Thomas concluded his presentation by recommending approval of the new telephone system and approval of a contract and selection of a central number prior to March 1, 1980, so that the number will be in the new telephone book and install the new system on the weekend of May 30, 1980, to be operational on Monday, June 2, 1980, coinciding with the use of the new telephone book.

Mr. Thomas also stated that the new system would provide for interoffice, three number dialing for a saving of time and money. Police and Fire Departments would still be reached for emergency under their present emergency numbers.

Following some discussion of this matter, Mr. Johnson offered motion to authorize the City Manager to enter into a contract with Carolina Telephone and Telegraph Service for a centralized telephone system for the City, seconded by Mr. Williams and carried, Mr. McBryde voting no.

Mrs. Evans then offered motion, seconded by Mr. Williams and carried unanimously to amend the present budget to provide not to exceed $4,000. for the installation and operation of the telephone system for one month, the month of June 1980.

On a final matter concerning the telephone system, the City Manager then presented the following telephone numbers for the new telephone system:

(1) 483-1762
(2) 323-2288
(3) 323-2626
(4) 323-4747

Mr. Thomas stated that working with the telephone company, they had attempted to arrive at a number most easily remembered by the general public. The last three were such numbers available. The first number, 483-1762 was arrived at by the staff and it's significance being, that 1762 was the year the City was incorporated.

Following some discussion, the Mayor and Council agreed that the City Manager be authorized to choose the number. For the record, Mr. Thomas stated, he was in favor of 483-1762 and Council was in agreement. This concluded the discussion of the telephone system.

Appointments:

Council next gave reconsideration to the nomination of one appointment of Treasurer to the Board of Trustee of the North Carolina Firemans Relief Fund. The City Manager requested an additional postponement of this appointment until the next regular meeting of the Council on February 25.

Delegations:

Council recognized Mrs. Florence C. Cain of 111 Glenola Drive. Mrs. Cain informed Council that she was before them this evening along with approximately 12 persons from her neighborhood in connection with the proposed connector street between Woodcliff and Tokay Drive which was mentioned at the Council meeting of January 28. Mrs. Cain mentioned the present traffic congestion in their area, and particularly at the Tokay Drive/Ramsey Street intersection. Mrs. Cain stated that she nor her neighbors desired such a connector street, due to the increase of traffic it would generate in the area. Mrs. Cain stated that it was almost impossible to enter into Ramsey Street in the early morning hours from any of the streets in this neighborhood due to heavy concentration of traffic. Mrs. Cain stated that she nor any of her neighbors, nor any of those present in the audience this evening desired such a connector through their neighborhoods.

Councilman McBryde who stated he was the one who suggested such a connector informed the Council and Mrs. Cain and her delegation that he had discussed this matter again with the City Engineer and they are in agreement that such a connector street is not practical nor feasible, and that no further consideration would be given to it.

Mrs. Cain thanked the Mayor and Council for this action and suggested that consideration be given to space in the Prince Charles for the Mentally Retarded Program.

City Manager reports:

The City Manager informed Council that he had a request and recommendation from the Chief of Police that Mr. Pat Faircloth be appointed to the Police Department to fill the vacancy created by the resignation of Officer D. Johnson. The City Manager recommended approval of this appointment.

Mr. Dawkins offered motion, seconded by Mr. Williams that Mr. Pat Faircloth be appointed to the Police Department, motion carried unanimously.

The City Manager informed Council that he had received a request from the National Foundation March of Dimes that they be permitted to conduct a march beginning at 8:00 A.M. on March 8, 1980, at Pine Forest High School and moving along U.S. 401 South to Ramsey Street around the Market House Square, out Gillespie Street, and terminating at the JayCee fairgrounds on Elizabethtown Road. He informed Council that this had been coordinated with the Police Department and recommended approval.

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

Matters of interest to the City Council:

Mr. McBryde stated that the 400 block of Hay Street was not being cleaned properly at night because cars are not being removed by their owners so the street cleaning equipment could operate.

Mr. Hurley suggested improvements and an expansion on the publication of the agenda for Council Meetings which appears in the newspapers on Saturday before the meetings on Monday. Mr. Hurley suggested a more detailed introduction and that the display ad appear in larger print.

Mayor Finch reported that she and Mr. Kermit Weeks and Mr. GlennJernigan, had met with Mr. Phillips of the Veterans Administration regarding the VA fence along

the southern margin of Cochran Avenue. She stated that it had been a good and informative meeting, that Mr. Phillips had given an explanation and reasons for the installation of the fence, these reasons being vandalism, abuse, and theft on VA property and that the fence had been installed for security reasons. Mayor Finch stated she was satisfied with Mr. Phillips explanation that the reasoning appeared to be justified and that Mr. Phillips in an effort to be completely fair, had not closed discussion of the matter, but would consider it further if such is desired.

Mayor Finch informed Council that the local Coca Cola Bottling Co. owned by the Hutaff family, had presented an Olympic Flag to the City just recently. Mayor Finch said the flag was a large, beautiful and gracious gift to the City and that she had requested it to be raised and flown at the earliest possible moment.

The City Manager informed the Mayor and Council that the flag had been raised this morning to fly on the staff in front of the Kyle House.

Mayor Finch and the other members of the Council expressed thanks to the Hutaffs for their generous gift.

Council then upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, convened into executive session to consider a matter of litigation at 9:00 P.M.

Council reconvened into regular session at 9:05 P.M. and then adjourned upon motion made and duly seconded.

Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
FEBRUARY 25, 1980
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. Robert Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and Councilman Dawkins offered the invocation. Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag. Following this, Mayor Finch recognized Fayetteville Youth Council representatives.

Mayor Finch then recognized Councilman Williams who stated that although he was a resident of Ft. Bragg Road, he had no personal interest in the first rezoning matter on the agenda and asked permission to vote. Council voiced no objection.

Mayor Finch then recognized Councilman Johnson who stated that although he was a resident of Ernest Street, he would like to be allowed to vote on the extension of this street to Pennsylvania Avenue. There was no objection from the Council.

Mayor Finch then announced that since the publication of the agenda, two additional items should be added this evening. One, a public hearing would be added as item 3E and two, item 8 would be renumbered 8A and the following added as 8B: A report by the Chairman of the Buildings and Properties Committee concerning construction of a new ceramics building in the Honeycutt Recreation area.

Council then moved to the approval of the minutes, and upon motion by Mr. Williams, seconded by Mr. Johnson and carried unanimously, the minutes of the regular meeting of February 11, 1980, were approved as submitted by the Clerk.

Public hearings:

A public hearing had been published for this date and hour on the rezoning from R6 Residential District to P2 Professional District or to a more restrictive zoning classification of an area located at 1623 Ft. Bragg Road. Planning Board recommended denial.

Mr. Bill Kanos, was recognized for Mr. John Moutos, the petitioner and property owner, who requested the rezoning.

Mr. Cecil Fisher and Mr. Wallace Jackson, both Ft. Bragg Road and area residents were recognized in opposition. Mrs. Sue Bandy of the Haymount Preservation Society was also recognized in opposition.

Following a brief discussion, Mr. Williams offered motion that the rezoning be denied as recommended by the Planning Board, seconded by Mr. Johnson and carried unanimously.

A public hearing had been published for this date and hour on the rezoning from R10 Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located at 1015 and 1017 Pamalee Drive. Planning Board recommended approval.

Mr. John Beasley, the owner and petitioner, was recognized and requested the rezoning. He informed Council that this matter had been before prior Councils on two different occasions, but had been denied. He stated that prior to the property being annexed into the City, it was zoned C1 Local Business in the County. He said the area had changed drastically since he purchased the site in 1965 and was now completely surrounded by commercial development. He stated that due to the heavy traffic on Pamalee Drive, noise had become a problem in this area making it detrimental to residential development.

Council then recognized Mr. Glen Bell, an area resident, representing himself and a majority of the property owners representing Thompson Subdivision in opposition to the request and stated that Thompson Subdivision was built in 1959 and the only protection they had then was through restrictive covenants. He stated that Mr. Beasley was aware of the restrictive covenants in the subdivision when he purchased the site. He stated that if the rezoning was approved it would cause a traffic problem and allow a variety of commercial uses to be developed there. He requested Councils denial of the rezoning.

Following some discussion, Mr. Hurley offered motion to follow the recommendation of the Planning Board and approve the rezoning, motion seconded by Mr. Dawkins.

Mayor Finch called for a vote on the motion and it was as follows: For: Councilmembers Hurley, Dawkins and Williams. Against: Councilmembers Evans, McBryde and

Johnson. Mayor Finch declared a tie vote and cast her vote for the motion and declared it carried by a vote of 4 to 3.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE REZONED FROM R10 RESIDENTIAL DISTRICT TO C1 LOCAL BUSINESS DISTRICT AN AREA LOCATED AT 1015 AND 1017 PAMALEE DRIVE.

Mayor Finch declared the motion carried on first reading and set the second reading for the regular meeting on March 10.

A public hearing had been published for this hour on the rezoning from R6 Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located at 104 Scott Avenue. Planning Board recommended denial.

There were neither proponents nor opponents present.

Mr. Williams then offered motion to follow the recommendation of the Planning Board and deny the request, seconded by Mr. McBryde and carried unanimously.

A public hearing had been published for this date and hour on the proposed annexation of the Kwik Mart Property located on Highway 401 South (4923 Raeford Road) the property of R.E. Bryan, Jr. pursuant to NCGS 160A-31. The Annexation Technical Review Committee recommended approval.

There were neither proponents nor opponents present.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE THE RAEFORD ROAD KWIK MART LOCATED AT 4923 RAEFORD ROAD. ANNEXATION ORDINANCE NO. 80-2-228.

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

A copy of the foregoing ordinance is on file in the Clerk's office in Annexation Ordinance Book 1980.

A public hearing had been published for this date and hour on the paving of White Street from Virginia Avenue to its dead end pursuant to petition. The Clerk certified to the Council that all property owners had been notified in writing of this public hearing as required. The City Engineer presented this matter and stated that the City had received a petition with adequate signatures for the paving of the street. A small amount of right-of-way is needed from 4 or 5 property owners.He recommended approval of the paving petition along with authorization for City Administration to proceed with negotiations for the rights-of-way.

There were neither proponents nor opponents present.

FINAL RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION OF WHITE STREET FROM VIRGINIA AVENUE TO ITS DEAD END. RESOLUTION NO. R1980-9.

Mr. Johnson introduced the foregoing resolution and moved its adoption and that City Administration be authorized to proceed with negotiations for rights-of-way, seconded by Mr. Dawkins and carried unanimously.

A copy of the foregoing resolution is on file in the Clerks office in Resolutions Book R1980.

A public hearing had been published for this date and hour on the paving of Pennsylvania Avenue from Murchison Road to the western margin of the Cade property, without petition. The Clerk certified that all property owners had been mailed notice of this public hearing as required.

The City Engineer presented this matter and stated that several property owners had complained about the general condition of the street and the lack of drainage and the Council had set this public hearing for this date at the January 28 meeting. The City Engineer recommended approval of the paving as a part of the ongoing City paving program.

Council recognized Mr. Loutenant Tisdale in favor of the paving. Council also recognized Rev. R.W. Smith of Pennsylvania Avenue who stated he gave drainage right-of-way 14 years ago for this street and was told at that time he would not have to pay any paving assessments should the street be paved. Council also recognized Louise Jenkins in favor of the paving, but requested that it be done with Revenue Sharing Funds or Community Development funds.

There was no opposition present. There was a brief discussion concerning assessments for the paving of the street, but it was decided to consider this matter after the street paving had been completed and the property owners present in the Council Chamber were so informed.

FINAL RESOLUTION REQUIRING THE PAVING WITHOUT A PETITION OF PENNSYLVANIA AVENUE FROM MURCHISON ROAD TO THE WESTERN MARGIN OF THE CADE PROPERTY. RESOLUTION NO. R1980-10.

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

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1980.

A public hearing had been published for this date and hour on the consideration of a resolution and order closing a portion of River Street between South Broad Street and South Racepath Street.

The City Engineer presented this matter and stated that in January of this year, the City received a petition from the Person Street Pentacostal Holiness Church, and Mr. P.D. Jones for closing this block of River Street. The Church and Mr. Jones owned all of the property on both sides of the street. City Council set this public hearing at its January 14 meeting to consider officially closing the street. There are some existing utilities however, the church and Mr. Jones are willing for the City to retain an easement for maintaining these utilities. He recommended approval of closing of the street with the City retaining a 40 foot wide general purpose utility easement.

Mr. Herman Britt, representing the church Board of Trustees, was recognized in favor of the closing. He stated that they now have and have had a problem with theft, vandalism and general nuisance in the area and the church parking lot, which the closing of the street would eliminate. There was no opposition present.

RESOLUTION AND ORDER CLOSING A PORTION OF RIVER STREET. RESOLUTION NO. R1980-11.

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

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1980.

Public hearings to be set:

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, public hearings were set for the following matters for March 24, 1980:

A. Consideration of rezoning from R6 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification an area located at 2801 Ramsey Street.

B. Consideration of the rezoning from R10 Residential District to C1 Local Business District or to a more restrictive zoning classification an area located on the west side of Ramsey Street (U.S. 401 North) between Chloe Drive and Country Club Drive.

C. Consideration of the rezoning from R10 Residential District to R5A Residential District or to a more restrictive zoning classification an area located at 1920 Morganton Road.

D. Consideration of the annexation of property located at 2540 Gillespie Street.

E. Redevelopment plans for Simmons Street-Collier Drive and Wilmington Road per 1979-1980 amended programs.

PWC matters:

PWC Manager Ray Muench presented these matters.

Upon motion by Mr. Williams, seconded by Mr. Johnson and carried unanimously, an application was approved for one 1-inch water connection to existing main to serve residence at 1919 Powell Street. (property is contiguous to the City Limits and owner , Annie B. Powell will petition for annexation.)

Upon motion by Mr. McBryde, seconded by Mr. Williams and carried unanimously, approval was given to an application for one inch water and four inch sanitary sewer connection to serve residence at 3417 Boone Trail. (Property owner George Maracek will petition for annexation since property is contiguous to the present city limits.)

Upon motion by Mr. Williams, seconded by Mr. McBryde and carried unanimously, approval was given for an application for one inch water connection to existing main to serve residence at 1920 Powell Street. (Property is contiguous to city and owner, B.B. Campbell will petition for annexation.)

Upon motion by Mr. Williams, seconded by Mr. McBryde and carried unanimously, approval was given an application for water and sanitary sewer connections for existing commercial building (three units) at the corner of West Mountain Drive and Muriel Drive outside the city. (Property owner is Clara Bennett.)

Mr. Muench stated that bids had been received on January 29, for 415 class five

pine poles. The low bids as follows are recommended:

The Burke-Persons-Bowlby Corporation

Creosote poles

195 - 30 ft.	$8,757.45
120 - 40 ft.	$10,188.00

Koppers Company Inc.

100-35 Ft.	6,770.00

Mr. McBryde offered motion for approval of the foregoing low bids, seconded by Mr. Hurley and carried unanimously.

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

Planning Board matters:

Planner Al Mitchell presented these matters.

Upon motion by Mr. Williams, seconded by Mr. McBryde and carried unanimously, conditional approval as recommended by the Planning Board was given to Raeford Road Kwik Mart C1P Shopping Center District addition review located at 2299 Raeford Road.

Upon motion by Mr. Williams, seconded by Mr. Johnson and carried unanimously, conditional approval was given to Gregg Sutton Subdivision Review located at the intersection of Silk Lane and Ellis Street.

Upon motion by Mr. Williams, seconded by Mr. McBryde and carried unanimously, conditional approval as recommended by the Planning Board was given Country Club North, Section 4, Subdivision Revision and Review located on either side of Hilliard Drive.

This completed the Planning Board matters.

Council next gave reconsideration to a proposed ordinance revising Chapter 17, "Licenses" of the Fayetteville City Code. (This matter continued from the February 11 meeting at which time it was voted on and carried on first reading.)

AN ORDINANCE AMENDING CHAPTER 17, "LICENSES" OF THE CITY OF FAYETTEVILLE CITY CODE OF ORDINANCES. ORDINANCE NO. S1980-3.

Mayor Finch called for a vote on the passage on the second reading and the ordinance was adopted, Mr. Hurley voting no.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1980.

Council next gave consideration to a request concerning a community building at Savoy Heights.

Council recognized a Mrs. Mosley with a request for the construction of a multipurpose building in Savoy Heights Subdivision for the benefit of the residents of that area.

Following considerable discussion of this request, Mr. Williams offered motion to refer this matter to the Buildings and Properties Committee for their consideration and recommendation back to the City Council as soon as possible, seconded by Mr. Johnson and carried unanimously.

Council next gave consideration to the next agenda item renumbered 8a at the beginning of the meeting which was the consideration of the designation of a small portion of Clark Park on the State Registry. The City Manager introduced this matter and stated that Clark Park is located behind the Veterans Administration Hospital off Ramsey Street and bordering the Cape Fear River. The park itself, is owned by the County and is leased by the City under a written lease agreement. The City Manager then called on Mr. Sonny Basinger, Executive Director of the Recreation and Parks Department, for a more detailed explanation. Mr. Basinger stated that Clark Park is a natural area and one of the more unique park areas in the state. He stated the Advisory Commission is recommending that an area bordering along the Cape Fear River be placed on the State Registry. This area is away from the vehicular traffic, he stated.

Following a brief discussion, Mrs. Evans offered motion that the City Council go on record as favoring that area of Clark Park being placed on the State Registry as recommended, seconded by Mr. Williams and carried unanimously.

Council then proceeded to item 8b set earlier this evening which was consideration of a report by the Chairman of the Buildings and Properties Committee concerning construction of a new ceramics building in the Honeycutt Recreation area.

Mayor Finch recognized Councilman McBryde who stated that the Buildings and Properties Committee had met on February 14, and had been presented and approved a plan by the City Engineer and Mr. Basinger of the Recreation Department for the construction of a new ceramics building in the Honeycutt Recreation area. There was some preliminary discussion and Mrs. Evans offered motion that any building over $20,000. should have architectural design, seconded by Mr. Hurley.

Following some further discussion, Mrs. Evans withdrew her motion and Mr. Hurley withdrew his second. It was suggested that this be placed on the agenda for the next meeting.

Discussion then followed with Mr. Basinger informing Council that the need for this building is long overdue, but that no architects fees are available.

The City Engineer displayed plans of the proposed building to the Council. There was also some discussion with Mr. John Rose, an architect. Council also recognized Mr. Mike Currin, Chairman of the Fayetteville Appearance Commission, who stated that consideration should be given to these projects by the commission and the commission would also like to review this proposed building and comment for Council's benefit.

Following some further discussion, Mr. Williams offered motion to refer this matter to the Appearance Commission for recommendation to be brought back to the City Council as soon as possible, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a report on the presentation of the City's proposed Urban Initiative project in Atlanta on February 12.

This presentation was to have been made by Mr. John Monaghan, Executive Director of the Fayetteville Revitalization Commission but due to illness, he was absent and the report was presented by Roger Stancil, Administrative Assistant to the City Manager.

Mr. Stancil stated that in November, the City Council accepted the CHNMB Downtown Conceptual Plan and authorized City Administration and the Revitalization Commission to proceed with implementation of the plan. City Administration immediately prepared an Urban Initiatives Project Fact Sheet for those elements of the plan which are eligible for funding under the Urban Initiatives Program of the Urban Mass Transportation Administration and submitted the fact sheet to the UMTA Regional Field Office in Atlanta, in late November.

The Urban Initiatives Project Fact Sheet is basically a brief outline and tentative budget for certain types of transit related projects. UMTA uses the Project Fact Sheet as a point of departure for discussion of potential Urban Initiatives Projects, and through those discussions, selects a handful of promising projects in each funding cycle for which a formal application is requested.

Our Urban Initiatives Project Fact Sheet proposed a project consisting of tour elements of the project, the Transit Mall, estimated to cost $9.022 million according to estimates drawn from the CHNMB Plan, and a Ground Transportation Center, estimated to cost $7.0 million according to preliminary cost estimates from the Barton-Aschman feasibility study to include a grade separation at Russell Street over the Amtrack platform.

We proposed that the third and fourth elements, completion of the inner circlation system and construction of a 500 car parking deck along Maiden Lane should satisfy the required 20% local match of the project, since these improvements would be necessary to accomodate the Transit Mall.

At the request of UMTA, a local delegation consisting of Roger Stancil, John Monaghan, Cliff Strassenburg and HOrace Thompson, went to Atlanta on February 12 to present the project in greater detail.

UMTA staff people indicated that our proposed project is attractive and well thought out. However, they also made the following comments: The circulation and parking improvements are not eligible project costs under the Urban Initiatives Program and therefore cannot satisfy the required 20% local match.

The total cost of the UMTA portion of the project is somewhat out of line with the size of our local transit system, so it is unlikely the project could be funded at the level we requested.

The total cost of the project is somewhat out of line with current appropriations under the Urban Initiatives Program, which currently stands at $80 million, 40 of which is already obligated to ongoing projects.

We should look at other sources of funding for portions of the project, such as Economic Development Administration, Federal Highway Administration, and other UMTA funding categories, in order to reduce the amount of Urban Initiatives Funding requested.

UMTA would probably not fund an isolated element of the project, such as architectural design or site acquisition, until we can develop a financing plan which will provide for completion of the the overall project.

It might be possible to scale down costs of some of the project elements. We expect that staff members from the Atlanta Field Office will come to Fayetteville in the next two or three weeks to begin discussing alternative funding packages for this project.

Mr. Stancil also displayed slides for the benefit of the Council, concerning the proposed Urban Initiatives Project.

The slide projection completed/Mr. Stancil's presentation and the Mayor and Council thanked him for the report.

Council next gave consideration to approval of a grant award from the NOrth Carolina Department of Crime Control and Public Safety for a Criminal Justice Information System.

The City Manager presented this matter and stated that this was a records retrieval system which would be tied into the State Police Information Network. The total amount of the grant or project cost is $89,873. of which the City's share would be $4,494. This is a two year program, he stated and recommended to the Council that it approve submission of the grant application and that the City enter into the program and commit the $4,494.

Following a brief discussion, Mr. McBryde offered motion, seconded by Mrs. Evans and carried unanimously to approve the foregoing as recommended by the City Manager and that the City Manager be and he hereby is authorized to enter into the agreement for the City.

Council next gave consideration for the approval of $11,000. additional FY79-80 funds to be utilized for the new Senior Service Center for the hire of architect Mason Hicks for interior furnishings design work at $5,000. and for automatic doors for $6,000.

The City Manager presented this matter and stated it appears on the agenda tonight because they were presented to Council by the Senior Citizens Commission last Monday evening at the information meeting, and the items are time urgent because furnishings must be ready for the opening of the building this fall. The funds will come from Revenue Sharing Contingency this year, he stated. The amount is $11,000. and is recommended by the Council's Commission. Mr. Hicks, is the architect for the building and is recommended to select the furnishings. His fee is approximately $5,000. based on 10% of the estimated $50,000. cost of furnishings. However, the cost of the doors is firm at $6,000. if we get our bid in now. Mrs. Evans asked if we have the money now. Mr. Thomas replied no, but it can be budgeted during May and June to be available in July this year.

Mrs. Evans asked if the agency moving in to the Center could provide funds or furnishings. Mr. Thomas replied, it was a distinct possiblity like the Council of Older Adults and a good point, he stated. This could be coordinated through the Liaison Committee. Mrs. Evans stated that the North Carolina Division of Aging representative has offered to help as well as a Mrs. Ann Johnson of the NOrth Carolina Institute of Senior Citizens who has offered to hold a workshop.

Following some discussion of this matter, Mr. McBryde offered motion to follow the foregoing recommendation of the commission and approve the $11,000. funding for the architect and the automatic doors, motion seconded by Mr. Johnson and carried unanimously.

Council next gave consideration to an extension of time for the City to take possession of the NCNB Branch Bank on Ray Avenue from March 8, 1980 to December 31, 1980. The City Engineer presented this matter and stated that the bank has written that finding a suitable location on which to relocate their Ray Avenue Branch, had taken considerable more time and effort than was estimated. They have however, obtained option on a site and received approval and hoped to begin construction soon. They request an extension of time to December 31, of this year. The City Engineer stated he saw no detrimental effect for the City to make this change and recommended approval. He reminded Council that this was for the extension of Ray Avenue.

Following a brief discussion, Mr. Dawkins offered motion to approve the foregoing request and grant the extension of time to December 31, 1980, unless needed earlier for an emergency, motion seconded by Mr. McBryde and carried unanimously.

Council next gave consideration of the extension of Ernest Street through to Pennsylvania Avenue.

The City Engineer presented this matter and stated that at the last Council meeting Councilman Johnson inquired about this extension which would provide an outlet for residents in the Seabrook Hills Subdivision area to get out on to Murchison Road at the signalized intersection at Pennsylvania Avenue and Murchison Road. He stated about 150 feet of extension would be required. He displayed a map showing the proposed extension and recommended approval of the project and authorization for the City Administration to negotiate for the needed right-of-way.

Following a brief discussion, Mr. Williams offered motion for approval of this matter as recommended, seconded by Mr. McBryde and carried unanimously.

Council next gave consideration to a proposed resolution for a condemnation of parcel W-2 for Groton Avenue right-of-way.

The City Engineer presented this matter and stated that Groton Avenue had been approved by the City Council for paving and is planned to be on the next City paving contract. Four tracts of right-of-way had to be acquired and three have been settled leaving only the right-of-way needed from John Henry Freeman Heirs to be settled. Only a small corner (113 square feet) is needed and the appraised amount of $50.00 has been offered. The heirs have finally replied that they will not accept the offer. There are several heirs, most of which will be out of town and we doubt that there will ever be 100% agreement even if the city would increase the offer. Therefore, he recommended adoption of the condemnation resolution.

Following a brief discussion, Mr. Williams offered motion for adoption of the resolution of condemnation as recommended, seconded by Mr. Johnson and carried unanimously.

RESOLUTION AUTHORIZING CONDEMNATION OF PARCEL OF LAND FOR GROTON AVENUE PAVING PARCEL W-2-JOHN HENRY FREEMAN HEIRS. RESOLUTION NO. R1980-12.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1980.

Council next gave consideration to two proposed traffic ordinances concerning prohibition of parking along a portion of the north side of Bow Street.

The City Engineer presented this matter and stated that recent street improvements were accomplished by the City to coincide with the First Union Bank development. A minor amount of widening was done along Bow Street in order for three lanes to be established between Green and Ann Streets. In order for these three lanes to operate parking must be prohibited along the north side of Bow Steet. In order to have three traffic lanes to Ann Street, three parking spaces need to be removed east of Ann Street to transition the traffic lanes past the remaining parking spaces. The City Engineer stated that he had drawn two ordinances to accomplish this. One ordinance will prohibit the parking and the other will redefine the metered spaces along Bow Street, which is the effect of eliminating three of the metered spaces. He recommended adoption of the ordinances.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 13-PARKING METERS ALONG BOW STREET. ORDINANCE NO. NS1980-8.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE NO. 11-PARKING PROHIBITED-BOW STREET. ORDINANCE NO. NS1980-9.

Mr. Williams introduced the foregoing two ordinances and moved their adoption as recommended, seconded by Mr. Dawkins and carried unanimously.

Copies of the foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1980.

Council next gave consideration to a City-NCDOT agreement to install a new traffic signal and railroad signal at the Gillespie Street-Russell Street intersection.

The City Engineer presented this matter and stated that the Department of Transportation is proposing an upgrading of the traffic signals and the installation of a railroad flasher system at Gillespie Street-Russell Street intersection. It is proposed that the cost of this project be shared between city and state.

The City has been called upon to do the installation including underground conduit. Since this is a downtown intersection, we have discussed with the state the desirability to use mast arm type poles with luminaire rather than wood poles with span wires. DOT responded that it would pay only the cost for wood poles and the city may apply this cost toward the installation of the metal posts with luminaire. Our estimated cost of the four required metal post is $9,000. leaving a net cost for the more desirable posts of $7,300. The other work outlined in the agreement for the city to accomplish is estimated at $4,000. a total estimated city cost is $11,300.

The estimated cost to DOT is $2,240. plus all signalization equipment which will probably make the cost exceed that of the city's.

We recommend approval of the agreement to include use of the metal posts and that the city's portion of the project be funded from Downtown Circulation funds. We believe the use of the metal posts should be a part of the Downtown Revitalization and this project would be a step towards eliminating undesirable wood poles and span wire arrangements for traffic signals in the downtown area, Mr. Bennett concluded.

Following a brief discussion, Mr. McBryde moved for approval of the agreement as recommended and that the Mayor and Clerk be and they hereby are, authorized and directed to sign said agreement for the City, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to a report concerning the LaFayette Bust Ceremony at the Cross Creek Park.

Mayor Finch recognized Senator GlennJernigan of the Committee, who stated that he was highly appreciative of the opportunity to come before the City Council and to participate this evening in City Government. Senator Jernigan stated that the purpose of his visit this evening was to inform Council of the progress being made by the Committee concerning the installation of the LaFayette Bust, a recent gift to the City of Fayetteville from the Republic of France. He stated that the installation had been previously scheduled for March 4, but due to circumstances it had now been rescheduled to September 28 and that the additional time could be used to advantage. He stated that additional consideration had been given to the location of the bust and it was now the committee's thinking that rather than install it in Cross Creek Park, there was an urgent need for housing of the bust for protection. The committee suggests that it be installed under the Market House and that a place be especially prepared for it. Senator Jernigan then called on Mr. Mike Currin, Chairman of the Appearance Commission for additional details.

Mr. Currin was recognized and stated that his appearance this evening was as a private citizen and he then proceeded to exhibit for Council drawings of the proposed site preparation for the bust. The committee proposes the construction under the Market House of an 8 ft. diameter circle low brick wall, 12 inches high with a protective railing on top. Also a pedestal in the center of white stucco on which the bust will be installed, and finally appropriate ceiling lighting for illumination. The committee requests that the city bear the cost of this installation if possible. Senator Jernigan stated that private funding sources would be investigated if necessary.

The question was asked if a cost estimate was available and Senator Jernigan stated that an estimated $3,000. would be needed, however, this had not been investigated completely.

Following some discussion, Mr. Williams offered motion that approval be given for locating the bust under the Market House as presented and the city bear the cost of the pedestal.

Following some further discussion on the cost estimate, Mr. Williams withdrew the foregoing motion and moved that this matter be continued until the next regular meeting, motion seconded by Mr. McBryde and carried unanimously.

Council next gave consideration to taxicab driver permits.

The City Manager presented this matter and stated that the following named are recommended for approval of a taxicab driver permit:

Carl Samuel Lindsey, Jr.	Horold N. Farris
James Allen Lane	William Thomas Honeycutt
Bobby Elliott	Henry Luther Arthur
Martin R. Zajac	George Lee Muffley
	John Steve Kryszczyszyn

Mr. Williams then offered motion that taxicab driver permits be approved for the aforenamed as recommended, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to an appointment for nominations for one appointment of Treasurer to the Board of Trustees North Carolina Firemans Relief Fund. The City Manager requested postponment of this matter to the next regular meeting.

Mayor Finch and the Council then informed the City Manager that this matter be postponed indefinitely until the City Manager is ready to make a recommendation.

Mayor Finch also informed Council that Mrs. Elizabeth Thompson Wood, had resigned from the Human Relations Commission, and that consideration should be given to a replacement.

Delegations:

Mr. Clinton Harris, a private citizen was recognized and commented that the Senior Volunteers were having to pay to park at the Cape Fear Valley Hospital parking lot, that in his opinion, this should not be. Mr. Harris was reminded that this was a county function. Mr. Harris also remarked that no provision had been made for sidewalks at the new construction sites at the intersection on Owen Drive and Village Drive. Mr. Williams stated that his committee is at the present time considering the sidewalk policy of the City.

Council also recognized a Reverend Hamid, a local citizen and a member of the Islamic faith, who expressed thanks to the Council for their reception recently of the Reverend Muhammed at Fayetteville State University recently in observation of

Brotherhood Week.

City Manager reports:

The City Manager informed Council that the Chief of Police and the Civil Service Commission recommended the promotion to the rank of Sergeant of the following named police officers:

G.T. Nash
R.A. Pronier
R.H. Sanford

Mrs. Evans offered motion that promotion to the rank of sergeant be approved for the aforenamed police officers, seconded by Mr. McBryde and carried unanimously.

The City Manager informed Council that he had been contacted by Spring Lake Town Supervisor Higgins that their committee on the annexation of Ft. Bragg would like to make a tentative meeting date with the City Council concerning this matter. The City Manager recommended Monday, March 3, 7:00 P.M. in the City Hall Council Chamber, and this time, date and place was agreed to tentatively following the relay of this information to Spring Lake.

The City Manager also informed Council that there was a conflict concerning the information meeting scheduled for March 17, next month, due to the National League of Cities meeting. It was suggested that the information meeting be held along with the regular meeting on March 10.

The City Manager also informed Council that Fayetteville Cablevision is proposing to increase its service charge for HBO to $8.95 and reminded Council that HBO is not under the provisions of the Cablevision contract.

Matters of interest to the City Council:

Mr. Williams informed Council that the proposed consolidation of the City/County Canine Departments will go to committee on March 11.

Mr. Johnson informed Council that it was his understanding that federal funds were available for the proposed energy conservation policy. The City Manager stated that he was working on this.

Mr. Hurley remarking on HBO on Cablevision, stated that he was categorically against bringing R rated movies into the home.

Mayor Finch informed Council that she had received a letter from Governor Hunt, that City along with the County give some thought to the census committee appointments.

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

Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MARCH 10, 1980
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. Robert Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

The meeting was called to order by Mayor Pro Tem J.L. Dawkins in the temporary absence of Mayor Finch. Mr. Dawkins stated that Mayor Finch had been temporarily delayed in her arrival. The Reverend Carl Garbo, Associate Minister of the Massey Hill Baptist Church offered the invocation. Mr. Dawkins then led the assembly in the Pledge of Allegiance to the Flag.

Mayor Pro Tem Dawkins recognized Fayetteville Youth Council Representatives present in the audience this evening.

Councilman McBryde requested an executive session of the Council following this meeting for possible litigation and a personnel matter. There was no objection.

The first order of business was the approval of minutes of February 25. The City Attorney requested that these minutes be corrected to show that regarding the rezoning matter on Pamalee Drive, on which an amending ordinance was adopted on first reading at the February 25 meeting and a second reading set for March 10, that there would be no public hearing on this matter on March 10. City Manager Thomas requested that the minutes be corrected to show that he had asked for permission from the City Council to authorized him to tell the County that the City Council had no objection for a portion of Clark Park being put on the State Registry. He asked that the minutes be corrected to reflect the fact that this was approved by City Council and to so inform the County. Councilman McBryde also requested correction of the minutes to show that under "Matters of interest to City Council" he had asked City Engineer to check into changing the light at the corner of Maiden Lane and Ray Avenue.

Mr. Williams then offered motion for approval of the minutes of February 25 as corrected above, seconded by Mr. Johnson and carried unanimously.

Public hearings:

A public hearing had been published for this date and hour on the rezoning from C3 Heavy Commercial District to M2 Heavy Industrial District or to a more restrictive zoning classification an area located at 815 Gillespie Street. Planning Board recommended approval.

Council recognized Mr. Bill Maxwell, the petitioner in behalf of the request, who stated that there were numerous industrial uses already in the area and this request, if granted, would allow them to better utilize this property.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM C3 HEAVY COMMERCIAL DISTRICT TO M2 HEAVY INDUSTRIAL DISTRICT AN AREA LOCATED AT 815 GILLESPIE STREET. ORDINANCE NO. NS1980-10.

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

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1980.

At this moment, Mayor Finch arrived and stated that she was sorry to be late, thanked Mayor Pro Tem Dawkins for presiding and took the chair.

Public hearings to be set:

Upon motion by Mr. Williams, seconded by Mr. McBryde and carried unanimously, a public hearing was set for March 24, 1980, on the rezoning from P1 Professional District to P2 Professional District or to a more restrictive zoning classification of an area located at 525 Owen Drive.

PWC matters:

PWC Manager presented this matter. Mr. Muench stated that bids had been opened on February 26, 1980, by PWC for the purchase of 86 distribution transformers. In each case and in each category except the final one, WESCO, had been the low bidder. It was decided by PWC not to purchase the final transformer, but only to purchase 85 transformers for a total of $61,567.50. The individual bids submitted by WESCO for the various categories of transformers were as follows:

Five (5) 25 KVA- $3,853.
Ten (10) 50 KVA- $8,370.
Ten (10) 50 KVA- $7,907.50
Four (4) 25 KVA- $2,522,
Twenty-five (25) 50 KVA-$18, 030.
Thirty (30) 50 KVA-$18,267.
One (1) 150 KVA-$2,618.

Mr. Muench stated that PWC recommends acceptance of the low bids by WESCO for the 85 transformers.

Mr. McBryde then offered motion to accept the low bid of WESCO on 85 transformers and omit transformer #86 as recommended, seconded by Mr. Williams and carried unanimously.

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

Council next gave reconsideration to the rezoning from R10 Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located at 1015 and 1017 Pamalee Drive. This matter continued from the regular meeting of February 25, when the amending ordinance was adopted on the first reading. Mayor Finch stated that this was the second reading of the ordinance and no public hearing was to be held on this this evening. She stated that at the meeting of February 25, the amending ordinance was adopted on first reading by a vote of three for and three against, and with her casting her vote in favor to make a total of four for, and three against.

Mayor Finch then called for a vote on the motion on second reading and the vote was as follows: For the adoption of the ordinance: Councilmembers Hurley, Dawkins, Johnson and Williams. Against the adoption of the ordinance: Councilmembers Evans and McBryde. Mayor Finch declared the motion carried and the amending ordinance adopted on second reading and the area rezoned.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R10 RESIDENTIAL DISTRICT TO C1 LOCAL BUSINESS DISTRICT AN AREA LOCATED AT 1015 AND 1017 PAMALEE DRIVE. ORDINANCE NO. NS1980-11.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1980.

The next item for consideration on the agenda was a report concerning the cost of mounting the LaFayette Bust at the Market House. This matter continued from the February 25 meeting. Mr. MIke Currin, Chairman of the Appearance Commission, was to have given this report, but was not as yet present at the meeting. Mr. Williams then offered motion, seconded by Mr. Dawkins to skip this item for the moment, motion carried unanimously.

The next item for consideration was a report from the Appearance Commission concerning the proposed design of the new ceramics building. The City Manager informed Council that the Commission wants to meet again on this matter. Council recognized Mr. Steven Hurr, a commission member, who stated that the commission was unable to meet as planned and will have a called meeting on Wednesday, March 12. to consider this matter and would make a presentation back to City Council on March 24.

Following a brief discussion, Mrs. Evans offered motion, seconded by Mr. Dawkins and carried unanimously, to defer this matter to March 24.

Council next gave consideration to adopting a policy that any new city buildings whose estimated construction cost exceed $20,000. be designed by an architect.

Following some discussion of this change in policy, Mrs. Evans offered motion that we adopt a policy that generally any new city building which estimated construction cost is $20,000. or more, be designed by an architect, seconded by Mr. Dawkins.

Following some further discussion, Mr. Williams offered substitute motion that this item be referred to the policy committee and report back if possible by next meeting or within 30 days, seconded by Mr. McBryde.

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

Council next gave consideration to a request to exempt the Fayetteville Area Womens Benevolent Association, Inc. from having to obtain any privilege licenses. The City Attorney presented this matter and stated that this organization is operating the Silk Purse, in Eutaw Shopping Center. He stated he had reviewed the charter of the organization and that they did qualify as a non-profit corporation. However, it is a code requirement that they make application to City Council from having to obtain a privilege license. The City Attorney recommended approval of the request.

Following a brief discussion, Mr. Williams commended the organization for their good work and offered motion that Council exempt the Fayetteville Area Womens Benevolent Association, Inc. from having to obtain a privilege license, motion seconded by Mr. McBryde and carried unanimously.

Council then returned to Item 6 on the agenda, a report concerning the cost of

mounting the LaFayette Bust at the Market House. Mr. Mike Currin, Chairman of the Appearance Commission was recognized and stated that he was reporting back to Council on the cost for mounting the LaFayette Bust under the Market House. The complete installation cost for the wrought iron railing, brick base, pedestal, lighting and a commemoratory plaque, is estimated not to exceed $1,500. This matter has been approved by the Historic Commission, he stated.

Following a brief discussion, Mr. Williams offered motion for approval of the mounting of the LaFayette Bust under the Market House for a cost not to exceed $1500. as recommended, seconded by Mr. McBryde and carried unanimously.

Council next gave consideration of establishing a charge for copies of the Fayetteville Conceptual Plan. Mr. John Monaghan, Jr. Executive Director of the Revitalization Commission, was recognized and stated that the commission has used a small amount form the Downtown Tax District Fund to have 250 copies of this CHNMB plan printed. The commission has directed that copies of the plan be made available free of charge to members of boards and commission, elected officials and non-profit organizations which are involved in some way in the revitalization effort. Copies are also available to City and County Staff and to local libraries. The commission has also recommended that copies of the plan be available to the general public at the actual cost of printing which is $5.00 each. Since all fees and charges must be set by City Council, the recommended $5.00 charge should be adopted by Council. Proceeds from the sale of these books should go to the Downtown Tax District Fund, he concluded.

Following a brief discussion, Mrs. Evans offered motion to follow the foregoing recommendation of the Fayetteville Revitalization Commission and authorize the $5.00 charge, seconded by Mr. Hurley and carried unanimously.

Council next considered bids. The first one being, renovation work in the Massey Hill Recreation Center. The City Manager introduced this matter and stated that the presentation would be made in two parts, the first outlining the bid work to be presented by the City Engineer and funding for the job to be presented by Mr. Richard Herrera of the Community Development Department.

Council recognized City Engineer, Bob Bennett, who stated that the Massey Hill Recreation Center was built in 1965 and has not had any renovation type work, only routine type maintenance has been performed. The renovation work is planned as follows:

1) Closing in a covered patio
2) Removing an interior masonry wall, and building two bathrooms with handicap features
3) Installing kitchen cabinets, sink, stove and other incidentals needed by the Senior Citizens Group
4) Removing the present control office and building a new one
5) Reworking the ceiling
6) Repairing the electrical system
7) Adding a new heating system

Bids were opened recently after a second invitation for bids had been sent out and low bids are as follows:

General Contractor	Bid Amount
Pleasant, Incorporated	$33,809.
Plumbing	
Town and Country Plumbing Company	$2,875.
Electrical Bid	
Clark Brothers Electrical Company	$4,500.
Heating and Air Conditioning	
Refrigeration and Heating Company	$4,590.

This work, if approved, would all be completed under city contract #226, renovation of the Massey Hill Recreation Center, he stated.

At the first bid opening, only one general contractor bid; therefore, the project was immediately readvertised. Again, at the second bid opening only one general contractor submitted a bid, that of Pleasant, Incorporated.

Mr. Bennett then recommended awarding the general contract to Pleasant, Inc. and the other contracts to the low bidders as stated for the utilities and approval of $48,000. including 5% for contingencies for the project inasmuch as the total foregoing bids was $45,774.

Council then recognized Mr. Herrera, who stated that prior to the award of bids, it was found that the roof needed immediate repair. He authorized the work with the funds to be taken from the $43,349. which City Council had authorized the Center. It

was then found that work needed to be done to the heating and air conditioning system on the roof also. We had spent $9,848. of the total, therefore, when the bids went out and came in they came in for more of the balance remaining. This has been discussed with the City Manager, City Engineer and Recreation and Parks Director and we do have the funds to make up the difference if City Council will allow him to make a change in another budget item. We had anticipated having more individual relocations in one of the Massey Hill projects, Camden Road, paving, guttering and drainage, but we anticipated more than would be required therefore funds may be shifted from this program to the Massey Hill Recreation Center, he concluded.

Following some discussion, Mr. Williams offered motion that City Council approve City Contract #226 as presented by the City Engineer and for funding as presented by Mr. Herrera, seconded by Mr. McBryde and carried unanimously.

Council next gave consideration to a bid for fencing for the refuse transfer station. This item presented by the City Engineer, who stated that this was City Contract #225, fencing at the refuse transfer station. He stated that the transfer station project plan is for a perimeter chain link fence as a security measure for equipment and supplies. Bids were opened recently for the fencing material and recommended awarding the contract to the low bidder, Acme Fence Company in the amount of $7,875.00.

Following a brief discussion, Mr. McBryde offered motion to follow the foregoing recommendation of the City Engineer and approve Contract #225 and the bid by Acme Fence Company for $7,875., seconded by Mr. Williams and carried unanimously.

Council next considered appointments.

Nomination for four appointments to the Human Relations Advisory Commission.

Mr. Johnson nominated Mrs. Voncyle Davis, Diane Smith and Nancy Best.

Mayor Finch stated that these and any other nominations would be considered at the next meeting of the Council.

Council next considered nominations for three appointments to the Building Code Review Committee and Mr. Williams nominated Mr. Fleet Russ, representing the Board of Realtors, and Mr. Dohn Broadwell, representing Home Builders.

Mayor Finch stated that these and further nominations would be considered at the next regular meeting.

There were no delegations present.

City Manager reports:

The City Manager reported the resignation from the Fire Department of Mr. William L. Hales, said resignation effective the 5th day of March and stating that Mr. Hales date of hire was May 31, 1973.

Council noted the resignation.

Continuing with City Manager reports, Mr. Thomas stated that Mr. George Bowman of Garner, North Carolina, had bid $18,342. and deposited $1,100. with the City for the purchase of the old city busses. He reminded Council that this had been presented to them and approved at the January 14 meeting. He stated that Mr. Bowman has now informed him that he is unable to complete the transaction due to the withdrawal of funds by his financial backers. The City Manager requested permission of the Council to readvertise the sale of these busses in view of the foregoing circumstance.

Mr. Williams offered motion, seconded by Mr. Johnson and carried unanimously, that the City Manager be authorized to readvertise the sale of the old city busses, as requested.

The City Manager informed Council that Spring Lake Town Supervisor Higgins had suggested another discussion type meeting on the Ft. Bragg Annexation matter in place of the one which had been cancelled due to the snow storm on Monday, March 3. The City Manager suggested Tuesday, March 11, or Wednesday, March 12, and it was decided to set the meeting for 8:00 P.M. Tuesday, March 11 in the Old County Courthouse Building.

Matters of interest to City Council:

Mr. Hurley suggested a briefing before the meeting with Spring Lake tomorrow night on the Ft. Bragg Annexation issue to bring Council up to date. The City Manager stated that this would be done.

Mrs. Evans asked if any progresshad been made on the parking authority. Asst. City Manager Smith replied in the negative, as far as specifics are concerned. Mayor Finch suggested to Mr. Smith that some information be obtained and Mr. Smith replied that this will be discussed in the near future with the local government commission.

Mrs. Evans informed Council that she would not be present at the next regular meeting, March 24, due to a religious holiday.

Mr. McBryde brought up again the parking meters on Hay Street, the light at the corner of Ray Avenue and Maiden Lane, the 400 block of Hay Street not being cleaned up and a lot of gutters needing cleaning out.

Mr. Dawkins expressed appreciation to the City Engineer for the work recently done on Hay Street.

Mr. Williams stated that the speed limit on Murray Hill Road is at present 25mph, and asked if it was not recently changed back to 35mph. The City Engineer was asked to check.

Mr. Williams stated that the intersection of Churchill Drive and Hull Road where Hull Road was recently paved, has a six inch below grade drop and a mudhole. The City Engineer was requested to check this.

Mr. Williams asked if the accident rate had increased with the city busses since the acquisition of the new busses. He stated that several showed indications of damage. The City Manager was asked to check this.

Mr. Williams then offered motion at 8:05 P.M. that Council enter into an executive session to consider litigation and personnel matters, seconded by Mr. Dawkins and carried unanimously.

Council then 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
MARCH 24, 1980
7:00 P.M.

Present: Mayor Beth Finch

Council Members: Wayne Williams, Aaron Johnson, J.L.Dawkins, Milo McBryde, Mildred Evans, Bill Hurley.

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 Donald Cooper, Minister of Temple Baptist Church offered the invocation. Following this, Mayor Finch led the Pledge of Allegiance to the Flag.

Mayor Finch then 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. Johnson and carried unanimously, minutes of the regular meeting of March 10, 1980, were approved as submitted by the Clerk.

Mrs. Evans asked the Council if she should abstain or vote on Item 7 on the agenda, which was consideration of award of general audit contract for Fiscal Year ending June 30, 1980. The reason she gave was that she has a close relative with one of the firms but not a financial interest. Council was of the opinion that she could vote on this issue.

Mr. Dawkins requested permission of Council to abstain from voting on Item 4a, which was consideration of First Citizens Bank Branch,CIP Shopping Center District review located at the intersection of Ramsey Street and Law Road. Mr. Dawkins reminded Council that he was an officer with this bank. There was no objection voiced by Council to his abstaining to vote on this matter.

Public hearings:

A public hearing had been published for this date and hour on the consideration of redevelopment plans for Simmons Street, Wilmington Road and Collier Drive as per 1979-1980 amended programs. Council recognized Mr. Richard Herrera, Executive Director of the Community Development Department who presented these items. Mr. Herrera stated that he had been informed by HUD that they have a $902,000. surplus in these programs. Mr. Herrera stated that they had held public hearings September 20 and 27, last year and that these funds were integrated with HUD. He stated a final public hearing was held on March 12, by the Fayetteville Redevelopment Commission who had requested this final public hearing by City Council tonight on the Redevelopment Plans. Mr. Herrera displayed projections for Council on these neighborhoods. He stated that three additional persons had requested to be included in the Wilmington Road program. This has been done, he stated. Mr. Herrera requested approval of the three programs by the adoption of resolutions. Mr. Fulton McMillan of 711 Wilmington Road was recognized and requested inclusion in that program. Mrs. Bernice Huston of 315 Vanstory Street was recognized in favor of the Urban Redevelopment program. There was no opposition present.

Mrs. Evans then offered motion for approval of the Redevelopment Programs for Simmons Street and Wilmington Road as recommended and by the adoption of the following resolutions on Simmons Street and Wilmington Road, seconded by Mr. Dawkins and carried unanimously.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL APPROVING URBAN RENEWAL PLAN AND THE FEASIBILITY OF RELOCATION FOR THE SIMMONS STREET COMMUNITY DEVELOPMENT PROGRAM. RESOLUTION NO. R1980-13.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL APPROVING URBAN RENEWAL PLAN AND THE FEASIBILITY OF RELOCATION FOR THE WILMINGTON ROAD NEIGHBORHOOD DEVELOPMENT PROGRAM (AMENDED). RESOLUTION NO. R1980-14.

Copies of the two foregoing resolutions are on file in the Clerk's office in Resolutions Book R1980.

Mr. Herrera then presented the Collier Drive Community Development Program and requested approval for the Redevelopment Commission.

There were neither proponents nor opponents present.

Mr. Williams then offered motion for approval of the plan by the adoption of the following resolution as recommended by the commission, seconded by Mr. McBryde and carried unanimously.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL APPROVING URBAN RENEWAL PLAN AND THE FEASIBILITY OF RELOCATION FOR THE COLLIER DRIVE COMMUNITY DEVELOPMENT PROGRAM. RESOLUTION NO. R1980-15.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1980.

A public hearing had been published for this date and hour on the rezoning from R6 Residential District to C2 Heavy Commercial District or to a more restrictive zoning classification of an area located at 2801 Ramsey St. Planning Board recommended denial of C1 and approval of P2 for this area. Attorney Gardner Altman was recognized for the petitioner and property owner, Mr. Billy Cain who stated that this request would allow the petitioner to continue operating a small family business on the subject property which he had owned for the past five years. He said the petition was currently operating an electrical business further up Ramsey Street as a nonconforming use that this property had been rented for the past 11 years. He stated that several surrounding property owners do not object to this rezoning.

Mr. Clinton Harris was recognized in opposition to the rezoning and requested denial.

Following some discussion, Mr. Williams offered motion for approval of the rezoning request from R6 Residential to C1 by the adoption of an amending ordinance, seconded by Mr. Hurley.

Mayor Finch then called for a vote on the motion and it was as follows: For: Councilmembers Williams, Dawkins, McBryde and Hurley. Against: Councilmembers Evans and Johnson. Mayor Finch declared the motion carried and the ordinance adopted.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R6 RESIDENTIAL DISTRICT TO C1 LOCAL BUSINESS DISTRICT AN AREA LOCATED AT 2801 RAMSEY STREET. ORDINANCE NO. NS1980-12.

A copy of this ordinance is on file in the Clerk's office in Ordinance Book NS1980.

At this point in the meeting, Councilman Williams asked that two former City Councilmen, present in the audience this evening be recognized, and they were. They were former City Councilmen Robert Shaw and George Kistler. Mayor Finch welcomed these gentlemen to the meeting.

A public hearing had been published for this date and hour on the consideration of the rezoning from R10 Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located on the west side of Ramsey Street (U.S. 401 North) between Chloe Drive and Country Club Drive. Planning Board recommended denial.

Council recognized Attorney Douglas Barfield for the petitioners, John R. and Julia Taylor who requested C1 rezoning.

Mayor Finch recognized the City Clerk who informed the Council that a valid protest petition had been submitted against this rezoning. The effect of this petition would require a 3/4 vote of the Council to amend the zoning ordinance.

Attorney G.B. Johnson, representing the property owners in the area was recognized in opposition to the rezoning. He informed Council that he had a fifty-seven signature petition in opposition. He requested those persons in the audience opposed to the rezoning to stand and approximately 12 persons did so.

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

Following some further discussion, Mr. Williams offered a substitute motion to refer this matter back to the Planning Board for further consideration. The motion was lost for lack of a second.

Mayor Finch then called for a vote on the motion and it carried as follows: Councilmembers Hurley, Evans, McBryde, Dawkins and Johnson. Against: Councilmember Williams.

A public hearing had been published for this date and hour on the rezoning from R10 Residential District to R5A Residential District or to a more restrictive zoning classification of an area located at 1920 Morganton Road. Planning Board recommended denial, and Planner Mitchell stated that he had received a letter this morning from the petitioner, Mr. Gardner Altman, who requested that this matter be withdrawn for consideration of rezoning. Mr. Mitchell stated he informed Mr. Altman that the public hearing had been advertised and must be held according to legal procedure.

There were no proponents present.

Mrs. Sue Brown Bandy, of the Haymount Preservation Society was recognized in opposition and requested Council to not only deny the rezoning, but that the Planning Department instigate the writing of an ordinance for better protection when rezoning to a lower scale for the purpose of upgrading an area. At Mrs. Bandy's invitation, approximately 25 property owners present in the audience, stood in opposition to the rezoning.

Council also recognized Mr. Clyde Berringer, an area property owner, representing other property owners in the area in opposition to the proposed rezoning.

Following a brief discussion, Mr. Dawkins offered motion to deny the petition for rezoning, seconded by Mr. Williams and carried unanimously.

A public hearing had been published for this date and hour on the consideration of the rezoning from P1 Professional District to P2 Professional District or to a more restrictive zoning classification an area located at 525 Owen Drive. Planning Board recommended approval of the P2 zoning.

Mrs. Rose Bsheer was recognized representing the petitioner and requested the rezoning.

Mrs. Bernice Stray, the petitioner, was recognized and requested the rezoning stating that she could now only rent or lease this property to doctors and permitted uses that were medically oriented. Mrs. Stray stated the intended use was for real estate and insurance office.

There was no opposition to the requested 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 525 OWEN DRIVE. ORDINANCE NO. NS1980-13.

Mr. McBryde introduced the foregoing ordinance approving the rezoning and moved its adoption as recommended, seconded by Mrs. Evans and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1980.

A public hearing had been published for this date and hour on consideration of the annexation of property located at 2540 Gillespie Street, pursuant to NCGS160A-31. Planner Mitchell stated the Annexation Technical Review Committee recommends denial.

Council recognized Mr. Gary McLaurin, the petitioner for annexation. Council also recognized Mr. James Brewington, the property owner for annexation. Council also recognized Mr. Edward Snider, a security agent in favor of the annexation.

There was no opposition present.

The question was asked as to specifically why the Annexation Technical Review Committee recommended against this annexation.

PWC Manager Muench stated that sanitary sewer is too expensive to extend for this small area, also fire, police and garbage collection costs are excessive.

Mr. Hurley the offered motion to follow the recommendation of the Annexation Technical Review Committee and not annex the area, motion seconded by Mr. McBryde and carried unanimously.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously public hearings were set for the following matters on April 28, 1980:

A. Consideration of the rezoning from R5A Residential District to C1 Local Business District or to a more restrictive zoning classification an area located at 1908 Murchison Road.

B. Consideration of the rezoning from R5 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification an area located at 317 B Street.

C. Consideration of the initial zoning to C1P Shopping Center District or to a more restrictive zoning classification an area located to the rear of 4299 Raeford Road.

Planning Board matters:

Planner Mitchell presented consideration of First Citizens Bank C1P Shopping Center District Review located at the intersection of Ramsey Street and Law Road and stated that Planning Board recommended conditional approval subject to their memorandum of March 24, to the City Council. The memorandum contained nine conditions of approval.

Council recognized Mr. Don Brewer, City Officer of First Citizens Bank and Trust Company, who requested waiver of condition No. 9, which was that prior to occupancy, the southernmost driveway be permanently closed (including new curbing and landscaping)and that only one driveway ever be permitted off Ramsey Street which shall be at least 75 feet from the intersection. This may include using the existing northern driveway, redesigning the northern driveway or replacing and designing a new driveway, but only one driveway will be permitted. Mr. Brewer stated that this branch bank is being rebuilt further back on the lot to allow for additional room and that the bank would have three drive-in windows to serve their customers. He stated

that despite Planning Staff and Planning Board's recommendations, they did not anticipate any traffic problem with this set up.

There was then considerable discussion of this matter and of Mr. Brewer's request.

Following this discussion, Mr. Williams offered motion that the City Council follow the recommendation of the Planning Board and grant conditional approval as recommended with the deletion of condition No. 9, seconded by Mr. McBryde and carried, Mr. Dawkins abstaining to vote.

PWC Matters:

Mr. Ray Muench, PWC Manager presented this matter, which was the consideration of approval for a proposed easement for utilities installations to serve the new Westinghouse Plant at the intersection of Airport and Doc Bennett Road for execution by the City of Fayetteville. Mr. Muench stated that this easement which would be granted by Westinghouse Electric Corporation to the City of Fayetteville through the Public Works Commission gives andgrants an easement to build and maintain and operate sanitary sewer lines and accessories, in, on, under and over Westinghouse property. He stated that PWC recommends approval and that the Mayor and Clerk be authorized to sign this easement.

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

Council next gave consideration to a report from the Appearance Commission concerning the proposed design of the new ceramics building. (This matter continued from the March 10, meeting).

Council recongized Mr. Mike Currin, Chairman of the Appearance Commission, who presented this matter. He stated that the commission unanimously recommends that the City hire a qualified architect to design the new ceramics building in such a manner that it is a quality addition to the Honeycutt Park. In order to ensure that the new building and the new accompanying improvements are properly located, the commission further recommends that an architect also prepare an overall plan which will show future development of the park. Mr. Currin said the reasons for the foregoing recommendation were as follows:

1) The site information originally provided made it difficult to understand the relationship of the proposed building to the other elements on the site, since future expansion of the building had not been considered.

2) The building design lacks imagination.

3) The building should have a better relationship to the existing recreation center.

3) The landscaping for this portion of the site should be considered as part of the entire park.

Following Mr. Currin's presentation, there was considerable discussion by the Council. Mayor Finch suggested that an all-purpose center be considered for this site rather than just a ceramics building.

Councilman Johnson commended the Appearance Commission and the Engineering Department for their efforts and suggested using the Prince Charles Hotel for this purpose.

Following some further discussion, Mrs. Evans offered motion to delay action on this matter at this time and refer it back to the Appearance Commission, the Recreation and Parks Commission and any other agency or commission which should consider it such as the Buildings and Properties Committee and the Budget Committee, motion seconded by Mr. Johnson and carried unanimously.

Council next gave consideration to the awarding of the general audit contract for the fiscal year ending June 30, 1980.

Assistant City Manager, John Smith presented this matter and informed Council that in response to our request for proposals for audit services, we have received proposals from the following firms:

Cherry, Bekaert and Holland
Haigh and VonRosenburg
Pittard and Perry, Incorporated

He provided Council with copies of proposals along with the City Staff's analysis. He stated the time and cost estimates were as follows:

Cherry, Bekaert and Holland	- $15,450.
Haigh & VonRosenburg	- $22,500.
Pittard & Perry, Inc.	- $16,500.

He stated the recommendation of the staff was for Cherry, Bekaert and Holland, based primarily on cost inasmuch as all three of the firms could provide the service required by the City for auditing purposes.

Following a brief discussion, Mr. Johnson offered motion to follow the foregoing recommendation of the Assistant City Manager and award to contract to Cherry, Bekaert, and Holland, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to the approval of the contract to audit the City of Fayetteville Community Development Block Grant Accounts. The City Manager presented this matter and recommended that the firm of Haigh & VonRosenburg, CPA's be awarded this contract for $2,350. City Manager Thomas stated that the regular auditing contract does not cover special examinations required by Federal authorities and these examinations normally require separate reports in a format prescribed by federal guides. The estimated fee is based on the accounting records being completed timely and statements made available for audit. The City Manager stated the Fayetteville Redevelopment Commission concurs in this recommendation.

Following a brief discussion, Mrs. Evans offered motion for approval of the foregoing and award of the contract to Haigh & VonRosenburg for City of Fayetteville Community Development Block Grant for $2,350., motion seconded by Mr. Hurley and carried unanimously.

Council next gave consideration to a request to have substandard housing demolition ordinance No. NS1979-85 rescinded for 5703 Rosehill Road.

The City Attorney presented this matter and stated he was in receipt of a communication from Attorney Jerome B. Clark, Jr. requesting this action and he concurred in the request. Attorney Clark was recognized and stated that several weeks ago, the City of Fayetteville issued a permit to Vivian Carter Clark to renovate the residence of her mother on Rosehill Road which was damaged by fire some time ago. On the strength of this permit, Mrs. Clark and her husband proceeded with the work and arranged for a $7,000. loan. After all of this was done, Mr. Clark stated, the Building Inspector revoked the permit and now everything is at a standstill. He stated he felt his clients had been unfairly treated in this matter and requested Council to give them a chance to bring this property back to life. The City Attorney stated that if Council looked with favor upon this request would need to rescind Ordinance No. NS1979-85, adopted last October, which ordered the dwelling demolished. He recommended that Council rescind the Ordinance and reinstate the building permit since it appeared the property would be restored and hopefully at an increased tax value. In responseto a query, Mr. Clark stated that the loan had been approved for Mrs. Clark.

Following a brief discussion, Mr. Williams offered motion for approval of the foregoing request and that Ordinance No. NS1979-85 be and the same is hereby revoked and rescinded, motion seconded by Mr. Johnson and carried unanimously.

Council next gave consideration to a report on Russell Street railroad crossings and railroad improvements. The City Engineer presented this matter and stated that the Seaboard Coastline Railroad has scheduled the work for upgrading the crossings. The project also include completely rebuilding the track to include placing 1400 ft. long sections of welded rails. They plan to unload the rails on the north side of the track during the first week of April and begin construction work about two weeks thereafter. The original plan was to begin construction work in the first week of April, however, the two recent derailments in the Fayetteville area will cause an approximate two week delay in starting this construction work. The stacking of the rails will block the crossings at Cool Spring and Alexander Streets.

Mr. Frank Pittman of the Seaboard Coastline Railroad was recognized stated that these crossings would be closed approximately 21 days. The City Engineer stated that no problem with traffic movement was anticipated since signs would be installed.

Following a brief discussion, Mr. Williams offered motion to approve the temporary closing of the crossings at Cool Spring Street and Alexander Street at the Seaboard Coastline for construction purposes, motion seconded by Mr. Dawkins and carried unanimously.

City Engineer Bennett suggested a public service announcement with publication of a map for the driving public. There was no objection voiced to the publication of this announcement.

Council next gave consideration to a permit to conduct a fund raising activity on Sunday May 4, 1980, by the Fine Arts Council of Fayetteville. The City Manager presented this matter and stated he was in receipt of a letter from the Fine Arts Council concerning this which was the annual Sunday-On-The-Square activity. The fund raising activity will be in a substantially the same form as conducted the last six years, and shall consist among other activities of the sale of arts and crafts, food stuffs, drinks, baked goods, entertainment tickets, a raffle 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 of the first blocks of Gillespie, Person, Hay and Green Streets. The City Manager recommended approval.

Mr. Williams then offered motion for approval of the foregoing request as

presented subject to the legality of a raffle, motion seconded by Mr. Hurley and carried unanimously.

Council next gave consideration to approval for the YMCA "Striders" Runners Club to plan a one, six, and 13.1 mile run in conjunction with the May 4 Sunday-On-The-Square festivities. The City Manager presented this matter and stated that the first run would be from PWC Offices to Cross Creek Park. The second run would be from the YMCA down Morganton Road and Hay Street to Cross Creek Park. The third run would be from the YMCA down Morganton Road to the downtown area to Rowan Street, Bragg Boulevard and return to the YMCA. This has been coordinated with the Police Department, he stated and recommended approval.

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

Council next gave consideration to a request that a walk permit be granted to the March of Dimes for the 1980 Superwalk on Saturday, March 29, and a rain date of Sunday, March 30.

The City Manager presented this matter and stated that the walk would start at the JayCee Fairgrounds on N.C. 87, proceed to Doc Bennett Road to Airport Road along 301-95 and return to the JayCee Fairgrounds. This would be coordinated with the Police Department and he recommended approval.

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

Council next gave consideration to appointments. The first was to the Human Relations Advisory Commission. Three nominations had been made at the last meeting by Mr. Johnson, however, Mr. Johnson stated that two of the nominees, Mrs. Voncyle Davis and Mrs. Diane Smith had requested that they not be considered and no committment had been received to date from the third nominee, Nancy Best.

Mr. Johnson then nominated Jesse Stewart to the Human Relations Advisory Commission. Mayor Finch stated this would be considered at the next meeting of the Council.

Council next considered appointments to the Building Code Review Committee. Mr. Fleet Russ and Mr. Dohn Broadwell had been nominated at the last meeting.

Mr. Dawkins offered motion that Mr. Fleet Russ representing the Board of Realtors and Mr. Dohn Broadwell representing Home Builders be appointed by acclamation to the Building Code Review Committee for three year terms of office each said terms running to March 1983, seconded by Mr. Williams and carried unanimously.

Mr Dawkins then nominated Mr. A.D. Maxwell, representing the architects to this committee.

Mayor Finch stated that this third and final nominee would be considered at the next meeting of the Council.

Delegations:

Council recognized Mr. Clinton Harris, a private citizen, who had comments on the safety of children in the residential area rather than commercial areas when rezoning property.

Council recognized Mr. McBryde who gave a report from the Property Committee and recommended that the City Council ask the centralcity churches to make a proposal on the use of the Prince Charles Hotel.

Mr. McBryde further reported that the Building and Properties Committee recommend that the City of Fayetteville and the Vanstory Estate jointly repair the north wall of the VanStory building on the corner of Franklin and Gillespie Streets. The VanStory Estate should pay $6,852. as offered in November 1978, and the City should pay the remainder of $11,044. A total of $17,896. We suggest that in the future matters like this be brought to the City Council's attention immediately.

We would like a condition of this to be that the City convey it's half interest in the wall to the VanStory Estate when the renovation is completed.

Mr. Johnson of Branch Banking and Trust Company representing the VanStorys was present and recognized, and stated that he was in agreement but that there should be no restrictions such as the City possibly wanting the wall back at some future date. He was assured that this would not happen by the Council. He assured Council that they would not place any ads on the wall but aluminum siding on top and stucco on the bottom.

Mrs. Evans then offered motion that we follow the recommendation of the Building and Properties Committee, seconded by Mr. Hurley and carried unanimously.

City Manager reports:

The City Manager stated that in January of this year, Council approved the purchase of

thirteen police sedans and one window van for the Police Department from Royal Dodge, the low bidder. Ford and Chevrolet were the next two bidders respectively. Royal Dodge is now closed down and he stated he had received an answer on Thursday that Chrysler could not honor the bid for the vehicles. The City Manager stated that he is now analyzing the other bids from Ford and Chevrolet. He requested a forty-five minute special meeting to present this matter to the Council for action. City Council set Friday, March 28, at 12 noon in the Kyle House for this special meeting.

Matters of interest to the City Council:

Mr. Williams suggested a meeting of the Policy Committee. Mr. Williams also suggested that the financial statments not be sent to the City Councilmembers, but rather to the City Manager's office and the Kyle House. This suggestion was made, he stated in order to save the City money.

Mr. Johnson suggested that Joint Planning Department use both sides of the paper on their reports, also as a saving effort.

Mr. McBryde extended thanks to the City Engineer for cleaning the 400 block of Hay Street.

Mrs. Evans asked about the parking authority. It was suggested that a committee be appointed to study this matter.

Mr. Hurley stated he had enjoyed the meeting tonight.

Mayor Finch informed the Council that when the Fayetteville Metropolitan Housing Authority makes application for grants under Section 8, of the existing Housing Program, it is a requirement that the Executive Officer sign such applications. The only requirement, she stated, is for her signature. She stated she was presenting this information to Council in order to familiarize them with this procedure and to notify them of her required action. Mr. Harry Jones, Executive Director for the Authority was present and offered additional explanation.

Mayor Finch informed Council that in the past, she had been holding monthly neighborhood meetings except during the year end holiday season in order to hear suggestions or complaints from the public regarding City Government. Response to these meetings had been fairly good she said, however, she felt there was a necessity for a change, so therefore, she was considering and asked Council to consider, the setting up of four community meetings for citizens to attend concerning use of funds in the City budget. She stated that if there was no objection from Council she would proceed with setting up these meetings. There was no objection.

Thereafter, all matters of business having been completed, this meeting was adjourned at 10:00 P.M. upon motion made and duly seconded.

Maurice W. Downs
City Clerk

SPECIAL MEETING
FRIDAY, MARCH 28, 1980
12:00 NOON
KYLE HOUSE

Present: Mayor Beth Finch

Councilmembers: Wayne Williams, Aaron Johnson, J.L. Dawkins, Milo McBryde, Mildred Evans, Bill Hurley.

Others Present: William G. Thomas, III, City Manager
Robert Cogswell, City Attorney
Al Jordan, Purchasing Agent
Danny Dixon, Chief of Police

Mayor Finch called the meeting to order and called on City Manager Thomas to make the presentation.

Mr. Thomas stated this concerned the 13 midsized police sedans. They were advertised in September, 1978. They were not satisfied with the specifications so they were readvertised in December 1978. Bids were received and award was made in January, 1979, to Royal Dodge for their bid of $85,787.00 which was low. A van was also included which was delivered in January by Royal Dodge. The other bids were by LaFayette Ford-$91,000.00 and M&O Chevrolet-$96,996.51.

Royal Dodge closed recently and could not honor their bid for the 13 police cars. Mr. Thomas then displayed specifications for the police cars along with the original bids and gave the following three options for Council: No.1, that the exceptions are not that significant and we will accept a smaller, lighter vehicle. No. 2, that the cars must meet out specifications and that is the only thing we will accept and No.3, set this money aside in this years budget, add it to next years budget so Police Department could get 26 or 30 of the cars on the state contract. Mr. Thomas recommended the 3rd option.

There was then discussion of the options.

Mr. Jordan commented on the specifications.

Chief Dixon commented on the specifications.

There was then further discussion.

Mr. Williams then offered motion that Council enter into official session. Motion seconded by Mrs. Evans and carried unanimously.

Mr. Williams then offered motion that we accept the responsive bid for $91,000.00 for the 13 Ford Sedans as presented by the City Manager. Motion seconded by Mr. Dawkins and carried unanimously.

Mayor Finch then informed Council that she desired Council to meet in an old fashioned discussion session or sessions to talk about the future of the City. These meetings could be wherever Council desired and would be open to the public. She asked Council to think about it.

The meeting was then adjourned at 12:45 p.m. upon motion made and duly seconded.

Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CMAMBER
APRIL 14, 1980
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. Robert Cogswell, City Attorney
Mr. Ray Meunch, PWC Manager

Mayor Finch called the meeting to order and the Reverend David Dunlap of John Wesley United Methodist Church led the invocation. Following the invocation, Mayor Finch led the audience in the Pledge of Allegiance.

Mayor Finch recognized the 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. Williams, seconded by Mr. McBryde and carried unanimously the minutes of the regular meeting of March 24, 1980, were approved as submitted by the City Clerk.

Upon motion by Mr. McBryde, seconded by Mr. Williams and carried unanimously, minutes of a special meeting of March 28, 1980, were approved as submitted by the City Clerk.

At this point Mayor Finch asked that adjustments be made in the agenda tonight, the addition of 16a, a report from the Chairman of the Building and Property Committee. Also, Mr. Cogswell asked for an executive session at the end of the meeting. There were no objections.

Public hearings to be set:

Mr. Williams offered motion, seconded by Mr. Johnson and carried unanimously, to set the regular meeting for the second meeting in May for Tuesday, May 27, and to hear the following public hearings:

A. The consideration of Transit Fare Revisions.

B. The consideration of revision of the transit route #9 - Wilmington Road-Hwy. 87-Airport.

The next item was the consideration of a resolution requesting the designation of the Fayetteville/Hope Mills/Spring Lake Urban Cluster as a Statewide Growth Center.

Mr. Mitchell of the Planning Department presented this matter and stated that this is the official state growth policy developed by the Hunt Administration and supported by the General Assembly. The plan itself encourages economic progress and job opportunities through the state, while at the same time maintaining the state's historically dispersed population pattern. It allows individual local areas to determine whether or not they desire to become growth centers. It provides the state a rational basis for allocating limited economic development resources to those areas that have both a declared desire to grow and demonstrated capacity to support growth. The growth center boundary includes the core - an incorporated municipality or municipalities, all adjacent census enumeration districts with a density of at least 200 or more persons per square mile and any adjacent areas that are currently serviced by public water and sewer systems. A growth center can contain more than one city, town, and/or county and requires joint action. This area applies to the highest designation which is a Statewide Center. This includes the state's largest metropolitan centers, which play a significant role in the state's total development, major trade and business centers, tourist centers, governmental centers, cultural and entertainment centers and contains more than 3% of the state's population or retail sales. The benefits at this time are very limited, but in the future we're hoping for more benefits to improve the program. The obligations are to continue to support orderly growth and development and the preservation of natural resources. It is the Planning Staff's recommendation at this time to:

1. Agree to a joint effort to seek designation of Fayetteville, Hope Mills, and Spring Lake and adjacent unincorporated portions of Cumberland County as a statewide growth center.

2. Adopt a resolution officially requesting the Statewide Growth Center designation.

3. Authorize the County Planning Director to compile and submit the growth center application, and authorize the Mayor/County Commission Chairman to sign

the application.

4. Authorize the Joint Planning Board to annually review the status of the growth center designation, and to recommend needed modifications in the growth center boundary and supporting technical data.

Mrs. Evans offered motion to follow the recommendation of the Planning Director and authorize the Planning Department to submit on behalf of the City Council, the necessary growth center application, seconded by Mr. Williams and carried unanimously.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL REQUESTING FAYETTEVILLE/HOPE MILLS/ SPRING LAKE BE DESIGNATED A STATEWIDE GROWTH CENTER. RESOLUTION NO. R1980-16.

A copy of this resolution is on file in the Clerk's office in Resolutions Book R1980.

PWC matters:

Mr. Muench presented this matter and recommended that Council approve an application for 4-inch sanitary sewer connection to existing main to serve residents at 2309 and 2313 Camden Road.

Mr. Williams offered motion, seconded by Mr. Johnson and carried unanimously, to follow the recommendation of the PWC Manager and approve the application.

The next item was the consideration of approval of Budget Ordinance changes.

Mr. Smith, Assistant City Manager presented this matter and stated these ordinance changes are recommended to bring the 79-80 Budget ordinance up to date with Budget amendments. These amendments reflect changes due to Council actions, auditors recommendations and increased costs. In the future, amendments will be submitted on a regular basis as needed. The general purpose of change #3 is to reflect actions which have already been taken by City Council in such things as the approval of grant applications. transfers from Council contingency and award of contracts. Whenever Council, by a simple motion agrees to file an application or to fund items from contingency, the law still requires a formal budget ordinance amendment. Amendment #3 incorporates all actions taken by Council since July 1, 1979, which affect the budget ordinance.

1979-80 BUDGET ORDINANCE AMENDMENT-CHANGE 3. ORDINANCE NO. NS1980-14.

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

Mr. Smith stated that the purpose of change #4 is to delete the $180,000. from Other Appropriations and allocating it to the various other departments due to the revision of the cost of living increase.

1979-80 BUDGET ORDINANCE AMENDMENT-CHANGE 4. ORDINANCE NO. NS1980-15.

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

Mr. Smith stated that change #5 is for implementation of recommendations by Haigh and VonRosenburg in the 1978-79 audit, specifically the elimination of the cost redistribution accounts in the I.D. Bureau, Police, Fire and Street Manitenance budgets and inclusion of those funds in the revenue accounts, revisions of revenue estimates to reflect collection of the recently discovered back taxes, overestimates of the State collected franchise tax, increase in fare box receipts from the transit system and increase in collection of sponsor group receipts and expenses, allowances for the cost of maintaining the Prince Charles Hotel.

1979-80 BUDGET ORDINANCE AMENDMENT-CHANGE 5. ORDINANCE NO. NS1980-16.

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

The next item was the consideration of a report by the Personnel Committee recommending approval of adjustments to the City of Fayetteville Pay Plan and addition of new positions in the FY1979-1980 Budget and a proposal for a classification study.

Mrs. Evans presented the following changes in classifications:

A. Engineering
   1. Traffic Safety Foreman - Grade 13 to Grade 16
   2. Traffic Services Paint and Sign Foreman-Grade 11 to Grade 12
   3. Traffic Services Electrician-Grade 10 to Grade 12

B. Recreation and Parks

1. Ceramics Supervisor-Grade 8 to Grade 12
2. Assistant Ceramics Supervisor-Grade 4 to Grade 8
3. Program Supervisor-Grade 13 to Grade 15

II. Change in Position

A. Engineering
1. Steno I to Secretary-Grade 6 to Grade 9
2. Truck Driver I to Equipment Maintenance Technician-Grade 5 to Grade 12

III. Changes in Grade

A. Fire

1. Platoon Commander to Battalion Chief-Grade 19 to Grade 20
2. Fire Marshall-Grade 19 to Grade 20

IV. Reorganization
A. Fire
1. Creation of six new Fire Captain positions

V. New positions
A. Finance
1. Computer programmer
2. Budget Director

B. Executive
1. Transit Planner

C. I.D. Bureau
1. Clerk Typist(substitute)

D. Engineering
1. Construction Inspector

There was considerable discussion concerning this matter.

Mr. Dawkins offered motion to accept the report with the exception of Section 5 and request further information on the two Finance positions by the next meeting, seconded by Mr. McBryde and carried unanimously.

Carol Parker, Personnel Director then presented to Council the proposal for a classification study for the City of Fayetteville.

Mrs. Parker stated that the Personnel Department is requesting approval of a classification study to be done by a group of outside consultants, Municipal Advisors, Inc. of Falls Church, Virginia. The last classification study was performed by the Institute of Government in 1966. The Personnel Department staff does not have the expertise in order to perform the study within an acceptable time frame. The estimated cost of the proposed study is $11,215. There is currently $8,000. budgeted and an additional $3,215. will be needed for the study. The estimated starting date for the study is May 15, 1980. Mrs. Parker requested approval of the study.

Mrs. Evans offered motion to follow the recommendation of the Personnel Director and approve the classification study, seconded by Mr. Johnson and carried unanimously.

The next item was the consideration of suggested street resurfacing list.

Mr. Johnson offered motion that this matter be referred to the Roads and Streets Committee along with more information and make a report to Council at the next meeting, seconded by Mrs. Evans and carried unanimously.

The next item was the consideration of contract for consultant services for a traffic signal system needs study.

Mr. Bennett presented this matter and stated that Fayetteville recently received a partial grant for this study through the Governor's Highway Safety Office. This study is to include traffic signals on the state highway system as well as signals in the city street system. A committeewas appointed to represent the state throughout this project and to work with the City Staff. The committee has met several times and has received proposals for doing the study from several consultants. The committee unanimously recommended the firm of Wilbur Smith and Associates to provide the study. Mr. Bennett recommended awarding the contract for the study to Wilbur Smith and Associates. The total cost of the study is $50,000. The grant is for $35,000. The City's share of the cost is $15,000.

Mr. Williams offered motion to follow the recommendation of the City Engineer and approve the contract, seconded by Mr. Hurley and carried; Mr. McBryde voting no.

The next item was the consideration of a request from a resident of 1922 Forest Hill Drive for city participation in drainage.

Mr. Bennett presented this matter and stated that the request is in accordance with the City policy for one-half participation in the drainage cost. There is an existing easement dedicated to the City along the route of the proposed pipeline. He recommended approval of the request plus 10% of contingency factor for unforseen construction cost and budgeting $9,500 (one-half of $19,000), and authorize the project to proceed. A proposal has been made by McDonald Grading Co. in the amount of $17,415.50.

Mrs. Evans offered motion to follow the recommendation of the City Engineer and approve the request, seconded by Mr. McBryde and carried unanimously.

The next item was a request from several owners or residents along Beaumont Road to prohibit parking.

Mr. Bennett presented this matter and stated that because of patients, employees, and customers of the Cape Fear Valley Hospital and surrounding medical clinics and commercial businesses park their vehicles at will on this road. The residents often have their view obstructed and on occasion have had their driveways blocked. The parking problems have been verified by the Engineering Traffic Department and the Police Department.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 11-PARKING PROHIBITED-BEAUMONT ROAD. ORDINANCE NO. NS1980-17.

Mr. McBryde 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 NS1980.

The next item was the consideration of revision of "No Turn on Red" Ordinance as suggested in a letter from NCDOT Secretary of Transportation, Thomas W. Bradshaw, to Mayor Finch dated March 17, 1980.

Mr. Bennett presented this matter and stated that NCDOT is recommending 4 state-wide measures to conserve energy related to traffic operations. These measures are outlined in the letter. Where feasible, replace stop signs with yield and remove all unnecessary "No Turn on Red" signs on signals. Presently the city has 30 right turn movements prohibited on the red signal. These have been reviewed and we recommend 5 of these prohibitions be eliminated at the following locations:

Campbell Avenue-Cool Spring Street, Campbell Avenue-Old Wilmington Road, Franklin Street-Maxwell Street, Hay Street-Old Street-Ray Avenue.

We concur in placing all appropriate signals on flashing during the period between 10:00 P.M. and 6:00 A.M. and believe this should be coordinated with NCDOT for changing their signals to flash.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 16-"PROHIBITIONS OF RIGHT TURNS ON RED SIGNAL". ORDINANCE NO. NS1980-18.

Mr. Williams offered motion to adopt the energy conservation measure relating to the traffic operation as presented and adopt the foregoing ordinance, seconded by Mr. McBryde and carried unanimously.

A copy of this ordinance is on file in the Clerk's office in Ordinance Book NS1980.

The next item was the consideration of proposed leases with Fayetteville Optical Company and Vera Bulla Travel Agency.

Mr. Cogswell presented this matter and asked that Council authorize the leases.

Mr. Williams offered motion to accept the two leases as presented with two changes: in paragraph 3, $300. instead of $1,250., and in paragraph 5, 60 days in lieu of 30, seconded by Mr. McBryde and carried unanimously.

The next item was the consideration of approval of proposal by Barton-Aschman Associates.

Mr. Smith, Assistant City Manager presented this matter. He presented to Council the figures showing revenue, expenditures, and net cost. He stated that while ridership and revenue are on a definite upswing, and we anticipate that this will continue, operating costs are also increasing. City Administration feels that the time has come for the city to make an overall review of the operation

and management of the system so that we can plan for the future with the goal of maximizing service and revenues, while holding the City's share of the operating cost in check. In order to do this we have asked Barton-Aschman Associates to give us a proposal for two studies. An organization and management study and a detailed route evaluation study. They have conducted a number of transportation studies for the Planning Board and the City including the Ground Transportation Center Study which is currently underway. While they are a national firm, they have intimate knowledge of Fayetteville and the Transit System. We recommend that City Council authorize the City Manager to execute a contract with Barton-Aschman Associates for Phase I, which is the Organization and Management Study. The cost of this Phase is $9,000. half of which will be reimbursed by UMTA leaving the City's cost at $4,500. We recommend that the $4,500 be funded from the General Fund Contingency. Consideration should be given for Phase II in the FY80-81 Budget.

Mr. McBryde offered motion to follow the recommendation of the Assistant City Manager and approve the study, seconded by Mr. Williams and carried unanimously.

The next item was the consideration of approval of an Energy Conservation Technical Assistance Grant.

Mr. Thomas presented this matter and stated that the grant was from the Department of Energy to the City in the amount of $3,639. to conduct an energy conservation analysis of four City buildings. The buildings involved are the Airport terminal, Traffic Services, Fire Station #3 and the Central Fire Station. The grant requires an equal match of $3,639. from city funds. The analysis will recommend measures the city can take to reduce energy loss in these buildings. Our recommendation is that the City Council authorize the City Manager to sign the notice accepting the grant.

Mr. McBryde offered motion to continue this matter to April 28, seconded by Mr. Johnson and carried unanimously.

The next item was the consideration of approval of the 1980 Survey and Planning Grant.

Mr. Thomas presented this matter and stated that the grant was for $15,000. for this survey. The City's share is $5,500 and the County's $4,788. The $5,500 match from the city has already been allocated in the 1979-80 budget and there would be no additional cost to the city. He asked for approval for the City Manager to enter into this contract under the condition that we receive the $4,788 from the County.

Mr. Dawkins offered motion to authorize the City Manager to enter into this contract under the conditions specified, seconded by Mr. Hurley and carried unanimously.

The next item was the consideration of a request from the Revitalization Commission for a joint meeting with City Council to discuss an implementation package on downtown improvement projects.

Mr. Dawkins offered motion to schedule the meeting for Monday, May 5, at 7:00 P.M. in the Council Chamber, seconded by Mr. Williams and carried unanimously.

The next item was a report from Mr. McBryde, Chairman of the Building and Property Committee. Mr. McBryde stated that the Building and Property Committee at their meeting on March 20, had decided to recommend to Council to ask the Central City Churches and any other interested parties for proposals to the City on the uses of the Prince Charles Hotel. Mr. McBryde stated that he had been approached by Central City Churches and this was their request.

After some discussion on this matter, Mr. McBryde offered motion to ask the Central City Churches and other interested parties for proposals on the uses of the Prince Charles Hotel within the next 60 days, seconded by Mr. Dawkins and carried unanimously.

The next item was the consideration of Taxi Driver Permits.

Mr. Thomas stated that the following persons had filed application with the Taxi Inspector for permits and had been approved by the Taxi Inspector, Chief of Police and himself:

Ernie Allen Belt	Johnny Giles, Jr.
James Cleveland Williams	Diana L. Hall
Marrion James Curry	Thomas Lee Caldwell, Jr.
Ruby Inez Hall	William James Davis
Kelly Patrick Sullivan	Charles A, Bell

Mr. Williams offered motion to approve the foregoing taxi permits as recommended, seconded by Mr. McBryde and carried unanimously.

The next item on the agenda was appointments.

There were three vacancies to the Human Relations Advisory Commission. Mrs. Nancy Best and Jesse Stewart were nominated at the last meeting.

Mr. McBryde offered motion to appoint Mrs. Nancy Best and Jesse Stewart by acclamation vote to the Human Relations Advisory Commission, said terms to run to March 1982., seconded by Mr. Dawkins and carried unanimously.

Mr. Johnson nominated Mrs. Claudia Simpson to the Human Relations Advisory Commission. Mayor Finch stated that this would be voted on at the next meeting.

There was one appointment to the Building Code Review Committee and Mr. A.D. Maxwell by acclamation vote to the Building Code Review Committee, said term to run to March, 1983, seconded by Mr. McBryde and carried unanimously.

There was one appointment to the Revitalization Commission to fill the unexpired term of Neil Reichle.

Mr. Hurley nominated Mr. HapFowler, Director of the YMCA.

Mayor Finch stated that this would be voted on at the next meeting.

Delegations:

Mr. Clinton Harris was recognized in favor of the Energy Conservation Technical Assistance Program.

City Manager's report:

Mr. Thomas stated that the Fayetteville Area Runners Association (FARA) is planning a one mile fun run, a 5km and a 10km race from the Cross Creek Mall area during the Memorial Day Weekend, Sunday, May 25. Mr. Thomas recommended approval of the request.

Mr. Williams offered motion, seconded by Mr. McBryde and carried unanimously to approve the request for the fun run.

Mr. Thomas then reported to Council two resignations from the Fire Department, that of Mr. Bobby Fulmore and Mr. Clinton Anderson, Jr.

Council noted the resignations.

Mr. Thomas stated that he had a call from Mr. Charlie Rose's office that the UMTA funds had been released. These are the Transit Grants we've been waiting for. For FY1977-78-$218,000. and for FY1978-79-$289,000.

Mr. Thomas then presented to Council a problem dealing with the long weekends and the new system of pickups. He presented an overlay indicating the additional costs. The problem was with the two pick ups per week when one pick up day falls on a holiday. This action requires no decision tonight, he stated, but would like it placed on the agenda for the following meeting.

Mr. Thomas then reminded Council of the Information meeting on Monday. They would hear a recommendation from the Appearance Commission on the new ceramics building, its design, etc., and a presentation on the Recreation and Parks Action Plan.

Mr. Cogswell then presented to Council a resolution requested by the Police Department. Mr. Cogswell stated that in recent weeks Fayetteville had experienced a series of vandalous acts resulting in damage to the private property. This resolution is concerning a reward to anyone providing information leading to the arrest and conviction of those responsible.

Mr. Williams offered motion that the resolution with the change, arrest and/or conviction to arrest and conviction, be adopted, seconded by Mr. Johnson and carried; Mrs. Evans voting no.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL TO OFFER A REWARD TO ANYONE PROVIDING INFORMATION LEADING TO THE ARREST AND CONVICTION OF THOSE RESPONSIBLE FOR ACTS OF VANDALISM INSIDE THE CITY OF FAYETTEVILLE. RESOLUTION NO. R1980-17.

A copy of this resolution is on file in the Clerk's office in Resolutions Book R1980.

Matters of interest to City Council:

Mr. Dawkins expressed his appreciation for the repairs on Hay Street recently.

Mr. Hurley suggested including notice of the neighborhood meetings in the newspaper. He also asked that Mr. Wagner, Chairman of the Senior Citizens Roundtable, who was present tonight, be recognized.

Mayor Finch then reminded everyone of the Budget meeting Tuesday night at the Honeycutt Recreation Center at 7:30 P.M.

Mayor Finch then asked Council to agree on a date for the group meeting they had discussed at the last special meeting, and it was set for Thursday, May 1, at 5:00 P.M. at Mrs. Evans home.

Mayor Finch asked Mr. Thomas and Mr. Bennett to look into handicap parking spaces on Hay Street.

Mr. Mitchell of the Planning Department then presented to Council two sample signs to be placed on property for rezoning. Council approved of the signs.

At 9:35 P.M. Council convened into executive session.

At 9:48 P.M Council reconvened into regular session.

Mr. Dawkins offered motion to grant authorization to the City Attorney to make a settlement in the Ragland case, seconded by Mr. McBryde and carried unanimously.

Thereafter, all matters of business having been completed, this meeting was adjourned at 9:52 upon motion made and duly seconded.

Patricia L. Labiosa
Patricia L. Labiosa
Acting City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
APRIL 28, 1980
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. Robert Cogswell, City Attorney
Mr. Ray Meunch, PWC Manager

Mayor Finch called the meeting to order and the Reverend Vassar W. Jones, Minister of CampGround United Methodist Church, offered the invocation. Following the invocation, Mayor Finch led the assembly in the Pledge of Alleigance to the Flag.

Mayor Finch then recognized the Fayetteville Youth Council Representatives, Robert Leath, Sue Lednicky, Richard Lewis, Christine Manuel, Sam Fleishman, Dawn Dawkins, Kim Lewis, Mary Duane Gillam and Anne Yeago, present in the audience this evening. Mayor Finch stated that these Youth Council Representatives would serve in City Government during Youth Week in May.

The first item of business was the approval of minutes, and upon motion by Mr. Williams, seconded by Mr. Johnson and carried unamiously, minutes of the regular meeting of April 14, 1980, were approved as submitted by the Acting City Clerk.

Mayor Finch then stated that the City Attorney had requested an Executive Session after this regular meeting to discuss a litigation matter.

Public Hearings

A Public Hearing had been published for this date and hour on the consideration of the rezoning from R5A Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located at 1908 Murchison Road. Planning Board recommended approval.

Council recognized Mr. Thomas Council representing the petitioner who requested the rezoning.

There was no opposition present.

Ordinance Title

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R5A RESIDENTIAL DISTRICT TO C1 LOCAL BUSINESS DISTRICT AN AREA LOCATED AT 1908 MURCHISON ROAD. ORDINANCE NO. NS1980-19.

Mr. Williams introduced the foregoing Ordinance and moved its adoption, seconded by Mr. Johnson and carried unamiously.

A copy of the foregoing Ordinance is on file in the Clerk's office in Ordinance Book NS1980.

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 317 B Street. Planning Board recommended denial.

Planner Mitchell informed Council that a letter had been received from the petitioner dated April 1, 1980, requesting a continuance of this matter to a later date, and that he would submit an application for parking. If parking is approved by special use permit, the petitioner will withdraw this petition for rezoning.

There were neither proponents or opponents present.

Following brief discussion, Mrs. Evans offered motion to deny the petition for rezoning, seconded by Mr. Dawkins and carried unamiously.

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 to the rear of 4299 Raeford Road. (This area was annexed to the City on February 25, 1980.) Planning Board recommended approval.

There were neither proponents or opponents present.

Ordinance Title

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO ZONE INITIALLY TO C1P SHOPPING CENTER DISTRICT, AN AREA LOCATED LOCATED TO THE REAR OF 4299 RAEFORD ROAD. ORDINANCE NO. NS1980-20.

Mr. Williams introduced the foregoing Ordinance and moved its adoption, seconded by Mr. McBryde and carried unamiously.

A copy of the foregoing Ordinance is on file in the Clerk's office in Ordinance Book NS1980.

Public Hearings to be set:

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unamiously a Public Hearing was set for May 27, 1980 on the rezoning from C1P Shopping Center District to R5 Residential District or to a more restrictive zoning classification of an area located on the southwest corner of the intersection of the Aberdeen and Rockfish Railroad and the All American Freeway.

Upon motion by Mr. Williams, seconded by Mr. Johnson and carried unamiously a Public Hearing was set for May 27, 1980, on the paving pursuant to petition of Pearl Street from Fort Bragg Road to Manchester Street by the adoption of the following Resolution:

Resolution Title

PRELIMINARY RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION OF PEARL STREET FROM FORT BRAGG ROAD TO MANCHESTER STREET. RESOLUTION NO. R1980-18.

A copy of the foregoing Resolution is on file in the Clerk's office in Resolution Book R1980.

Planning Board Matters:

Council recognized Mr. Larry Carter, of the Cumberland County Joint Planning Board, who presented a 504 Transition Plan regarding nondiscrimination on the basis of handicap in federally assisted programs and activities receiving or benefiting from federal financial assistance. Mr. Carter presented the program in detail and stated it was the Transition Plan for the Fayetteville urbanized area. He stated further the Fayetteville urban transportation planning area had an estimated 227,000 persons. In this area includes a wide range of mass transportation services consisting of the Fayetteville Area System of Transit (FAST), two private bus companies, the Fort Bragg Intrapost Service, 11 Taxi Companies and a number of social service agencies which provide transportation services to their client groups. The purpose of the transportation plan is to document the analysis of the transportation services provided to the handicapped and to outline the changes to be made to eliminate the possibility of discrimination on the basis of handicap. The plan addresses accessibility to vehicles and fixed facilities such as offices. The plan also includes a review of current policies and practices and recommends changes where discrimination may result or may have occured. Mr. Carter requested Council's approval of the plan.

Following brief discussion Mrs. Evans offered motion that we endorse the 504 Transition Plan as presented. Motion was seconded by Mr. Williams and carried unamiously.

Council then recognized Planner Mitchell who presented for consideration Three Colonies, Section 3, Subdivision Extension Review (Preliminary and Final) located south of Cliffdale Road off Lox Drive. Planning Board recommended conditional approval pursuant to their memo of April 28.

Mr. Williams offered motion for approval of the foregoing as recommended by the Planning Board. Motion seconded by Mr. McBryde and carried unamiously.

Public Works Commission Matters:

PWC Manager Muench presented these items.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unamiously, an application was approved for one 1-inch water connection to an existing main to serve church building on Legion Road at the corner of Heidelberg Drive outside the city subject to an annexation agreement.

Upon motion by Mr. Dawkins, seconded by Mr. McBryde and carried unamiously, the low bid of LaFayette Ford Motor Company in the amount of $23,986.00 for two 24,000-pound GVW trucks was approved as recommended by PWC.

Upon motion by Mr Hurley, seconded by McBryde and carried unamiously, the low bid of Johns-Manville Sales Corporation in the amount of $98,850.00 for 21,000 feet of various sizes of asbestos cement water pipe was approved as recommended by PWC.

Upon motion by Mr. McBryde, seconded by Mr. Williams and carried unamiously, the low bid by North Carolina Equipment Company in the amount of $12,524.00 for two

portable air compressors was approved as recommended by PWC.

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

Council next gave consideration to the approval of an Energy Conservation Technical Assistance Grant. (this matter continued from the regular meeting of April 14). The City Manager presented this matter and stated that recommendation is the same as before, but the purpose of the request is to conduct a detailed analysis of four city-owned buildings to determine what energy conservation measures might by implemented. The four buildings are the Traffic Services Building, the Central Fire Station, Fire Station #3, and the Airport Terminal. The grant amount is $3,639 and requires an equal amount from local funds. The grant and matching funds would be used to employ a consultant to perform the energy analysis. The firm is the Progressive Design Collaboratives. He recommended that the City Council authorize the City Manager to sign the notice accepting the grant.

Mrs. Evans suggested that this might be referred to PWC to check and make recommendations back to the City Council. PWC Manager Muench said the analysis would be more detailed than PWC's capabilities. Mr. Muench stated that PWC's Energy Conservation dealt mainly with weather stripping and the like.

In answer to inquiry, Mr. Roger Stancil, assistant to the City Manager, stated that scope of the analysis dealt with matters such as solar energy and the reuse of heat sources and went into much greater depth that PWC's plan.

Following brief discussion, Mr. Williams offered motion that the City Council authorize the City Manager to sign the notice accepting the grant as requested and recommended. Motion seconded by Mrs. Evans and carried Mr. Hurley and Mr. McBryde voting against.

Council next gave a reconsideration to Section V-A 1 and 2 of the report of the personnel committee recommending approval of adjustments to the City of Fayetteville pay plan, addition of new positions in the fiscal year 79-80 budget and a proposal for a classification study. (This matter continued from the April 14 meeting.) Mrs. Carol Parker, City Personnel Department head, presented this matter and reminded Council that they had approved all portions of these adjustments at the April 14 meeting with the exception of Section V-A 1 and 2, which are a Computer Programmer position and a Budget Director position in the city Finance Department. In response to a question from Council as to which of the two positions in her opinion was the more sensitive, Mrs. Parker replied that the Computer Programmer is the one most needed of the two positions. City Manager Thomas corroborated Mrs. Parker's opinion.

Following some discussion of the matter Mrs. Evans offered motion that Council approve the Computer Programmer position. Motion was seconded by Mr. Hurley.

Following some further discussion Mr. Williams offered a substitute motion that the Council leave these options up to the new Finance Department Head for a recommendation. Motion seconded by Mr. McBryde.

Mayor Finch called for vote on the substitute motion, and it was as follows: For the motion: Councilmembers McBryde and Williams. Against the motion: Councilmembers Hurley, Evans, Dawkins and Johnson. Mayor Finch declared the motion lost by a vote of 2 for and 4 against.

Mayor Finch then called for a vote on the original motion to approve the Computer Programmer position and a vote was as follows: For the motion: Councilmembers Hurley, Evans, Dawkins and Johnson. Against the motion: Councilmembers McBryde and Williams. Mayor Finch declared the motion carried, and the Computer Programmer position approved.

Council next gave consideration to a proposed 1979-80 budget amendment ordinance change #6.

PWC Manager Muench presented this item and stated the change affects electric utility operating fund anticipated revenue, water and sanitary sewer utility fund anticipated revenue, water bond capital project fund and anticipated revenue, sanitary sewer bond capital project fund anticipated revenue and other items. He requested Council's approval of the budget amendment.

Mr. Williams then offered motion for approval of the budget amenedment change #6 as requested by the adoption of the following Ordinance, seconded by Mr. Johnson and carried unamiously.

Ordinance Title:

1979-1980 BUDGET ORDINANCE AMENDMENT - CHANGE #6 ORDINANCE NO. NS-1980-21

A copy of the foregoing Ordinance is on file in the Clerk's office in Ordinance book NS1980.

Council next gave consideration to a report from the Chairman of the Streets and Roads Committee on the resurfacing of several streets. Councilman Johnson, Chairman of the Committee, made the presentation. He called on City Engineer Bennett first. The City Engineer stated that there were 230 miles of paved streets, 16 miles of unpaved streets, and 28 miles of state maintained streets inside the City. Mr. Johnson stated that committee's goal is to pave all streets in the City as soon as possible. In response to question, the City Engineer stated that he could let bids on this proposed street paving list to be presented tonight on May 5. Councilman Johnson presented the following list of streets proposed for resurfacing and offered motion that resurfacing be approved. Motion seconded by Mr. Dawkins and carried unamiously.

The streets are as follows:

STREET NAME	FROM	TO
Cool Spring St.	Alexander St.	Russell St.
Gray St.	Ann St.	Rec. Main Bldg.
Langdon St.	Ramsey St.	Creek Bridge
Chester Cir.	McPherson Ave.	McPherson Ave.
Mirror Lake Dr.	Foxhall Rd.	S. Edgewater Dr.
Winding Creek Rd.	Executive Pl.	Brigadoon St.
Marlborough Rd.	Village Dr.	Railroad Track
Colgate Dr.	Elmhurst Dr.	600' from Edmonton Dr.
S. King St.	512 King St.	End
Moore St.	Hillsboro St.	Ramsey St.
Seabrook Rd.	Albany St.	Topeka St.
Lincoln St.	Campbell Ave.	Dead St.
Foxhall-Huntington Rds.	Intersection	
Edinburgh Dr.	Dwirewood Dr.	Colinwood Dr.

Chairman Johnson stated that resurfacing the above list of streets is estimated to cost $189,000, which is currently funded in the street construction budget. With the approval of this list the Engineering Department will proceed immediately to advertise for bids, He concluded.

Council next gave consideration to approving the procedure to select an architect and construct a Ceramics Building.

The City Manager presented this matter and stated that as its first priority, the Recreation and Parks Advisory Commission recommended that the City Council hire an architect and construct a Ceramics Building utilizing the $70,000 for the building. The City would absorb the extra cost of the architect over the $70,000.

Based on the recommendations of the Advisory Commission, the following is recommended:

That the City Council authorize the City Manager to request proposals from local architects.

That based upon proposals received City Council retain an architect.

That working closely with the Recreation and Parks Advisory Commission the architect would design a ceramics building and present the proposed design to the Recreation and Parks Advisory Commission and the Appearance Commission for approval prior to submitting the design to the City Council for approval.

That the architect submit a detailed cost estimate for the entire project along with the proposed design.

Following brief discussion Mrs. Evans offered motion to follow the foregoing recommendation of the City Manager, seconded by Mr. Hurley and carried - Mr. Johnson voting no.

Council next gave consideration to the acceptance of 1977-78 and 1978-79 operating grants for the transit system from UMTA.

The City Manager presented this matter and stated that the City has been advised by the Urban Mass Transit Transportation (UMTA) that the city of Fayetteville's applications for operating assistance for the Transit Department for the following years have been approved:

1977-78	$218,330
1978-79	$289,457

In order to accept these grants, City Council must authorize the City Manager

to execute the agreement related to the grant application. It is our recommendation that the Council take this action, he concluded. Following brief discussion Mr. Dawkins offered motion that the City Council authorize the City Manager to execute the agreement related to the foregoing grant application. Motion seconded by Mr. Williams and carried unamiously.

Council next gave consideration to the rescision of Annexation Ordinance No. 173.

The City Attorney presented this matter and stated that Annexation Ordinance No. 173 was passed on May 26, 1976. This was the annexation of the Cambridge Arms Apartment complex. On September 28, 1978, the Ordinance was declared to be unlawful, invalid, void and of no effect by the Superior Court of Cumberland County. The Court further ordered the Council to rescind the Ordinance. This was the judgment that was appealed and finally decided the earlier part of this year. As you know, the Court of Appeals affirmed the judgment, and the Supreme Court declined to review the case.

Because the Court ordered the Council to rescind the Ordinance, you must officially take that action. A motion, therefore, to rescind Annexation Ordinance No. 173 is in order, he concluded.

Following brief discussion Mr. Williams offered motion, seconded by Mr. Johnson and carried unamiously, that Annexation Ordinance No. 173 enacted May 26, 1976 annexing Cambridge Arms Apartment Complex be and the same is hereby rescinded.

Council next gave consideration to a proposed policy for drainage improvements of privately owned lakes.

Mr. Hurley immediately offered motion that we authorize the City Attorney to draft a policy for Council's adoption which would allow the City to dredge privately owned lakes and build sedimentation catch basins pursuant to a 100% participation signed by lake owners with the property owners, lake owners paying 100% of the cost, with the dredging of the catch basin to be borne by the city as needed. Motion seconded by Mr. Williams.

Following some discussion Mrs. Evans offered motion to amend the foregoing motion that the owner of the lake pay all subsequent expense.

Following some further discussion Mr. Williams withdrew his second to the amended motion.

Mr. McBryde then seconded the motion as amended.

Following some further discussion Mr. Williams then offered substitute motion that we approve the policy and petition as presented by the City Attorney for the drainage project, with the property owners paying 100% of the project and delete the words that said City of Fayetteville pay the remaining cost of said improvement. Motion seconded by Mr. Dawkins.

Following some further discussion Mrs. Finch called for a vote on the substitute motion and it failed unamiously to carry.

Mayor Finch then restated the original amended motion, called for the vote and it was as follows: For - Mrs. Evans, Against - Councilmembers Hurley, McBryde, Dawkins, Johnson and Williams. Mayor Finch declared the motion lost.

Following some further discussion Mr. Hurley moved that a policy be drawn for approval by the Council which would enable the City to dredge the lakes as requested by 100% petition, also to build sedimentation basins if necessary, 100% of this cost being borne by the property owners. Annual maintenance of the catch basins would be borne by the City. Motion seconded by Mr. Williams.

Following some further discussion Mrs. Evans then offered a substitute motion that we authorize the City Attorney to draw up a policy to enable the City of Fayetteville, upon receiving a petition signed by 100% of the lake front property owners requesting aid in drainage improvement of said lakes that the City lend its expertise to carry out this project. This to be done with the understanding that each property owner be assessed a pro-rata share of the expense entailed with no obligation on the part of the City to expend any funds which cannot legally be reclaimed within a period of time not to exceed 5 years. Motion seconded by Mr. McBryde.

Following some further discussion Mayor Finch called for a vote on the substitute motion, and it was as follows: For - Councilmembers Hurley, Evans, McBryde and Dawkins. Against - Councilmembers Johnson and Williams. Mayor Finch declared the substitute motion carried.

Mr. Dawkins then suggested that all Councilmembers having any input into this matter contact the City Attorney to assist him in drawing the drainage policy.

Council next gave consideration to changing of the Human Relations Advisory Commission's name to Human Services Commission and the Department to Department of Human Services.

Council recognized Mr. William C. Freeman, Chairman of the Fayetteville Human Relations Advisory Commission, who stated that the Fayetteville Human Relations Advisory Commission recommends changing the commission's name to the Commission of Human Services and the Department's name to the Department of Human Services. In as much as the scope of the Commission and of the Department is much broader now and has expanded into many more comprehensive programs rather than just race relations, as was intended when it was first established. Mr. Freeman also requested the Council appoint four new members to the Commission to fill existing vacancies and to drop Mr. Robert Gay from the Commission due to non-attendance at meetings. This is provided in the Commission's bylaws.

Following brief discussion Mr. McBryde offered motion to following the foregoing recommendation of the commission and change the name of the Commission to the Commission of Human Services and the Department to the Department of Human Services, and that the Council adopt an ordinance amending the Code of Ordinances section 2-40 to reflect this change. Motion seconded by Mr. Williams and carried unamiously.

The ordinance title appears below.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE CODE OF ORDINANCES SECTION 2-40 TO CHANGE THE NAME OF THE HUMAN RELATIONS ADVISORY COMMISSION TO THE COMMISSION OF HUMAN SERVICES. ORDINANCE NO. S-1980-4.

A copy of the foregoing is to be placed in the files of the City Clerk in Ordinance Book S-1980.

The Mayor advised Mr. Freeman that they were at this time acting upon the appointments he requested, and to submit a letter of request to her office concerning Mr. Robert Gay.

Council next gave consideration of approval of a fee schedule for advertising in City buses.

This matter was presented by Assistant City Manager, John Smith, who stated that a proposed new schedule of rates for the City to charge for advertising in City buses had been prepared. With the increase in ridership, the City has experienced on our City buses we feel there may be a real potential for additional revenue from paid advertising.

Council approval is required of the advertising fees. The fee schedule proposed takes into consideration what other systems are charging and also the average exposure based upon our ridership. The city will reserve the right on an administrative basis to reject any advertisement which the City considers objectionable either in subject matter, appearance or setup.

Following brief discussion Mrs. Evans offered motion for approval of the new fee schedule as presented by the acting City Manager, seconded by Mr. Johnson and carried unamiously.

The new fee schedule appears below:

RATE CARD

April 1, 1980

Average monthly riders: 89,294 (January 1, 1979 - December 1979)

CAR CARDS	FULL SHOWINGS (26 Buses)	HALF SHOWINGS (13 Buses)	
Open Rate	$202.02 Per Month	Open Rate	$111.01
3 Month Run	$192.02 Per Month	3 Month Run	$106.01
6 Month Run	$182.02 Per Month	6 Month Run	$101.01
12 Month Run	$172.02 Per Month	12 Month Run	$ 96.01

Rate based on eight cents (.087¢) per average thousand exposures which is equal to seven dollars ($7.77) and seventy-seven cents per car card, on one bus, for one month.

Rate "does not" include layout, design or printing of Car Cards. Advertisers must furnish own Car Cards.

Council next considered appointments to various commissions.

The first appointment was to the Commission of Human Services. Claudia Simpson had been nominated at the last meeting.

Mr. Williams offered motion that nominations be closed and that Claudia Simpson be appointed by acclamation to this commission for a two-year term of office, said term running until March 1982, seconded by Mrs. Evans and carried unamiously.

The next appointment considered was to the Fayetteville Revitilization Commission. Mr. Hap Fowler had been nominated at the April 14 meeting.

Mr. Dawkins offered motion that nominations be closed and that Mr. Fowler be appointed to the Fayetteville Revitilization Commission to complete the term of office of Mr. Neal Reichle resigned, said term running to June 1982, seconded by Mr. McBryde and carried unamiously.

Council next gave consideration to nominations for one vacancy on the Board of Appeals to replace Dr. Barbara Holmes, resigned. No nominations were made, therefore, Mayor Finch stated this matter would be carried over to the next meeting.

Delegations:

Council recognized Mr. Clinton Harris, a local citizen, who raised the question of a covenant on property rezoned recently concerning sidewalks. Reverend Johnson informed Mr. Harris that the committee is working on a sidewalk policy now for presentation to Council in the near future.

City Manager Reports

The City Manager informed Council that he was in receipt of a letter from the Church of Christ Deciples of the World to have an early morning service on Saturday, May 3, starting at 9:30 am and running until 10:30 am at the new County Courthouse, then to have a parade down Hay Street, Hillsborough Street, Murchison Road to Fayetteville State University. The City Manager stated the County had already given the Church permission to hold the service at the new County Courthouse. He recommended approval of the parade down Hay Street in as much as this had been coordinated with Sergeant Pirro of the Fayetteville Police Department.

Following brief discussion Mr. Hurley offered motion for approval of the foregoing as requested, seconded by Mr. McBryde and carried unamiously.

Council next gave consideration to promotions in the Fire Department.

Upon motion by Mr. McBryde, seconded by Mr. Williams the following named were promoted as shown by unamious vote of the Council as recommended by the Civil Service Commission and the Fire Chief:

To Captain: Harold M. Strickland, Danny M. Matthews, Millard R. Faircloth, Terry W. Winstead, James Watkins and John A. Hobbs.

To Lieutenant: Gregory L. Arnette, Johnny K. Frazee, William E. Colemen, Jr. and David L. Horne.

The City Manager informed Council that $50,000 had been approved in revenue sharing funds for the construction of sidewalks and four areas designated in October located in schools areas. He informed Council that protest had been received from one or more property owners due to the encroachment into plants, shrubs and trees located in the proposed sidewalk construction right-of-way. He suggested to City Council that they hold a public hearing at the next meeting in May that the City Engineer's Office determine the property owners involved, and that they be notified of the public hearing and invited to appear and voice any opposition or ask any questions thay they may have regarding these proposed sidewalk constructions. He proposed this public hearing, he stated, for informational purposes as well as for public relations. City Council agreed with the City Manager's suggestion and requested that it be placed on the agenda for the May 12 meeting, and that the property owners receive written communication.

The City Manager next presented a status report on the garbage transfer station. He informed Council that the construction was completed except for fencing and landscaping, and that the grand opening is scheduled for May 12. All that remained now was a sign for the building, and he presented a layout for such. He suggested, however, that Council may wish to submit the proposed plans for the sign to the Appearance Commission for their study and recommendation. Council was in agreement and requested the City Manager to submit the sign plans to the Appearance Commission.

Council then recognized the City Attorney who stated that his investigation of the person desiring to shoot a cannon on the market square does not have the proper and necessary liability insurance to protect the City. He, therefore, recommended that Council not approve this request until the person provides the proper liability insurance in an adequate amount to protect the City. Council gave tacit approval.

Matters of Interest to the City Council

Mr Hurley informed Council that he would not be able to attend the retreat meeting at Mrs. Evan's house this Thursday evening.

Mr. Hurley reminded Council of the joint meeting with Revitilization Commission next Monday evening, and reminded them further to be present for the film presentation at 7:00 pm prior to the meeting.

Mr. McBryde informed Council that Mr. Bryan Bizzell of the Taxpayers Association invites all Councilmembers to be present to the Taxpayers' meeting in the County Courthouse at 7:30 pm next Friday evening.

Mayor Finch reminded Council that the last budget public hearing meeting would held Tuesday evening in the Lions Center in Massey Hill.

Mayor Finch also reminded Council that the Recreation and Parks open house would be on Thursday afternoon to open their new building.

Mayor Finch reminded Council of the retreat meeting at Mrs. Evan's house on Thursday evening at 5:30 pm.

Mr. Dawkins then offered motion at 9:25 pm, seconded by Mr. McBryde that Council enter into Executive Session to discuss a matter of litigation.

Council then reconvened into regular session at 9:28 pm.

Mr. Williams then offered motion that we give the City Attorney the authority to settle the Ragland case in the amount of $5,000, seconded by Mr. Dawkins and carried unamiously.

Thereafter all matters of business having been concluded, this regular session was adjourned at 9:30 pm upon motion made and duly seconded.

Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MAY 12, 1980
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 C. Thomas, III, City Manager
Mr. Robert Cogswell, City Attorney
Mr. Ray Meunch, PWC Manager

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

Mayor Finch then recognized ten members of the Fire Department and presented them with service pins as follows:

Five Years Service: Gregory Arnett, Sherman Hopkins, Charles Logue, Brian Norwood, Herbert Smith, Thomas Story, John Thomas and Richard Walker.

Ten Years Service: Terry Winstead

Twenty Years Service: James Strickland

Mayor Finch then stated that this was Youth Council Week and that the Fayetteville Youth Council was sitting in with the City Council this week. She then introduced the Youth Council members serving in their counterpart positions as follows: For Councilman Williams - Ann Yeago. For Councilman Johnson - Richard Lewis. For Councilman Dawkins - Tim Lewis. For Councilman McBryde - Christine Manuel. For Councilwoman Evans - Sam Fleishman. For Councilman Hurley - Dawn Dawkins. And for Mayor Finch - Robert Leith.

Mayor Finch then recognized other Youth Council representatives present in the audience - Lee Boughman, Tina Hoffman, Anita Noles and Linda Cobb.

Mayor Finch stated the City Attorney had requested an executive session after the regular session this evening to discuss land matters.

The first item of business was the approval of minutes and upon motion by Mr. Williams, seconded by Mr. Johnson and carried unanimously minutes of the regular meeting were approved as submitted by the Clerk.

Public Hearings

A public hearing was held at this time on the consideration of sidewalk construction at various locations in the city (to be funded from federal revenue sharing monies).

The City Engineer presented this matter and stated that council had approved some months ago the construction of sidewalks in school areas and bus stops throughout the city. The following areas were approved - Ramsey Street, west side from Cochran Avenue to Plantation Road. Foxhall Road, east side from Westchester Drive to Huntington Road. B Street, west side from AdamsStreet to Grove Street. The City Engineer stated that property owners in these areas had been informed of this public hearing tonight and had been invited to be present.

Council recognized Mr. Glen Crummie representing the Vanstory School PTA in favor of the sidewalk construction.

Council also recognized Mr. Bill Johnston, Principal of Vanstory School and Mr. Zolly Bowden, Assistant Superindendant of Fayetteville City Schools, both in favor of the sidewalk construction.

Council then recognized Mr. Herman Cole, a property owner at 2630 Mirror Lake Drive who stated that he was not in favor of the sidewalk construction except on school property. He requested that the sidewalk construction be restricted to school property and not placed on private property, inasmuch as it would destroy crepe myrtle trees and other shrubbery 20 years old in front of his residence. He stated that the majority of school children arrive at Vanstory School by bus, and the need for the sidewalk is at that location.

Council also recognized Mr. David Cain, property owner at 2605 Westchester Drive, who was also opposed to the sidewalk construction in front of his property, but not in front of the schoolhouse for the same reason as Mr. Cole.

Following some discussion of the matter, Mr. McBryde offered motion to proceed with the sidewalk construction as planned, motion seconded by Mrs. Evans and upon being put to vote carried unanimously.

Public Hearings To Be Set

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

A. Consideration of approval of a lease of 334 Hay Street and 115 Ray Avenue (Shoppers Guide Building) for May 27, 1980.

B. Consideration of the 1980 - 81 Transit Operating and Capital Grants under UMTA Section 5, for June 23, 1980.

Planning Board Matters

Planner Al Mitchell requested that consideration be given of Ambassador Shopping Center revision in a C(1)P Shopping Center District (preliminary and final review) located in the southeast quadrant of Ramsey Street (U.S. 401 North) and Carvers Fall Road. Planner Mitchell stated that the Planning Board recommends conditional approval of this matter per their memorandum of May 12, 1980, minus Item No. 10 in the memorandum in the staff recommendation which was an additional driveway because such driveway would add to street congestion and reduce safety along this heavily traveled arterial highway.

Following brief discussion Mr. Williams offered motion to follow the recommendation of the Planning Board and delete Item 10, seconded by Mr. Johnson and carried unanimously.

Council next gave consideration to a resolution relating to the Fayetteville Conceptual Plan - an urban design guideline for the city of Fayetteville. Planner Mitchell presented this matter and stated that the Council had accepted this plan previously but did not adopt it officially. The Planning Board recommended adoption of the plan by Council at this time. The Plannning Board cannot make recommendations until official adoption, he stated.

Following some discussion, Mr. Hurley offered motion that the City Council go on record as officially adopting the Fayetteville Conceptual Plan as presented and for the adoption of the following resolution approving such plan, seconded by Mr. Williams and carried unanimously.

RESOLUTION ADOPTING THE FAYETTEVILLE CONCEPTUAL PLAN, FAYETTEVILLE CITY COUNCIL. RESOLUTION NO. R1980-19.

A copy of the foregoing Resolution is on file in the Clerk's office in the Resolution Book R1980.

Public Works Commission Matters

PWC Manager Meunch presented these items.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously the low negotiated bid by Moreland-McKesson Chemical Company in the amount of $168.98 per dry ton, firm bid 90 days, for 750,000 pounds of caustic soda was approved as recommended by PWC.

Upon motion by Mr. Williams, seconded by Mr. Johnson and carried unanimously the bid of Eastern Electric Company for 500 KVA Transformers at $5,389 each with ownership costs, plus losses, $18,349.57 each unit; and Maddux Supply Company for 300 KVA Transformers at $3,600 each with ownership costs, plus losses, $14,410.45 each unit was approved as recommended by the PWC.

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

Council next gave consideration of a proposed policy for drainage improvements of privately owned lakes. (This matter continued from the April 28th regular meeting)

The City Attorney presented this matter and stated that attached to his memorandum of May 2, 1980, to the Mayor and Council were two separate policy statements concerning the drainage improvement of private lakes based upon what he believed to be the opinion stated by Council at the last Council meeting. They were termed Policy A and Policy B. The only difference between the two, he stated, was whether or not the city-Policy A-or the petitioners-Policy B-would pay for the maintenance of the catch basins. Also attached to each policy, he stated, were petitions that could be used to implement the project.

Mr. Williams commended the staff for the prepar ation of the policies.

Following some discussion Mr. Williams offered motion that we adopt exhibit

(policy) A. Motion seconded by Mr. Hurley. Following some discussion Mayor Finch called for a vote on the motion and it was as follows: For - Councilmembers Hurley and Williams, Against - Councilmembers Evans, McBryde, Dawkins and Johnson. Mayor Finch declared the motion lost.

Mr. Dawkins then offered motion that we adopt policy B. Mrs. Evans seconded the motion with an amendment which was accepted that assessments be paid in five annual installments. Mayor Finch then called for a vote on the motion and it carried unanimously.

Acopy of this policy is on file in the City Clerk's office.

Council next gave consideration to the approval of an ordinance amending Article III, "Boards and Commissions"of Chapter 2 of the Fayetteville City Code, dealing with the Human Services Department. The City Attorney presented this matter and stated the ordinance would amend the Code Section 2 - 52 to delete the words "Director of Human Relations" and substitute the words "Director of Human Services". He recommended adoption of the ordinance.

AN ORDINANCE AMENDING ARTICLE 2 "BOARDS AND COMMISSIONS" OF CHAPTER 2 OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. S1980-5.

Mr. McBryde 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 City Clerk's office in Ordinance Book S1980.

Council next gave consideration to recommendations of the Fayetteville Revitalization Commission regarding a project improvement package and the establishment of a capital project team.

The City Manager presented this matter and recommended approval as presented at the joint meeting last Monday with the Revitilization Commission. He stated this does not change anything that has been passed and may be changed at any time in the future if desired.

He stated that he had reviewed with City Staff the recommendations made by the Fayetteville Revitalization Commission at your joint meeting of May 5, and concur wholeheartedly that the following steps should be taken:

1. A priority implementation package should be selected by Council upon which financial resources and staff attention can be focused. This would not mean that efforts to implement other downtown projects would be dropped, but rather, that implementation of projects included in the package would carry a higher priority. Other projects could be added to the package on a continual basis as resources become available.

   Council should note that projects already committed, such as railroad crossing improvements on Russell Street and the Social Services parking lot, would not be affected in any way by adoption of the proposed implementation package.

2. A capital project team should be set up to coordinate implementation of the package. This group would develop a "critical path" schedule for implementation, and would monitor the progress of implementation against that schedule. Information would flow from the team to Council on a continual basis.

   We would propose that the capital project team consist of a core group plus other individuals who would meet with the core group during specific phases of implementation. The core group would consist of the following (or their designees): Chairman - City Manager Members - Planning Director, Revitalization Commission Director, City Engineer, Grants Coordinator.

   Examples of others who might be involved in specific phases include the following: Finance Director, City Attorney, Transit Director, Recreation and Parks Director, Outside consultants and designers, Public Works Commission Manager (Appearance Commission representative)

   If Council concurs with this structure, we will proceed to organize the team as soon as possible.

It was indicated in the presentation of May 5 that a detailed study of parking demand and revenue will have to be conducted before we can determine the exact amount of revenue bond financing that can be supported for the Maiden Lane parking deck. It was also indicated that the reputation of the firm doing this study will have a bearing on the eventual marketability of our revenue bonds, and that the expertise of the engineering firm Wilbur Smith and Associates of Columbia, South Carolina for this kind of study is widely recognized. Because of the tight time frame in which

the deck will have to be built, we request approval from Council to negotiate a contract with Wilbur Smith and Associates to develop a full demand study, a pro forma operating statement, and bond prospectus for the Maiden Lane structure. We would also propose that an analysis of pricing and control options for existing on-street and off-street parking be included as an adjunct to this study, in order to address recent concerns over the adequacy of metered parking downtown.

We anticipate that the entire study can be accomplished for less than $25,000. The specific negotiated contract amount, of course, would be brought to Council for approval at the earliest meeting possible.

The City Manager then recommended adoption of Section I "Critical Paths".

Mr. McBryde offered motion for adoption of Article I "Critical Paths", seconded by Mr. Williams and carried unanimously.

The City Manager than recommended adoption of the capital project team and asked that he be authorized to organize the team.

Mr. Hurley then offered motion to follow the foregoing recommendation of the City Manager and authorize the organization of the team, seconded by Mr. Williams and carried unanimously.

(Mrs. Evans suggested including the Mayor this team, and the Mayor suggested a scheduled and reporting by the team back to the City Council periodically.)

The City Manager then recommended that Council approve to negotiate the contract with Wilbur Smith and Associates to develop a full demand study, a pro forma operating statement, and bond prospectus for the Maiden Lane structure as outlined in the foregoing memo.

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

Council next gave consideration to the adopting of a project identification sign for downtown Fayetteville Revitalization Projects.

John Monaghan, Direct of Revitalization Department, presented this matter, displayed a model of the sign which would be used to identify revitalization projects and requested Council's adoption. Mr. Monaghan stated that the sign had been designed by Mr. John Rose without cost to the City.

Mr. Dawkins then offered motion, seconded by Mr. Johnson and carried unanimously to adopt the sign as requested and the Council expresses appreciation to Mr. Rose for his design.

Council next gave consideration to the purchase of city property at 315 Hatwood Lane by the Redevelopment Commission.

The City Attorney presented this matter and stated that this property is owned jointly by the City and the County and is in the Simmons Street Area Redevelopment Project. The appraised price as indicated by appraisal is $5,300. The closing statement indicates the countywill receive $2,862 and the city will receive $2,100.02. The difference of $337.98 will be paid directly to the Tax Collector for delinquent city taxes, he stated. He requested Council to authorize the Mayor to sign the closing statement on behalf of the city. Thisis required by General Statutes, he concluded.

Following brief discussion Mrs. Evans offered motion that Council authorize the Mayor to sign the closing statement as recommended, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to bids received for the sale of surplus city buses.

Council recognized Mr. Al Jordan, the city purchasing agent who stated that bids were received and opened on April 16, 1980, for sale of the 21 surplus buses and one lot of miscellaneous used and new bus repair parts. Re-advertisement was made the Fayetteville, Charlotte and Greensboro newspapers in addition to direct mail. One bid was received - that of John N. Schall, Spring Lake, NC, in the amount of $6,666.66. He recommended that the buses be transferred to the single foregoing bidder for the bid amount.

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

Council next gave consideration to a resolution of condemnation of Parcel E-12 for Winslow Street right-of-way. The City Attorney presented this matter and stated that the City Engineer says this is a small vacant lot at the intersection of Winslow Street and Southern Avenue. The entire lot is needed for widening of Winslow

Street and for reconstruction at the intersection. Any severence of the lot renders the lot useless for development; therefore it is recommended that the entire lot be acquired.

The city appraisal of the lot established the value at $7,350 which has been proposed to the property owner. The response from the property owner is that will have to have around $12,000.

We believe the only way the right-of-way can be acquired at a reasonable price is through condemnation action; therefore, it is recommended that Council adopt the condemnation resolution.

RESOLUTION AUTHORIZING CONDEMNATION OF A PARCEL OF LAND FOR WINSLOW STREET PAVING PARCEL E-12. RESOLUTION NO. R1980-20

Mr. McBryde 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 Resolution Book R1980.

Council next gave consideration to the award of contract no. 228 for sidewalk construction to be funded by Federal Revenue Sharing.

The City Engineer introduced this matter and stated that these were the same sidewalk locations as discussed earlier this evening in the meeting and bids had been opened for the construction of these sidewalks on Ramsey Street - westside from Cochran Avenue to Plantation Road; Foxhall Road - east side from Westchester Drive to Huntington Road; and "B" Street - west side from Adams Street to Grove Street. The low bid was submitted by Cobb Paving Company for the sidewalk construction in the amount of $47,610. and he recommended awarding the bid to the low bidder and reserving an additional ten (10%) per cent ($4,761) for contingencies.

Following brief discussion Mr. Williams offered motion for approval of the foregoing as recommended by the City Engineer and awarding the bid to Cobb Paving Company. The motion was seconded by Mr. McBryde and carried unanimously.

Council next game consideration to taxi driver permits.

The City Manager presented this matter and stated that following named are recommended for permits by himself Captain P. D. Warner and Police Chief Daniel K. Dixon:

Elijah Hair, William Joseph Mauldin, Johnnie R. Monroe and Julius Cobb.

Mr. Dawkins offered motion for approval of taxi cab driver permits for the four named as recommended, seconded by Mr. Johnson and carried unanimously.

Council next gave consideration to appointments.

Mr. Williams nominated Mr. Charles W. Readling for the Board of Appeals to replace Dr. Barbara Holmes, resigned. Mayor Finch stated that this matter would be carried over to the next meeting for action.

Delegations:

Council recognized Mr. Clinton Harris, a local citizen, who expressed thanks to the Council for implementing the sidewalk projects and for the use of Revenue Sharing Funds.

City Manager Reports:

The City Manager gave a report on the holiday garbage pickup schedules. The City Manager stated that on the Monday - Thursday pickup schedules, Monday pickup was being eliminated on the days when the city observes Monday as a holiday. He stated that the County landfill is still behind schedule; but that the transfer station is being inspected now, and opening estimated within 48 hours. In view of this considerable time is lost in travel by the garbage pickup trucks. He stated that May 26th, Memorial Day, is the next and final holiday being observed on Monday this year. He suggested to Council that that Monday be a normal pick-up day. He suggested further that other holidaysnext year be a budgetary consideration in the upcoming budget.

Following brief discussion Mr. Williams offered motion that the Council follow the recommendation of the City Manager and schedule a normal garbage pick-up on Monday, May 26th, motion seconded by Mr. Dawkins and carried unanimously.

The City Manager next presented a request for the extension of employment for Mr. C. R. Freeman, the Cemetary Department Superindendent. The City Manager stated that Mr. Freeman was 65 years of age on April 29th this year and had arranged to

retire on May 9th, this year. He cited the 1967 retirement policy requiring retirement at 65 unless extension is recommended by the City Manager and approved by he City Council. Our policy is now in conflict with Federal Law which sets retirement age at 70. Mr. Freeman has requested that he not be retired on May the 9th, but that his employment be extended to December 31 this year. The City Manager recommended approval.

Mr. Dawkins then offered motion, seconded by Mr. McBryde and carried unanimously to approve the extension of Mr. Freeman's employment to December 31st this year as recommended.

The City Manager then informed Council that he had received requests from both Eutaw Shopping Center and Bordeaux Shopping Center for permission to have fireworks displays on Friday, July 4, 1980. Both requests have been investigated the Fire Chief and liability insurance will be provided. The City Manager recommended approval of the requests.

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

This concluded the City Manager's report.

The Mayor announced for the City Manager the Public Hearing tomorrow evening on Revenue Sharing Funds.

Matters of Interest to Council:

Mr. Hurley requested the City Engineer to closely supervise the sidewalk construction at the Cole and Cain properties in Vanstory Hills.

Mayor Finch recognized Mr. L. C. Barbour, past president of the Fayetteville Youth Council, present in the audience, and now working with the City Transit Department.

The Mayor stated that it had been suggested to set meeting dates for discussion of the 1980-81 budget. It was suggested and tentatively approved to hold the budget sessions at 7:00 pm in the Kyle House on June 2 - 5 (Monday through Thursday). Mr. Williams then moved at 8:45 pm that Council enter into Executive Session to discuss land matters, seconded by Mr. Johnson and carried unanimously.

Council then reconvened into regular session at 8:50 pm.

The City Attorney recommended that the Council purchase the Mrs. Lillian Elfmon Kent property 1,293.9 sq. ft. immediately to the rear of her property, which fronts on Person Street, which is in the area of the proposed municipal parking lot for $3,500 and that the City enter into agreement with Mrs. Kent that she or her successors be given the right of ingress and egress across city's parking lot to the parking lot which she will have behind her building, and if the city ever sells the property that she will be given an easement at the eastern perimeter of the city's property and that the right of ingress and egress be solely for automobiles and not for delivery vehicles, maintenance vehicles or other types of commercial vehicles servicing her building.

Mr. Hurley then offered motion to follow the foregoing recommendation of the City Attorney, seconded by Mr. McBryde and carried unanimously.

Thereafter, all matters of business having been concluded, this meeting was adjourned at 8:57 pm upon motion made and duly seconded.

Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MAY 27, 1980
7:00 P.M.

Present: Mayor Beth Finch

Council Members: Wayne Williams, Aaron Johnson, J. L. Dawkins, Milo McBryde, Mildred Evans and Bill Hurley.

OthersPresent: 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 William E. Bosworth, Associate Minister of Hay Street United Methodist Church offered the invocation. Following the invocation Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch then recognized Mr. William Burgess representing the local Lodge of the Woodmen of the World, who presented a flag representing a total gift of 50 U.S. Flags to the city for the streets to replace those previously given. Mr. Burgess made brief comments on the history of the flag, and then made the presentation to the Mayor. Mayor Finch thanked Mr. Burgess and the local Lodge of the Woodmen of the World for the presentation of the flags and stated they would be flown at the earliest moment.

Mayor Finch then recognized Fayetteville Youth Council member Sam Fleishman who presented to Council minutes of the Youth Council council meeting held last week during youth week and who also presented a proclamation to the City Council regarding Youth Week. Sam then thanked the Mayor and Council for their cooperation. Mayor Finch extended thanks of the Council to Sam and stated they were looking forward at any time to working with the Youth Council.

Mayor Finch then recognized Fayetteville Youth Representatives Lee Boughman, Robert Leath, Bobby Bosworth and Leigh Hobgood present in the audience to observe Council preceedings.

Mayor Finch then announced there would be a change in the agenda this evening. Item 12 on the closing of Melba Drive would be moved up to the Public Hearings to be set section under Item 3 and a public hearing set at such time as this item was reached on the agenda.

First order of business was the approval of minutes and upon motion by Mr. Williams, seconded by Mr. Johnson and carried unanimously minutes of the regular meeting of May 12th were approved as submitted by the Clerk.

Public Hearings:

The first public hearing was on the consideration of transit fare revision. Roger Stancil, Administrative Assistant to the City Manager, presented this matter and stated that since the city began operations of the Transit Department in 1976, the cost of operation had continued to escalate. He then presented facts and figures on fare revenues and costs. He stated the cost of diesel fuel had risen along with tires and oil, and that upward trend can be expected to continue. To help offset these expected increases city administration recommends increasing the fare for riding a bus to 50¢ with transfers remaining free. The FAST Pass program would be increased to reflect the base fare increase.

City administration recommended approval of the fare increases.

Mayor Finch stated that since this was a public hearing, any opposition would be heard at this time, and Mr. Clinton Harris was recognized in opposition.

Following brief discussion Mr. Dawkins offered motion to follow the recommendation of city administration and up the fares to 50¢ effective July 1, 1980, seconded by Mr. McBryde and carried unanimously.

Council next gave consideration to the revision of Transit Route 9, Wilmington Road - Highway 87 - Airport. Mr. Stancil also presented this matter and stated that the North Carolina Department of Transportation recommended elimination of Route 9-2 of the city bus system from Highway 87 to the Airport. He stated the cost of ridership and that the Social Security Office now on Highway 301 was soon to be relocated in downtown Fayetteville.

Mayor Finch asked if there was opposition and the following were recognized: Mary Smith, representing a group in Wilmington Road area; Queen Carter also in opposition; also Ruth Cainand Francis Johnson of the Wilmington Road area.

Following some discussion Mr. Williams suggested that the bus route be revised to go out Highway 87 to Belt Boulevard - city limit line and return as an alternate to elimination of the entire route.

Following some further discussion Mr. Williams offered motion to implement the route as shown by the red and black lines on the map for 30 days and that a survey of ridership be kept daily, and determine at that time if there needs to be any change. Motion seconded by Mr. Johnson.

Following some further discussion Mrs. Evans offered substitute motion that Mr. Gray develop a route that could be safely used and which would go to Belt Blvd. Motion seconded by Mr. Hurley. Mr. McBryde amended Mrs. Evan's motion that Mr. Gray check the turn around points and use whichever is safest. The amendment was accepted. Mayor Finch then called for a vote on the substitute motion and it carried unanimously.

A public hearing had been published for this date and hour on the rezoning from C(1)P Shopping District to R5 Residential District or to a more restrictive zoning classification than presently zoned of an area located on the southwest corner of the intersection of the Aberdeen and Rockfish Railroad and All American Freeway. Planning Board recommended approval.

Mr. Joe Thompson representing two families in the area in favor of the rezoning was recognized. He requested a 90 day continuance of this hearing to complete negotiations with the A & R Railroad.

There was no opposition present.

Following brief discussion Mr. Williams offered motion to continue this matter for 90 days to August 25th, seconded by Mr. Dawkins and carried unanimously.

A public hearing had been published for this date and hour on the consideration of paving, pursuant to petition, of Pearl Street from Fort Bragg Road to Manchester Street.

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

The City Engineer presented this matter and recommended approval. He stated an adequate petition had been received, that this section of Pearl Street has a very old deteriorated strip of paving without drainage. He has received several complaints during the last few years about drainage and the condition of the pavement. He concluded by stating he believed the proposed paving project would eliminate the complaints.

Council recognized Mr. David Padgett representing Haymount United Methodist Church and the petitioners on the street in favor of the repaving as soon as possible.

There was no opposition present.

Mr. Hurley then offered motion for approval of the foregoing paving of Pearl Street as soon as possible by the adoption of the following resolution, seconded by Mr. Williams and carried unanimously.

FINAL RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION OF PEARL STREET
RESOLUTION NO. R1980-21.

A copy of the foregoing resolution is on file in the Clerk's Office in Resolution book R1980.

Council next gave consideration to the approval of leases for city owned property at 334 Hay Street and 115 Ray Avenue, the Shoppers Guide Building. The City Attorney presented this matter and stated it was desired to renew the leases with these two tenants, S & J Printing, Inc. (334 Hay Street) and Mrs. Dorothy E. Green (115 Ray Avenue). He informed council these were extensions of the present lease agreements to June 1, 1982 and all other conditions of the leases remain basically the same.

There was no opposition present.

Following brief discussion Mr. Williams offered motion for approval of the extensions of the lease agreements as presented by the City Attorney, seconded by Mr. Johnson and carried unanimously.

Council next moved to the setting of public hearings.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously public hearings were set for June 23rd for the following items:

A. Rezoning from R5 Residential District to P2 Professional District or to a more restrictive zoning classification of an area located at 2913 Breezewood Avenue.

B. An Ordinance amending Chapter 32 Article 10 amendment of the Code of Ordinances for the city of Fayetteville amending Section 32-72 Cost to Applicant.

C. Rezoning from R10 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification of an area located to the rear of 601 Dunn Road.

D. A special use permit for the operation of an Antique Shop in a P2 Professional District as provided for in the Fayetteville Zoning Ordinance Section 32-27(11) for an area located at 806 Hay Street.

Upon motion by Mr. Williams seconded by Mr. Dawkins and carried unanimiously, a public hearing was also set for June 23rd of the closing of a portion of Melba Drive by the adoption of a resolution. The resolution title appears below:

PRELIMINARY RESOLUTION AND NOTICE OF INTENT TO CLOSE A PORTION OF MELBA DRIVE FROM WISCONSIN DRIVE NORTHWARDLY TO DEAD END. RESOLUTION NO. R1980-22

A copy of the foregoing resolution is on file in the Clerk's office in resolution book R1980.

Planning Board Matters

Planner Al Mitchell presented these matters.

City Council heard the recommendation from the Planning Board to give conditional approval to Fayetteville Gardens Apartments Group Development review located on the West side of Cheselka Street south of the Aberdeen and Rockfish Railroad.

Following some discussion concerning the number of units that may be constructed in this area and the number of occupants of such units and the total area involved, all of which was within the requirements of the city code, Mrs. Evans offered motion for approval as recommended by the Planning Board. Motion seconded by Mr. Williams.

Following some further discussion, Mrs. Finch called for a vote on the motion and it was as follows: For - Councilmembers Hurley, Evans, Dawkins and Williams. Against - Councilmembers McBryde and Johnson. Mayor Finch declared the motion carried.

Planner Mitchell then stated that the Planning Board recommended conditional approval of Raeford Road Kwik Mart addition C(1)P Shopping Center review located on the south side of Raeford Road across from the Montclair Road intersection.

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

Public Works Commission Matters

PWC Manager Ray Meunch, presented these matters.

Upon motion by Mr. McBryde, seconded by Mrs. Evans and carried unanimously, approval was given to an application by Gene Machine Company, Inc. for one 1-inch water and one 4-inch sanitary sewer connection to existing main outside the city to serve a commercial building on Black & Decker Road.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried, Mr. Johnson voting no, an application was approved for Jerry M. Person for one 4-inch sanitary sewer connection to existing main outside the city to serve the Green T Driving Range on Hope Mills Road.

Upon motion by Mr. Williams, seconded by Mr. McBryde and carried unanimously an application was approved for one 1-inch water connection for W. E. Tyson to an existing main outside the city to serve a commercial building at 3169 Legion Road.

This concluded PWC matters and Mr. Meunch was excused from the meeting.

Council next gave consideration to a presentation by Dr. William Bell concerning a Summer Youth Recreation Program.

Council recognized Dr. Bell who stated he was here in behalf of 300 disadvantaged black youth, and representing the Cumberland County Black Leadership Caucus. He then called upon and introduced Mr. J. D. Marshall, athletic director at Fayetteville State University, to present the request. Mr. Marshall stated this was a national Summer Youth Program sponsored by institutions basically for disadvantaged black youth. He stated some funding came from the federal government. The program also dealt with nutrition and that the youths would be fed on FSU Campus.

He said the program included sports activities such as baseball, softball and swimming. He mentioned that there was a cost involved. He said that some cities donate bus service for transportation and some give cash. He requested use of the

city swimming facilities for 5 to 6 weeks for 2 hours a day five days a week.

Following some discussion the City Manager, in response to question, stated that the Advisory Recreation Commission was reluctant to set a precedent for free use of the city pools.

Some discussion then followed.

Council again called on Dr. Bell for additional information. Dr. Bell stated that the program was also to curb juvenile deliquency; and also it was an enrichment program and offered information on first-aid and sexual education. He stated that Fayetteville does not now have nor has ever had a program for black youth.

Council then called on Mr. Milton Mazarick, chairman of the Advisory and Recreation and Parks Commission, who stated that their Commission had been trying for a year for a meeting with this group for use of the city pools. He stated they wished to limit the number of persons to 75 per day because of their continuing need for every day programs. He stated they were unable to have a meeting with that group because they forgot the meeting date. He stated it was the Commission's wish to cooperate with the group. He suggested to lower the rate with FSU, but he recommended that City Council do as it sees fit.

Following some further discussion, Mr. Williams offered motion that the facilities at the pool as discussed be offered free of charge for up to 75 persons per day. The motion received no second.

Following some further discussion Mr. Dawkins offered motion that up to 75 persons per day be allowed at 25¢ per person, motion seconded by Mr. Hurley.

Following some further discussion Mrs. Evans offered substitute motion that up to 75 persons per day be allowed to use the pools at no charge, and an agreement be worked out for the year, motion seconded by Mr. Johnson. Mayor Finch called for a vote on the substitute and it was as follows: For - Councilmembers Evans, Johnson and Williams. Against - Councilmembers Hurley, McBryde and Dawkins. Mayor Finch declared a tie vote and cast her vote against the substitute motion and declared it lost.

Mrs. Finch then called for a vote on the original motion by Mr. Dawkins and it carried unanimously.

Council next gave consideration to a resolution to approve a request for an IPA Grant for a performance appraisal system for the city of Fayetteville.

Personnel Director Carol Parker, presented this matter and stated that this was an Intergovernmental Personnel Act Grant, and that the purpose of the grant project is the development of a performance appraisal system for city employees. The system would provide a means for supervisors to communicate with their employees about their job performance. Anticipated results of such a system include a better understanding of employees of job requirements, improved performance and productivity and more efficient manpower planning.

Total federal funds requested are $6,527, and this money would be used to employ a consultant to develop the performance appraisal system and to provide training in the use of the system. Grant funds will also be used to employ a clerk-typist who will provide clerical support in development of the system.

The Grant requires no cash match from the city. The city's contribution will be the time spent by the personnel department staff working with the consultant. The performance appraisal system has been one of the goals of the personnel department and would be a great asset to the city organization. Application for and receipt of the grant will allow us to develop and implement this system in advance of our ability to do so with local resources. Mrs. Parker concluded by stating that our recommendation is that you adopt the resolution and authorize the City Manager to file the application.

Following brief discussion Mrs. Evans offered motion to follow the foregoing recommendation of the Personnel Department and approve as requested and for the adoption of the following resolution, seconded by Mr. Williams and carried unanimously.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL AUTHORIZING CITY MANAGER TO FILE AN APPLICATION FOR FEDERAL FUNDS IN THE AMOUNT OF $6,527. RESOLUTION NO. R1980-23.

A copy of the foregoing resolution is on file in the Clerk's Office in Resolution Book R1980.

Council next gave consideration to bids for a council room sound enhancement system. City Purchasing Agent, Al Jordan, presented this matter and stated that bids had been received and opened on May 14th for the system. The low bid was submitted by Sound Systems, Inc. in the amount of $7,460.80 and was recommended.

During discussion that followed, Mr. Williams and Mr. Johnson stated they were against expending this amount of funds for a sound system for the Council Chamber, and that the present system was adequate.

Mr. Johnson then offered motion that we turn this item down, seconded by Mr. McBryde and carried unanimously.

Council next gave consideration to a budget ordinance amendment change #7.

The City Manager presented this matter and stated that this budget amendment was for roll-out carts cost primarily and to pay for same from revenue sharing. It dealt also with the Fire Department aerial platform truck and with heat and power and janitorial service for the Law Enforcement Center.

Following brief discussion concerning the city's share of the heat and power and janitorial service for the Law Enforcement Center, Mr. Williams offered motion that we take no action on the matter and that it be brought back in 2 weeks for reconsideration along with a cost of fare share validated. Motion seconded by Mrs. Evans and carried unanimously.

Council next gave consideration to the award of contract to Wilbur Smith and Associates for comprehensive parking revenue bond feasibility study for the Maiden Lane Parking Deck.

The City Manger presented this matter and stated that at the last meeting Council authorized City Administration to negotiate a contract with Wilbur Smith and Associates for the preparation of revenue bond parking feasibility study for the proposed Maiden Lane Parking Deck. He stated they had received and reviewed a proposal from this firm and are satisfied that the approach and work program they propose would give the kind of definitive information needed to proceed with the project. The firm proposes a fee not to exceed $18,500 for all services up through the final feasibility analysis and report. We have compared the proposed fee to fees charged for similar studies in North Carolina cities and believe that it is not out of line. It is, therefore, recommended that the council approve the execution of a contract with Wilbur Smith & Associates for a revenue bond parking feasibility study as outlined in their proposal at a fee not to exceed $18,500.

Mr. Hurley then offered motion to accept the foregoing recommendation of the City Manager, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to a proposed short term lease and use agreement with Sunbird Airlines, Inc. to provide air service at the airport. The City Attorney presented this matter and stated that Sunbird desires to commence operations June 1st and a temporary lease is necessary so they can immediately begin construction of their ticket counter as well as operation. The temporary agreement will be through the end of this year and similar to the one the city now has with Piedmont, and Council can approve it immediately if desired since it is a temporary lease for less than one year. The main purpose for requesting approval tonight in this fashion is so they can begin construction. Sunbird will be leasing 84 square feet in the ticket counter area immediately adjacent to Piedmont counter. The term will be for seven months. Sunbird will pay $6.75 per square foot as a monthly rental which is the same that Piedmont is currently paying. They will also pay $6.60 per telephone to be connected to the airport's PX system. Their landing fees will be same as Piedmont's 23¢ per 1,000 pounds or $3.00 per landing, whichever is greater. In addition, they will have to report the number of enplaned passengers. Sunbird will also pay their pro rata share of the security check.

Following brief discussion Mr. Williams commended the airport commission for securing the service and a welcome to Mr. Rorick of Sunbird who was present in the audience and moved that Council approve the airport use agreement use as recommended, seconded by Mr. Johnson and carried unanimously.

The next item on the agenda was the notice to close Melba Drive which had already been handled earlier in the meeting.

Council next gave consideration to a proposed ordinance revising traffic schedule number 6 Stop Intersections for the Ann Street and Lamon Street intersection.

The City Engineer presented this matter and stated that a request had been received from Mr. E. G. Plyler, the County Landfill Supervisor, to change the stop at this intersection to allow Ann Street traffic to proceed through the intersection without a stop. He cited the increase in Ann Street traffic due to the County Landfill being put into operation at the north end of Ann Street. The City Engineer stated he agreed that Ann Street will have a higher volume of traffic and recommended adoption of the proposed ordinance.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 6 STOP INTERSECTIONS ORDINANCE NO. NS1980-22.

Mr. McBryde 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 City Clerk's Office in Ordinance Book NS1980.

Council next gave consideration to the award of contract no. 229 for the resurfacing of various streets.

The City Engineer presented this matter and stated that on April 28 the Council approved the following list of streets for resurfacing: Cool Spring Street, Gray Street, Langdon Street, Chester Circle, Mirror Lake Drive, Winding Creek Road, Marlborough Road, Colgate Drive, South King Street, Moore Street, Seabrook Road, Lincoln Street, Foxhall-Huntington Roads and Edinburg Drive. The City Engineer stated that bids were received on May 19th for the resurfacing of the foregoing streets and the low bid was submitted by Cumberland Paving Company in the amount of $168,289.40 and was the bid recommended. He further recommended reserving $185,000 (10% over the bid amount for contingencies) for the project, and stated that the resurfacing work is on a unit price basis with quantities estimated.

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

Council next gave consideration to proposed ordinances to take necessary action to correct conditions against sub-standard structures.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 3242 TALLYHO DRIVE, OWNED BY V. R. WHITE. ORDINANCE NO. NS1980-23.

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

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 419 BEVEL STREET, OWNED BY ARUTUR L. SINGLETON, JR. ORDINANCE NO. NS1980-24

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

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE AT 207 JASPER STREET OWNED BY MARY SIMMONS. ORDINANCE NO. NS1980-25.

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

The City Attorney requested continuance for 60 days of demolition action against property located at 623 Belt Blvd. owned by Nancy Black.

Mr. Williams offered motion for approval of the foregoing request and to continue for 60 days, seconded by Mr. McBryde and carried unanimously.

The City Attorney requested continuance for 6 months of demolition ordinance for property located at 302 McArthur Street owned by James C. Howard.

Mr. Williams offered motion for approval of the foregoing request of a 6 months extension as recommended by the City Attorney, seconded by Mr. Dawkins and carried unanimously.

Copies of the foregoing ordinances which were adopted are on file in the City Clerk's Office in Ordinance Book NS1980.

Appointments

Council gave consideration to an appointment to the Board of Appeals on Dwellings and Buildings. Mr. Charles W. Readling had been nominated at the last meeting to fill the vacancy created by the resignation of Dr. Barbara Holmes and by the expiration of her term of office in May.

Mr. Dawkins then moved that nominations be closed and that Charles W. Readling be appointed to the Board of Appeals on Dwellings and Buildings for a 3 year term of office, said term to run to May 1983, seconded by Mr. Williams and carried unanimously.

Council next considered appointments to the Human Services Commission. Mr. Johnson stated that his recent nominee, Mrs. Nancy Best, was still unable to be located.

Following brief discussion Mr. Williams offered motion to rescind the appointment of Mrs. Nancy Best, seconded by Mr. McBryde and carried unanimously.

Further nominations to the Human Services Commission were held in abeyance until next meeting to check the number of vacancies still existing.

Delegations

Mr. Clinton Harris, a local citizen, was recognized with a question on sidewalks in the Fayetteville Gardens Apartments. Mr. Al Mitchell of the Planning Department stated that sidewalks were planned inside the complex but not on the street adjoining, since it was a dead end street.

City Manager Reports

The City Manager informed Council that during the presentation of the Transit Fare Revision at the beginning of this meeting, through an oversight, it was not requested that said fares were to go into effect on July 1, 1980. The City Clerk was directed to go back to this original action and insert the words effective July 1, 1980, in the motion.

The City Manager informed Council that the Transfer Station is now in operation since last week and invited Councilmembers to go by to view the operation.

The City Manager reported to Council that police officer Sergeant Worth G. Campbell, Jr. had indicated to the Chief of Police his intention to retire effective June 1st and had written a letter of request that his cap, badge and weapon (pistol), which had been assigned to him and which he had carried during the years as a police officer be given to him. The City Manager informed Council that they may do this if desired. There are, however, statutory limitations which apply to this type of action. The City Manager had requested the Chief of Police to draw a policy which may be followed regarding requests of this nature. Mr. Thomas displayed projections of the policies drawn by the Chief of Police.

There was considerable discussion of this matter and of the policy. There was considerable discussion on the effect the policy would have on police officers already retired and desiring their caps, badges and weapons as mementos. There was also considerable discussion on the Chief's present policy of retaining weapons not yet five years old for departmental use. There was also discussion on the statutory requirements of a police officer being required to secure a permit for such a weapon before it is turned over to him. There was also discussion of the statutory requirement regarding payment to the city in some amount for such weapons.

Following this lengthy discussion, Mrs. Evans offered motion to follow the recommendation of the Chief of Police and City Manager in this request from officer Campbell to award the weapon carried for the longest period of time, motion seconded by Mr. Hurley.

Following some further discussion, Mr. Williams offered substitute motion to follow the recommendation of the Chief of Police and award the cap, badge and weapon to Officer Campbell carried by him on his last day of service, per his request, for the price of $1 in appreciation of his long service to the Police Department and to the city of Fayetteville. Mayor Finch then called for a vote on the motion and it carried unanimously.

In response to question from the Council, the City Manager reported that Assistant City Manager John Smith, who had recently been hospitalized for surgery, was improved some, but still quite ill. He still could not have visitors, but appreciated cards.

Matters of Interest to the City Council

Mr. Hurley asked the City Manager about the Memorial Day trash pick up. The City Manager reported that everything went normally.

Mr. Hurley asked the City Engineer when the caution light would be put back on Devers Street. The City Engineer responded that with the reconstruction and diversion of the street next to the Honeycutt Recreation Center, the caution light was no longer needed, in his opinion.

Mr. Hurley stated that he had received a request that the light be reinstalled for safety purposes and offered motion that the light be reinstalled. Motion was seconded by Mr. Williams and carried unanimously.

Mr. Dawkins commented to Mr. Clinton Harris on the gift from the Woodman of the World of the new U.S. Flags and of Council's intention to fly them at the earliest possible moment.

Mr. Dawkins commented on the loss to the community by death of Mr. Hector Ray on Monday, May 26th. Mr. Ray, a long-time resident of the city, former County Commissioner and State Legislator would be sorely missed, he stated. Council affirmed Mr. Dawkins' comments.

Mr. Johnson asked the City Engineer about damages to the property on Longview Road by Westminister Development Company. He asked if the situation had been checked and the City Engineer replied in the affirmative. The City Attorney informed Mr. Johnson that Ramsey Street is a state maintained road and was the responsibility of the Department of Transportation.

Mr. Williams asked the City Engineer if wrecks had occured on Fort Bragg Road since the installation of the flashing light. The City Engineer replied regretfully, yes, but he felt the flashing light was of benefit in reducing accidents.

Mr. Williams informed the City Manager that there was a need for a policy meeting as soon as possible.

Mayor Finch reminded the Council of the first meetings on budget discussions beginning the first week in June.

Thereafter, all matters of business having been concluded, this meeting was adjourned at 10:30 pm upon motion made and duly seconded.

Maurice W. Downs
City Clerk

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REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JUNE 9, 1980

Present: Mayor Beth Finch

Council Members: Wayne Williams, Aaron Johnson, J. L. Dawkins, Milo McBryde, Mildred Evans and Bill Hurley.

Others Present: Mr. William C. Thomas, III, City Manager
Mr. Robert Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and the Reverend William C. Sibert of Holy Trinity Episcopal Church offered the invocation. Following the invocation, Allen Parish, a young man seeking his eagle scout badge, led the assembly in the Pledge of Allegiance to the Flag.

The first item of business was the approval of the minutes and upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, the minutes of the regular meeting of May 27, 1980, were approved as submitted by the Clerk.

Mayor Finch then announced there would be two additions to the agenda this evening. In Item 14 (Appointments): Item F would be "Three vacancies on the Human Services Commission"; and Item G would be "One nomination to the Joint Planning Board".

There was no business to claim Mr. Muench's attention, so he was excused from the meeting.

Mayor Finch then recognized and welcomed Mr. Bill Epps, Fayetteville's new Finance Director; and Ms. Debbie Tanna, a new member of the News Corp. from WFLB Radio.

Public Hearings to be Set

Upon motion by Mr. Williams, seconded by Mr. McBryde and carried unanimously, a public hearing was set for the consideration of the closing of Caldwell Street between Kirkland Drive and Brainerd Avenue for July 14, 1980, by the adoption of the following Resolution:

PRELIMINARY RESOLUTION AND NOTICE OF INTENT TO CLOSE A PORTION OF CALDWELL STREET. RESOLUTION NO. R1980-24.

A copy of the foregoing resolution is on file in the Clerk's Office in Resolution Book No. R1980.

The next item of business was the consideration of Budget Amendment Change 7 continued from the May 27, 1980, regular meeting of the Fayetteville City Council. The City Manager asked the Council for postponement of this matter until the next regular meeting because the information he requested concerning the fuel costs on the cost of janitorial services has not yet been provided from the county.

Mr. McBryde then offered motion to postpone this item until the next regular meeting, seconded by Mr. Williams and carried unanimously.

Next on the agenda was the award of contract #230 paving of various streets. The City Engineer introduced this item and recommended awarding the contract to the low bidder, Triple A Construction Company with a bid of $346,531.50, and budgeting $382,000 (10% over bid amount for contingencies). The Streets are as follows:

STREET NAME	FROM	TO
Brainard Avenue	Ramsey Street	Dead End
Cochran Avenue	Ramsey Street	Sherrod Avenue
Caldwell Avenue	Cochran Avenue	Kirkland Drive
Sherrod Avenue	Kirkland Drive	Intersection
Melba Drive	Wisconsin Avenue	100 feet North
Broadview Drive	Post Avenue	Lynn Avenue
Lynn Avenue	Broadview Drive	Myrtle Drive
Lucerne Street	Existing Pavement	Cul-de-sac
McLamb Drive	Near Caldonia Circle	Lake Avenue
Pennsylvania Avenue	Murchison Road	Dead End
Groton Avenue	Pugh Street	Cul-de-sac
White Street	Virginia Avenue	Dead End

Following brief discussion, Mr. Dawkins moved to follow the recommendation of Mr. Bennett, seconded by Mr. Williams and carried unanimously.

The next item on the agenda was the consideration of establishing fire lanes within Cross Creek Mall.

The City Attorney presented this matter and stated that the 1979 Legislature enacted a new law that allows us to now create fire lanes in shopping centers; and local law enforcement officers can tow vehicles away from these lanes. He stated that Mr. Donald Johnson, Manager of Cross Creek Mall, made a request for the designation of fire lanes at Cross Creek Mall; and that this had been coordinated with Mr. Bennett and Chief Bishop and is before Council for approval. Approval would do three things. It would set up a new schedule No. 18 in the Traffic Ordinance which creates a tow-away zone. This would be added to Section 20-107, which would make any violations of that, a tow-away violation which falls under another section which protects the policemen when they tow the vehicles away.

AN ORDINANCE AMENDING ARTICLE IX, TRAFFIC SCHEDULES OF CHAPTER 20 AMENDING SECTION 20-107 AND ADDING SCHEDULE NO. 18 - FIRE LANES OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. S1980-6.

Mr. Johnson 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 S1980.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 18 FIRE LANES IN CROSS CREEK MALL. ORDINANCE NO. NS1980-26.

Mr. Williams offered motion to follow the recommendation of the City Attorney, seconded by Mr. McBryde and carried unanimously by the adoption of the foregoing ordinance.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1980.

The next item of business was the consideration of refund of City taxes for the James Robert Armstrong property - double tax listing. The City Attorney presented this matter and stated that the City is being asked to refund $22.40. He recommended approval.

Mr. Williams offered motion to follow the recommendation of the City Attorney, seconded by Mr. Johnson and carried unanimously.

Council next gave consideration of authorization to approve an insurance settlement for city-owned truck, 1973 Dodge Custom 100 Pickup.

Mr. Cogswell presented this matter. The city owned truck was driven by Mr. Fred Harris on May 2, and was hit by another party. The second party's insurance company has agreed to pay $1,100 which is the NADA Blue Book approximate value of the truck, less $200 for the condition of the vehicle at the time. The truck has been determined a total loss. The City Attorney recommended the City Council's approval to authorize a settlement and to have the City Manager sign the title over to the insurance company.

Mr. Dawkins moved to follow the recommendation of the City Attorney, seconded by Mr. Williams and carried unanimously.

The next item of business was the consideration of support from City Council for submission of an application for a comprehensive modernization program for Grove View Terrace. Mr. Harry Jones presented this matter and asked for support of the application. Mr. John Rose, the architect presented the plans for the program.

After some discussion, Mrs. Evans offered motion for the Council to adopt the resolution supporting submission of an application by the Fayetteville Metropolitan Housing Authority for participation in a comprehensive modernization program, seconded by Mr. Williams and carried unanimously.

RESOLUTION SUPPORTING SUBMISSION OF AN APPLICATION BY THE FAYETTEVILLE METROPOLITAN HOUSING AUTHORITY FOR PARTICIPATION IN A COMPREHENSIVE MODERNIZATION PROGRAM. RESOLUTION NO. R1980-25.

A copy of the foregoing resolution is on file in the Clerk's office in resolution book R1980.

The next item of business was the consideration of a report from Streets and Roads Committee concerning Street Maintenance.

Mr. Johnson presented this matter. He stated the Streets and Roads Committee met on June 4, 1980, with the City Manager to discuss with him the maintenance of our city streets. He stated there was a great need for repairs to the streets, but not

enough has been done because there is a lack of adequate equipment. The Committee unanimously agreed to update our Street Maintenance Program. Upon recommendation of the City Engineer, the Committee unanimously voted to buy some new street maintenance equipment. The money is available in the Powell Bill Fund. The Streets and Roads Committee recommends adoption and approval by the Council.

After some discussion, Mrs. Evans offered motion to approve the recommendation of the Streets and Roads Committee to purchase equipment for the city in the amount of $340,100, seconded by Rev. Johnson. After some discussion, the motion carried unanimously.

The next item of business was the consideration of a report from the Buildings and Properties Committee on the selection of an architect for the Ceramics Building.

Mr. McBryde presented this matter and stated the ~~Buildings & Properties Committee~~ ☆ Recreation + Parks Advisory Commission recommended MacMillan & MacMillan because of the 90 days to construction start clause. The Buildings & Properties Committee voted unanimously to recommend the low proposal by Gordan E. Peebles with the lower bid if he could meet the 90-day clause, which he said he could.

After some discussion, Mr. Williams moved to follow the recommendation of the Buildings & Properties Committee, seconded by Mr. Hurley. After some further discussion the Mayor called for a vote and it was as follows: For - Hurley, McBryde, Dawkins and Williams. Against - Evans and Johnson. The motion carried.

The next order of business was consideration of a report from the City/County Liaison Committee concerning Senior Services Center.

Mr. Hurley presented this matter and stated that the main purpose of this item is to get Council to approve a contract which would enable the management and lease agreements to be drawn between the coordinating council and the city of Fayetteville. He stated that Mr. Cherry, Dr. Allen and Mrs. Saunders had come up with some recommendations to city concerning this lease management agreement.

1. That the CCCCOA, Inc. be granted a contract to manage the Fayetteville Senior Center for fourteen (14) months beginning May 1, 1980, through June 30, 1981, in order that the CCCCOA, Inc. may prepare for operation and management immediately upon completion of the buildings.

2. That a subcommittee of the CCCCOA, Inc. Board of Directors be selected to work with the Senior Center subcommittee of the Senior Citizens Advisory Commission and the architect to complete development of the Senior Center's buildings, grounds and furnishings.

3. That a subcommittee of the CCCCOA, Inc. Board of Directors be selected to begin fund raising activities with the Senior Citizens Advisory Commission and the architect to develop furnishing for the Senior Center; and also including activities and fund raising projects by older adults clubs and organizations.

4. That the Senior Citizens Advisory Commission, through its advisory and consultation roles, shall be assigned a major role in the development of programs and activities of the Senior Center.

5. That the Senior Citizens Advisory Commission shall have available to it in the Center the appropriate office and staff (secretarial and clerical) resources, including space for Advisory Commission files, in order to carry out its various responsibilities in accordance with its charter.

6. That the Senior Citizens Advisory Commission shall assist with the selection of a director of the Senior Center.

7. That an evaluation process shall be established, with at lease one component being a subcommittee of the Senior Citizens Advisory Commission, to evaluate the management capacity and practice of the CCCCOA, Inc. prior to May 15, 1981, in order to make recommendations to the appropriate elected officials about management for the Senior Center after July 1, 1981.

8. That the City and County attorneys and administrative officers of each unit of government take the above recommendations into account for and during the revision of the proposed lease and management agreements presented to the City-County Liaison Committee on March 18, 1980.

The City/County Liaison Committee met May 20, 1980, to consider the proposed lease and management agreements with CCCCOA for operation of the Senior Service Center. At that meeting, eight recommendations from the Joint Fayetteville-Cumberland County Senior Citizens Advisory Commission concerning those agreements were also considered. The committee voted to recommend the lease and management agreements as

☆ See correction minutes of June 23 rec'd no.

presented and the eight points presented by the Advisory Commission.

In discussions with Sharon Hindle, Executive Director of CCCCOA, we discovered that some of the eight points would provide real problems to CCCCOA in operating the center under its by-laws and procedures. The Liaison Committee met again June 5 to discuss these problems with Ms. Hindle.

At the June 5 meeting, the Liaison Committee voted to revise the eight points of the Advisory Commission as follows:

Items 1-3. Remain as presented.

Item 4. That the Senior Citizens Advisory Commission, through its advisory and consultation roles, shall be assigned a role in the development of programs and activities of the Senior Center in coordination with the Board of Directors of CCCCOA.

Item 5. That the Senior Citizens Advisory Commission will have space provided to it for meetings as provided in the management contract. No office space or clerical support will be expected from CCCCOA.

Item 6. Eliminated completely.

Item 7. That an evaluation of the operation of the Service Center will be conducted by the CCCCOA Board of Directors and the Center's Advisory Committee before the expiration of the agreements with any recommendations made to the City Council.

Item 8. Remain as presented.

The preceding agreements have been revised by the City Attorney to reflect the June 5 action of the Liaison Committee. The Committee and City Administration recommend approval of these agreements.

After extremely lengthy discussion between the Council, Mr. Cherry, Dr. Allen and Mrs. Saunders, Mr. Williams offered motion for the Advisory Commission to appoint a delegate; that the CCCCOA appoint a delegate, these two people to meet, and this matter be continuted for 30 days. The motion received no second.

After more discussion, Mr. McBryde moved that we follow the recommendation of the City/County Liaison Committee and Administration and go as revised in that recommendation, seconded by Mrs. Evans and carried unanimously.

The next order of business was the consideration of consolidation of the City and County Animal Control activities.

Mr. Thomas presented this matter. The City/County Liaison Committee voted unanimously to recommend to the County Commissioners and City Council that the proposal to consolidate the City's animal control activity with the County's animal control activity as proposed.

Mr. Williams then offered motion for Mr. Thomas to effect the merger of the City and County Animal Control Activities as recommended, seconded by Mr. Dawkins.

There was discussion about the futures of the City Employees who worked in the Animal control Department.

Mr. Williams then rephrased his motion. He moved that we give the authority to the City Manager to negotiate a merger with the animal control activities and bring it back to the Council for approval on June 23rd. The motion carried unanimously.

The next item of business was the consideration of appointing Mr. A. B. Johnson as Tax Collector for the City of Fayetteville for the fiscal year 1980-81.

Mr. Dawkins offered motion to appoint Mr. Johnson Tax Collector for the city seconded by Mr. Williams and carried unanimously.

Council next gave consideration to Taxi Driver Permits.

The following named were recommended for permits by the City Manager, Captain P. D. Warner and Police Chief Daniel K. Dixon:

Thomas Jefferson Washington, Charlie James Byrum, Jr., Andrew Charles Baker, Frank McGirt, James Robert Harrell, Althea Estelle Harris, Charles A. Bell, Michael Byrne, Richard Noel Leslie, William Allen York, Leslie Patterson, Jr., Eugene Atlas McDonald, Carl J. Pickens, Donald Cressman Edwards, Jr., Lonnie McLucas, Jr., Jon William Hulbert, Danny Lee Furrow and Alonzo, Cogdell, Jr.

Mr. McBryde offered motion to follow the recommendation of the City Manager, seconded by Mr. Dawkins and carried unanimously.

Appointments

Council next gave consideration to nominations for three vacancies on the Education Development Council. Mr. Williams nominated Mrs. Susan Rhodes. Mr. Johnson nominated Cleophus Hatcher.

Council next considered nominations for three vacancies on the Airport Commission.

Mr. Dawkins nominated Mr. Charles C. Clark, former Chairman of the Commission. Mrs. Evans nominated Joseph Pillow. Mr. Hurley nominated Mr. Cyrus P. Earnhardt.

Council next considered nominations for one vacancy on the Public Works Commission.

Mr. Dawkins nominated Mr. James Warner.

Council next gave consideration to nominations for one vacancy on the Public Works Commission Retirement Plan Board of Trustees.

Mr. Dawkins nominated Mr. R. A. Muench, Jr., PWC Manager.

Council next gave consideration to two vacancies on the Fayetteville Revitilization Commission. Mr. McBryde nominated Mr. Tom Stewart. Mr. Hurley nominated Mrs. Stewart V. Kerr.

Council next considered three vacancies on the Human Services Commission.

Mrs. Evans nominated Mr. James Flanders. Mr. Hurley nominated Mr. Joe Colar and Mrs. George (Rachael) Ellis. Mr. Johnson nominated Mrs. Barbara Nancy Stelly and Mrs. Ida Ross.

Council next gave consideration to one vacancy on the Joint Planning Board.

Mr. Dawkins nominated Sue Hobgood. Mrs. Evans nominated Mrs. Sonja Kendrick Rothstein.

Delegations

. Clinton Harris, a local citizen, was recognized by the Council; and he commented on the Senior Services Center, sidewalks and bus fares.

City Manager's Reports

Mr. Thomas informed Council of two resignations from the Fire Department. These men are Mr. Arnold M. Trujillo and Mr. John Joseph Topper.

Mr. Thomas also informed Council of the Downtown Fayetteville Association's request for the Fourth of July parade in downtown Fayetteville from 12:30 pm until 3:30 pm. Mr. Thomas recommended approval.

Mr. Williams offered motion, seconded by Mr. Hurely and carried unanimously, to approve the recommendation of City Manager concerning the Fourth of July Parade.

Mr. Thomas requested Council to go into an information session in order to hear a presentation from Mr. Basinger on the Urban Park & Recreation Recovery Grant Action Program, after the Public Hearing on the Budget and Revenue Sharing, which will be held next Monday. There was no objection from Council.

Mr. Williams asked Council if they could discuss at the next City Council Meeting of June 23, the Step 2, 3 Program of the Fire Department. The Mayor asked Mr. Thomas to get some information on the subject.

Mr. Dawkins stated that Mr. Smith is home from the hospital now and is improving. He also again welcomed Mr. Epps to the City Council Meeting.

Thereafter, all matters of business having been concluded, this meeting was adjourned at 9:31 pm upon motion made and duly seconded.

Janet R. Olson

Janet R. Olson
Acting City Clerk

SPECIAL MEETING
MONDAY, JUNE 16, 1980
COUNCIL CHAMBER, CITY HALL

Present: Mayor Beth Finch

Council Members: Wayne Williams, Aaron Johnson, J. L. Dawkins, Milo McBryde and Bill Hurley

Council Member Absent: Mildred Evans

Also Present: W. G. Thomas, III, City Manager

Mayor Finch called this special session to order for the purposes of holding public hearings on the 1980-81 General and Revenue Sharing Budgets of the City. She expressed appreciation to those persons in attendance tonight. She stated discussion and requests would best be served by going through the budgets by departments. She stated she would follow this procedure and anyone interested in any particular departmental budget would be recognized at the time of presentation to make their request.

Human Services Department - Mr. W. C. Freeman, Chairman of the Human Services Commission, was recognized with a request that the two CETA positions in the department be funded by the City. Loss of these positions through reduction of CETA funds would reduce personnel staffing by 40% and these persons are needed to provide the expanded services of the department.

Recreation Department - Mrs. Venie Geddie was recognized representing the Senior Citizens 39ers Band. She requested $11,000 for transportation for the band. Some don't drive, she said and gasoline is expensive on the members' very limited incomes. She said the band gives numerous performances over a wide area for public benefit and service and that the expenditure would be justified.

Mr. Lauren Derrien, a senior citizen and a member of the band, was also recognized in support of the request. Mrs. Betty Fenholser, another senior citizen and band member, was also recognized in support of the request.

Other Appropriations:

Council on Older Adults - Mr. Jim Cooper, Chairman, was recognized and he requested $16,000 funding on CCCCOA.

Museum of Arts - Phylis McLeod, Director, requested funding due to enlarged facility and expanded programs for the coming year.

RSVP - Esther Pierce was recognized and she requested $5,800 for their program. Dr. William Bell was recognized for the same request. Mrs. Helen Herfern also was recognized for the same request. Mrs. Millie L. Hood, Past President of RSVP, was recognized and requested the $5,800 appropriation for their programs. Also, Elijah Lyons, Vice President of RSVP and another individual recognized for the same request.

Arts Council - Mr. Jessie Byrd, Chairman, was recognized and he requested approval of $18,000 for the Arts Council programs.

Chamber of Commerce - Mr. David Godwin, President, Fayetteville Area Chamber of Commerce, was recognized. He stated the Chamber consisted of over 1200 businesses in the area. He introduced the following members of the Board of Directors of the Chamber: Art Cobb, Bryan Carr, Jr., Tom McCoy, Betty Monroe, John Swope and Jim Adams. Mr. Godwin requested Council to double the amount of appropriation this year over last year - $20,000. He stated the money would be used for promotional and advertising use for the tourist industry. He displayed an exhibit to be placed in the airport terminal in the baggage area for promotional use. Mr. Tom McCoy of the Chamber Board of Directors also was recognized and gave additional statistics and requested the $20,000 funding for this year. Mr. Jim Adams, Past President of CofC. was also recognized on this request.

USO - Mr. Jim Semple, Director of Ray Avenue USO facility was recognized and requested an appropriation of $5,000 for military , dependents, guests and community activities use for the coming year.

Airport - Mr. Cy Earnhardt, Chairman, was recognized.. Airport Commission recommends the establishment and hiring of a new position at the airport - that of Assistant Airport Manager. Although $12,000 is requested in the proposed budget, he stated, he recommended that this amount be increased to $15,000 in order to hire the person with the necessary qualifications for the job. He stated the Commission feels this is a very important matter in that the Airport Manager has not been able to take a vacation in several years because he has no one to fill in for him during his absence. He stated also that the workload has increased due to the necessity for

completing federal grant applications and normal work activities that the new position would be justified.

This concluded discussion and requests on the General Budget and Mayor Finch then stated she would conduct the public hearing and hear requests on the Revenue Sharing Budget.

Revenue Sharing Budget - Mr. Thad Cherry, Chairman of the funding Committee for the Multipurpose Service Center, was recognized and requested additional funding for the front walk and the lighted terrace. He stated that funds for this work - $45,000 - were excluded from the original budget request by error by City Administration. He stated that $57,200 was the new total and would fully complete the Center.

Dr. G. W. Allen was also recognized and presented additional details.

Mr. Jim Cooper was also recognized and stated that CCCCOA supports this request. He mentioned the retired military community encouraged to retire in the city as a community asset. He stated they bring talent, resources and other benefits to the city.

Mr. Clinton Harris, Chairman of the Special Committee for Cumberland County Senior Citizens Roundtable, was recognized and requested additional sidewalk construction for the city for the use of bus riding passengers and the elderly.

Following this there were no further requests.

Mayor Finch thanked all of those who had come to the meetings and made their wants and wishes known to City Council.

Council then set a special meeting for Thursday, June 19, at 7:00 pm in the Kyle House to consider the requests received tonight.

Thereafter, upon motion made and duly seconded, this special meeting was adjourned at 8:30 pm.

Maurice W. Downs
City Clerk

jro

SPECIAL MEETING
Thursday, June 19, 1980
7:00 p.m.
Kyle House

Present: Mayor pro tem J. L. Dawkins

Council Members: Wayne Williams, Aaron Johnson, Milo McBryde and Bill Hurley

Council Members Absent: Mayor Beth Finch and Mildred Evans

Others Present: W. G. Thomas, III, City Manager
R. C. Cogswell, Jr., City Attorney

Mayor pro tem Dawkins, presiding in the absence of Mayor Finch, called this special meeting to order for the purpose of considering a condemnation matter and the 1980-81 budget.

Mr. Dawkins recognized Mr. Thomas who asked if Council intended to hold another budget discussion, since he had additional matters to present for consideration. Another meeting was set for Tuesday, June 24, 7:00 pm, in the Kyle House for this purpose.

At the request of the City Attorney, City Council then, upon motion by Mr. Williams, seconded by Mr. McBryde and carried unanimously entered into an executive session to consider a litigation matter.

Council reconvened into special session from executive session and the City Attorney recommended that city settle the matter of the condemned property - the Dye - McBurney parcel located directly behind (east side) of City Hall for $38,350.23 including interest for a parking lot.

Mr. Hurley moved to follow the foregoing recommendation of the City Attorney, seconded by Mr. Johnson and upon being put to a vote, carried unanimously.

Mr. Dawkins then called on the City Manager to present the first matter for consideration, and Mr. Thomas gave the following report on the proposed Park Ranger Program.

PARK RANGER PROGRAM

8 Police Officer Positions @11,235/year + FICA + insurance		$ 97,390
Uniform Expense		4,000
Savings in Police Department		$101,390
6 Park Rangers @ $10,191/yr.		$ 61,146
FICA, Insurance		5,250
1 Chief Ranger @ $12,388/yr.		12,388
FICA, Insurance		1,009
Personnel Costs, 12 months		$ 79,793
Personnel Costs, 11 months		73,141
Personnel (11 mos.)	$ 73,141	
Uniform Expense	3,500	
Vehicles (4)	26,700	
Fuel & Maintenance	10,015	
Radios (5)	18,183	
Total Cost	$131,539	
TOTAL ADDITIONAL COST		$ 30,149
TIMETABLE:		
Hire Rangers	July/August	
Transfer Responsibility from Police to Parks & Rec.	September 1	

The City Manager then presented the following information on a change from metal automobile license plates to window decals as city tags:

Outlined below is the annual cost of using the current system of metal plates as city tags. Also listed is the projected cost of a change to window decals. The numbers used were obtained from the Collection Division.

Metal Plates and Renewal Stickers:

Auto plates	$10,560
Auto Stickers; 16,000 @ .08	1,280
Motorcycle plates; 100 @ .88	88
Motorcycle stickers; 100 @ .08	8
Total Cost	$11,936

Window Decals:

Auto decals; 28,000 @ .10	$ 2,800
Motorcycle decals; 200 @ .10	20
Total Cost	$ 2,820

Metal Plates	$11,936
Decals	2,820
Potential Savings	$ 9,116

City administration recommends the change from the use of metal plates to window decals in order to effect this savings in the 1980-81 budget.

The City Manager informed Council that the decals would have the Market House imprinted on them as desired.

The City Manager then presented information on the Program Co-ordinator for the Human Services Department. He exhibited a schedule which indicated if such position was implemented or retained then the budget would be revised from $51,249 to $61,037, an increase of $9,788.

The City Manager presented information on travel and training expenses for the Legislative Department and stated that a reduction in this appropriation would lower it from $170,260 to $168,260 or a sum of $2,000.

The City Manager then presented information concerning furniture for the Milti-purpose Senior Citizens Service Center, the renovation of Tokay Recreation Center, sidewalks near the schools, the additional lighting, front walk and furnishings for the Multipurpose center, wheelchair lifts and contingencies appropriations. He presented Council with a schedule for the above items indicating the various changes in the budgetary appropriations concerning the porposed changes.

The City Manager then presented Council with a schedule concerning the budgetary requests for the coming year from the various outside agencies i. e. Historic & Scenic Sites, CCCCOA, Museum of Arts, RSVP, Arts Council, Chamber of Commerce, USO and the N. C. National Guard Armory which were presented to Council by these agencies last Monday evening, June 16. The schedule indicated the increased requests, or, in the case of several agencies, no change over last year.

The City Manager informed Council that the Personnel Department is studying the effect the increase in hospital room rates and ancillary services effected by the Hospital Authority would have on our present employee group insurance. Following such study, information would be presented to Council at the Tuesday budget discussion along with recommendations.

Mayor pro tem Dawkins then reviewed the matters presented in this special session for Council's benefit, and there was a brief discussion period.

Following the discussion this special session was adjourned upon motion made and duly seconded at 8:30 pm.

Maurice W. Downs
City Clerk

jro

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JUNE 23, 1980

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. Robert Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and the Reverend (Councilman) Aaron Johnson offered the invocation. Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch recognized Youth Council Representatives John Whitehead, John Harris and Lynn Thorntan present in the audience to observe Council proceedings.

The first order of business was the approval of minutes.

Upon motion by Mr. Dawkins, seconded by Mr. McBryde and carried unanimously, minutes of the regular meeting of June 9th were approved with the following correction: That on page 263, paragraph 4 , first sentence, changed to read from Buildings and Properties Committee to Recreation and Parks Advisory Commission.

Upon motion by Mr. Williams, seconded by Mr. Johnson and carried unanimously, minutes of a special meeting of June 2nd were approved as submitted.

Upon motion by Mr. McBryde, seconded by Mr. Dawkins and carried unanimously, minutes of a special meeting of June 16th were approved as submitted.

Public Hearings

Council gave consideration to the 1980-81 Transit Operating and Capital Grants under UMTA Section 5.

Roger Stancil, Administrative Assistant to the City Manager, presented this matter and stated that summary sheets had been submitted for the Transit Grant Applications. These applications reflect the Transit Department's Operating and Capital Budgets for 1980-81 as recommended by the City Administration. He called attention to the fact that for the first time the operating application is being submitted prior to the beginning of our fiscal year so that we may draw down grant funds during the year rather than waiting for reimbursement. He requested the public hearing on the Capital Grant portion of the application be continued to September 22nd but recommended that Council adopt the attached resolution authorizing the City Manager to submit the application on the operating grant. There was no opposition present.

Mr. Dawkins offered motion to follow the recommendation of the Administrative Assistant and adopt a resolution except on the capital grant portion and continue the public hearing to September 22nd, seconded by Mr. McBryde and carried unanimously.

The resolution title appears below:

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR A CAPITAL GRANT FOR THE TRANSIT DEPARTMENT FOR 1980-81. RESOLUTION NO. R1980-26.

A copy of the foregoing resolution is on file in the Clerk's Office in Resolution Book R1980.

A Public Hearing had been published for this date and hour on the rezoning from R5 Residential District to P2 Professional District or to a more restrictive zoning classification of an area located at 2913 Breezewood Avenue. Planning Board recommended approval.

Mr. William R. Pleasant, the petitioner, was recognized and requested approval. Mr. Claude Darling and Mr. Larry Snyder, adjacent property owners, were also recognized in favor of the rezoning. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R5 RESIDENTIAL DISTRICT TO P2 PROFESSIONAL DISTRICT AN AREA LOCATED AT 2913 BREEZEWOOD AVENUE. ORDINANCE NO. NS1980-27.

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 NS1980.

A public hearing had been published for this date and hour on the consideration of the Ordinance amending Chapter 32 Article X, "Amendment", of the code of Ordinances of the city of Fayetteville amending Section 32-72 "Cost to Applicant". Planning Board recommended approval. Mr. Mitchell stated this matter had been before the Board for some months and it was just a matter of bringing all of the cases for these communities together at one time for consideration in making a uniform recommendation. The recommendation was that the fee be changed to $100. This proposed $100 fee will allow local governments to recoup approximately 50% of the cost of processing the average rezoning case. The fee would also reduce speculative rezoning requests. The fee in the four local units having zoning will promote consistency and uniformity throughout the County. Mr. Mitchell stated that the present cost of processing a rezoning application is approximately $210. The present fee is $15.00.

There were neither proponents or opponents present. Following some discussion, Mrs. Evans offered motion to follow the recommendation of the Planning Board and approve the fee increase by the adoption of the following resolution, motion seconded by Mr. McBryde.

Mr. Johnson offered substitute motion to set the fee at $75. The substitute motion was lost for lack of a second.

Mayor Finch then called for a vote on the motion and it carried as follows: For - Councilmembers Hurley, Evans, McBryde and Dawkins. Against - Councilmembers Johnson and Williams.

The Ordinance Title appears below:

AN ORDINANCE AMENDING CHAPTER 32 ARTICLE X "AMENDMENT" OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE - COST TO APPLICANT. ORDINANCE NO. S1980-7.

A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book S1980.

A Public Hearing had been published for this date and hour on the rezoning from R10 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification of an area located to the rear of 601 Dunn Road. Planning Board recommended denial.

Mr. Ernest Cain, a surveyor, was recognized representing the petitioners for the rezoning.

Mr. Wayne Edwards and Mr. Ben Robinson, area residents, were recognized in opposition.

Following some discussion, Mr. Williams offered motion to approve the rezoning request by the adoption of the following ordinance, motion seconded by Mr. McBryde and carried, Mrs. Evans voting no.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R10 RESIDENTIAL DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED TO THE REAR OF 601 DUNN ROAD. ORDINANCE NO. NS1980-28.

A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book NS1980.

A Public Hearing had been published for this date and hour on a request for a special use permit for the operation of an antique shop in a P2 Professional District in an area located at 806 Hay Street. Planner Mitchell stated that the Planning Board recommends conditional approval of the request subject to the site being developed in accordance with the site plan submitted as part of the special use permit application; and that the City Engineer approve drainage plans and that in accordance with the zoning ordinance requirements there be no outside storage.

Mr. John Rose, the petitioner, was present. There was no opposition present.

Following brief discussion, Mrs. Evans offered motion to grant the special use permit as requested, seconded by Mr. Dawkins and carried unanimously.

A Public Hearing had been published for this date and hour on the consideration of closing Melba Street north of Wisconsin Street.

The City Engineer presented this matter and stated that the property owners had been notified of this public hearing as required. He stated that a petition had been submitted for the closing of this street and recommended its closing. He stated that utilities were installed in the street; but no street improvements have been made to date. A petition had been submitted sometime ago by the residents to pave the street; and the petition approved by Council and the paving work recently contracted by the City. In May of this year two of the three abutting property owners petitioned the City for closing the street. The City Engineer stated he believed this section of Melba Street is of use only to the abutting property owners. A ravine approximately 45 feet in depth immediately to the north would probably cause a future street extension to be prohibitive in cost. The street can be eliminated from the paving contract should Council elect to close it, he concluded.

Mr. Allen Jessup, a property owner, was recognized and requested the closing; but he stated that he would not return his portion of the property at no cost to the city if the city needed it in the future. There was no opposition present.

RESOLUTION AND ORDER CLOSING A PORTION OF MELBA STREET WHICH LIES NORTH OF WISCONSIN DRIVE. RESOLUTION NO. R1980-27.

Mr. Johnson introduced the foregoing resolution and order and moved its adoption to close Melba Street, seconded by Mr. Dawkins and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's Office in Resolutions Book R1980.

Public Hearings to be Set:

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously public hearings were set for July 28, 1980 on the following matters:

Consideration of the rezoning from R15 Residential District to P2 Professional District or to a more restrictive zoning classification an area located at 2908 Cliffdale Road.

Consideration of the rezoning from P2 Professional District to C1 Local Business District or to a more restrictive zoning classification an area located at 1126 Marlborough Road.

Consideration of a request for a special use permit for the construction of Medical and Dental offices in a R5A Residential District as provided for in the Fayetteville Zoning Ordinance Section 32-24(4) for an area located about 370 feet North of Village Drive East of Owen Drive.

Planning Board Matters

Planner All Mitchell presented these matters.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, conditional approval as recommended by the Planning Board was given Windtree Subdivision Extension Review (preliminary and final review) located south of Cliffdale Road along Tradewinds Drive.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, conditional approval, as recommended by the Planning Board, was given Windtree Villas Subdivision extension review (preliminary and final review) located south of Cliffdale Road on Tradewinds Drive.

Upon motion by Mr. Hurley, seconded by Mr. McBryde and carried unanimously, conditional approval as recommended by the Planning Board was given All American Plaza (formerly Hickman) Subdivision extension review (preliminary and final review) located East of the All American Freeway along Owen Drive.

On the final Planning Board matter, Councilman Williams requested permission to abstain from discussion and voting due to a personal interest. Permission was granted.

Upon motion by Mr. McBryde, seconded by Mr. Dawkins and carried, Mr. Williams abstaining, conditional approval was given as recommended by the Planning Board to People's Bank and Trust Company, Bordeaux Shopping Center group development addition review located South of Village Drive and East of Boone Trail Extension.

This concluded the Planning Board matters.

Public Works Commission Matters

These items were presented by PWC Manager, Ray Muench.

Upon motion by Mrs. Evans, seconded by Mr. Williams and carried unanimously, approval was given to an application for one 1-inch water connection to an existing main in River Road to serve residence of James W. McPhail outside the city. (Mr. Muench stated that the owner would sign an annexation agreement.)

Upon motion by Mr. Dawkins, seconded by Mr. McBryde and carried unanimously, the low bid submitted by Triple A Construction in the amount of $57,543.50 for construction of water and sanitary sewer utilities to serve the Fayetteville Metropolitan Housing Authority Project NC 9-10 at Johnson and Whitfield Streets was accepted as recommended by PWC and the Mayor and Clerk authorized and directed to sign on behalf of the city.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously the low bid submitted by ITT Grinnell Corporation in the amount of $16,530.81 for the purchase of forty-five fire hydrants was accepted as recommended by PWC.

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

Council next gave reconsideration to Budget Amendment Change 7 (this matter continued from the June 9th meeting) The City Manager presented this matter and stated that this budget amendment was for fuel and custodial costs for the law enforcement center, roll-out carts and the aerial platform truck. The City Manager informed Council that he had still received no answer from the County Manager concerning the cost for fuel and custodial services at the law enforcement center, so these items have been deleted from this amendment. He recommended adoption of the amendment which now contained only the roll-out carts and aerial platform truck.

1979-1980 BUDGET ORDINANCE AMENDMENT CHANGE 7. ORDINANCE NO. NS1980-29.

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

A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book NS1980.

Council next gave consideration to Budget Amendment Change #8. The City Manager presented this matter and stated that it related to PWC and the city general fund. He explained that the city general fund changes pertain to the downtown revitilization department cost. Mr. Muench explained that the PWC portion was to increase the appropriation from the electric utility fund to the sanitary sewer bond account in the amount of $5,500.

1979-1980 BUDGET ORDINANCE AMENDMENT CHANGE 8. ORDINANCE NO. NS1980-30.

Following brief discussion Mr. Johnson introduced the foregoing ordinance and moved its adoption as recommended by the City Manager and PWC, seconded by Mr. Dawkins and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book NS1980.

Council next gave consideration to a resolution concerning the purchase of parcel E-1 for the "B" Street drainage project.

The City Engineer presented this matter and stated that the city has a revenue sharing funded project to improve the drainage of "B" and Minor Streets. It is necessary to cross a tract of land on the east side of "B" Street designated as E-1 on the map, and appraisal has been made for acquiring the necessary easement; and the offer has been made to the property owner but rejected. We believe the only reasonable way to settle the matter now is the adoption of the condemnation resolution. Mr. Bennett recommended this action.

RESOLUTION AUTHORIZING CONDEMNATION OF A PARCEL OF LAND FOR "B" STREET (FORMERLY ADAM STREET) STORM WATER DRAINAGE. RESOLUTION NO. 1980-28.

Mr. Willimas introduced the foregoing resolution and moved its adoption as recommended, seconded by Mr. Johnson and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's Office in Resolutions Book R1980.

Council next gave consideration to a request for participation in drainage from Mr. Charles Mosher of 1502 Oglethorp Court.

The City Engineer presented this matter and stated that a written request had been received from Mr. Mosher for the city participation. We have reviewed this drainage problem and find it does fit the city's policy to participate in one-half the cost of piping an open ditch. There is an existing easement for the proposed pipeline. We estimate the cost to be $4,500 and would recommend the city proceed with the drainage improvement upon payment of one-half of this amount ($2,250) to the city. Upon completion the city and Mr. Mosher should settle for the exact one-half participation.

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

Council next gave consideration to renewing a contract with NCDOT for maintaining traffic control devices.

The City Engineer presented this matter and stated that Fayetteville along with all the larger cities in North Carolina maintains the traffic control devices that are on the state system streets within the corporate limits. At the urging of Fayetteville and other cities, NCDOT has offered a new agreement which increases the reimbursement to the city for maintaining these devices. The reimbursement to the city includes electric power at the industrial rate. It is estimated the increased rates

will afford an approximate 15 percent increased reimbursement to the city. Therefore, we recommend approval of the new agreement.

Mr. Dawkins moved for approval of the new agreement as recommended by the City Engineer, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to a presentation by Mr. Don Broadwell of his request that the city purchase the right-of-way for Rosehill Road realignment through Hillendale Subdivision.

Council recognized Mr. Broadwell who stated that he was generally in favor of the new road if needed by the city for improvements; but that it denied access to streets and, therefore, constituted, as he stated it, a "taking". Mr. Broadwell stated he would sell his property to the city for land cost. However, he made the following propositions to the city. Number 1 - abandon the idea, and Number 2 - he requested the city council to buy at $6,000 per acre or $19,000 total at land cost, the property needed for relocation of Rosehill Road.

The City Manager's recommendation was that the Council refer this matter to the Streets and Roads Committee and/or the Policy Committee for thorough review and recommendations.

Following brief discussion Mrs. Evans offered motion to follow the recommendation of the City Manager and refer this matter to the Policy and Streets and Roads Committees for a recommendation to be brought back to the City Council at the August 11, 1980 meeting. The motion was seconded by Mr. McBryde and carried unanimously.

Council next gave consideration to the approval of ordinances imposing liens against property of Mr. Arthur L. Singleton, Jr. and Mary Simmons for the demolition cost of substandard structures. The City Attorney presented these ordinances in behalf of the Inspections Department and recommended adoption. He stated both Ordinances could be adopted in one motion if desired.

Mrs. Evans then offered motion for adoption of the two foregoing ordinances as recommended at 9:00 pm, seconded by Mr. Dawkins and carried unanimously.

The ordinance titles appear below:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL IMPOSING A LIEN AGAINST THE PROPERTY OF ARTHUR L. SINGLETON, JR., LOCATED ON BEVEL STREET IN THE AMOUNT OF $425. ORDINANCE NO. NS 1980-31.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL IMPOSING A LIEN AGAINST THE PROPERTY OF MARY SIMMONS, LOCATED ON BUTLER STREET IN THE AMOUNT OF $300. ORDINANCE NO. NS1980-32.

Copies of the two foregoing ordinances are on file in City Clerk's Office in Ordinance Book NS1980.

Council next gave consideration to the amendment of several airport leases.

The City Attorney presented this matter and stated that in June the Airport Manager received written instructions from FAA as to the implementation of Section 30 of the Airport and Air way Development Act of 1970 as amended, published in the Federal Register on Thursday, February 14, 1980. This regulation covers some of the civil rights responsibilities of recipients of federal airport grants. Because the Fayetteville Airport will receive or may receive assistance under the act, the city is required to comply with it on its effective date or upon receiving future assistance. One of the requirements is that aviation related concessionaires, tenants, construction contractors and others negotiate reformation of contract leases and other agreements to include appropriate provisions by July 17, 1980, of the affirmative action goals stated in the regulations. Accordingly, amendments of all the current tenant leases at the Fayetteville Airport have been redrawn to include this affirmative action provision. The proposed provisions are consistent with the recommendations made by FAA, therefore, your approval is recommended.

Following brief discussion, Mr. Williams offered motion to amend the following Airport leases to include the affirmative action provision as follows:

A. Piedmont Aviation's Airport Use Agreement.
B. Piedmont Aviation's Fuel Farm Lease.
C. Piedmont Aviation's Freight Building Lease.
D. Fayetteville Aviation's Fixed Base Operation Lease.
E. Sunbird Airlines' Airport Use Agreement
F. Terminal Coffee Shop, Gift Shop, News Stand Concession Agreement.
G. Southern National Bank Lease.
H. APCOA's Automobile Parking Lot Lease.
I. Avis Rent-A-Car System, Inc. Lease
J. National Car Rental Systems, Inc. Lease.
K. Car Rental, Inc. Lease

Motion was seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to authorizing the advertisement of a proposed lease renewal with Mrs. E. S. Jenkins for the Donaldson Street parking lot.

The City Attorney presented this matter and requested authority to publish a notice of consideration of this matter for the next meeting on July 14th.

Mr. Williams offered motion that the City Attorney be and he hereby is authorized to publish such notice as requested, seconded by Mr. McBryde and carried unanimously.

Council next gave consideration of the adoption of an action program for Urban Parks and Recreation Recovery Grant.

Council recognized Mr. Kenneth Basinger, Director of Parks and Recreation for the city. He presented this matter stating that in 1968 James B. Godwin and Associates published a long-range community facility study and plan which included an extensive section on Recreation and Parks. This plan has been used by the Fayetteville Recreation Department as a guide to develop its recreation system and park plan.

In 1976 the Cumberland County Joint Planning Board updated this plan with more consideration given to facilities and activities to meet the needs for the urban area.

The 1968 and 1976 year 2000 Plan is the basis on which we have developed our recreation and parks five to ten-year Action Plan with assistance from local residents, the Joint Planning Board, Community Development Department, Civic Groups and several Recreation and Parks Consultant Teams.

When the five to ten-year action plan is approved based on both studies, Fayetteville Recreation & Parks Department will be able to serve forty-five (45) % more of the city residents by the acquisition and development of parks sites, renovate community centers for maximum use, construction of new centers and gymnasiums, development of amphitheater for outdoor activities, and the enclosing of Lamon Street pool for year-round water activities.

Mr. Basinger then requested that Council adopt the grant application for forwarding to Atlanta for consideration. Mr. Basinger stated the Recreation and Parks Advisory Commission requested adoption.

Following brief discussion, Mr. Johnson offered motion for adoption of the five-year action program and filing of the grant application as recommended, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to the appointment of the city Finance Director, Mr. William F. Epps, to the Board of Directors of the Fireman's Relief Fund.

The City Manager presented this matter and requested approval.

Mr. McBryde offered motion that Mr. Epps, the city Finance Director, be appointed to the Board of Directors of the Fireman's Relief Fund for a two year term of office, said term to run to January 1982. Motion was seconded by Mr. Williams and carried unanimously.

Council next gave consideration to a presentation by Fire Chief Thurman Bishop, on the status of Fireman I, II, and III.

Council recognized Chief Bishop who stated that this was a presentation for Council information only at this time. He stated that it is the Department's goal in developing a classification system for fire fighters to provide an incentive for career development to encourage Fire Department personnel to achieve a higher degree of knowledge and skills. To achieve that goal we need standards for each level of progression and a system of certification that are respected by department personnel. We need a system that can be administered as objectively as possible with subjective judgment reduced to a minimum. Our efforts have been directed toward working with the state and national associations in developing the criteria and certification process, he stated. At this point, however, a uniform system has not been developed. We have, therefore, decided to use the knowledge gained from our discussions with state and national groups and proceed with development of our own system. When a national system is complete, we can then decide whether ours should be modified. Chief Bishop stated he was working with the city personnel department and would use their own personnel to implement this program by January 1st. Additional information will be provided at a later date, he concluded.

Following brief discussion, Mr. Johnson offered motion to receive the memorandum for information only tonight, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a presentation of a payment in lieu of taxes from the Fayetteville Metropolitan Housing Authority.

Council recognized Mr. Harry Jones, Executive Director of the Authority, who presented the Mayor with a check in the amount of $9,846.82 as payment in lieu of taxes. Council thanked Mr. Jones for the check.

Council next considered taxi driver permits.

The City Manager presented this matter and stated the following names were recommended:

Raylon Loyd Waits, David Kenneth Jarmon, William Henry Nolan, Sr., Haywood Wayne Lewis, Nathaniel Levonior Jones, Jr., and William Darnell Lewis.

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

Council next gave consideration to appointments to various Boards and Commissions.

Upon motion by Mr. Hurley, seconded by Mr. Williams and carried unanimously, Mrs. Susan Rhodes and Cleophus Hatcher were appointed to the Education Development Council for three-year terms of office each, said terms to run to June 1983.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, Mr. James Warner was reappointed to the Public Works Commission for a three-year term of office, said term to run to June 1983.

Mr. Hurley then nominated Thomas M. McCoy, and Mr. Johnson nominated Robert C. Williams for a vacancy on the Public Works Commission due to the death of Mr. Harry B. Stein. Mayor Finch stated these nominations would be considered at the next meeting.

Upon motion by Mr. Dawkins, seconded by Mr. McBryde and carried unanimously, Mr. Cyrus P. Earnhardt, Jr., Mr. Charles C. Clark and Mr. Joseph Pillow were appointed to the Airport Commission by acclamation, said terms of office to run for two years each to June 1982.

Upon motion by Mr. Dawkins, seconded by Mr. Johnson and carried unanimously, Mr. Ray Muench, Jr., PWC Manager, was appointed to the Board of Directors of the Public Works Commission Retirement Plan for a five-year term of office, said term to run to June 1985.

Upon motion by Mr. Williams, seconded by Mr. McBryde and carried unanimously, Mr. Tom Stewart and Mrs. Stewart V. Kerr were appointed to the Fayetteville Revitilization Commission for three-year terms of office each, said terms to run to June 1983.

Upon motion by Mr. McBryde, seconded by Mrs. Evans and carried unanimously, Mr. James Flanders, Mrs. George (Rachel) Ellis and Mrs. Ida Ross were appointed to the Human Services Commission for two year terms of office each, said terms to run to March 1982.

For the vacancy on the Joint Planning Board, Sue Hobgood and Sonja Kendrick Rothstein had been nominated at the last meeting. Mr. Johnson offered motion, seconded by Mr. McBryde that the Council vote on the two foregoing nominees for the one vacancy. Votes were cast and a three-to-three tie vote resulted. Following some discussion, Mayor Finch cast her vote in favor of Mrs. Rothstein and then declared Mrs. Rothstein appointed to the Joint Planning Board for a 4-year term of office, said term to run to June 1984.

Delegations

Council recognized Mr. Clinton Harris who expressed thanks to Councilmembers Williams and Dawkins, as bankers, for the cities sidewalks projects. Mr. Harris also spoke on contracts and suggested that Council get up-to-date reports on progress of those.

City Manager Reports

The City Manager stated he was in receipt of a request from the Brotherhood Club to hold a parade in the downtown area August 2nd from 10:00 am until 1:00 pm for handicapped children. The request also included use of the Market Square to a speaking area and for various areas to be blocked off, and requesting the help of the Police and Fire Department to participate. The City Manager requested a postponement of action on this matter until he could check the tax exempt status of this organization with the State of North Carolina. The postponement was approved. The City Manager also informed Council that the downtown Fayetteville Association was requesting permission to hold a parade on July 4th with the Radio Station WFLB Radio Band. This event would be sponsored by the Fayetteville Youth Council.

Mrs. Evans offered motion, seconded by Mr. Williams and carried unanimously that authorization and permission be granted to hold this parade. The City Manager informed Council that a police officer candidate had been certified by the Civil Service Commission and Chief of Police to him. He further recommended the hiring of this person for the Police Department.

Upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, Steve A. Burton was appointed to the Fayetteville Police Department as recommended.

Matters of Interest to the City Council

Mr. Williams asked the City Manager about the consolidation of the City and County Canine Departments. The City Manager replied that he was coordinating this matter with the County Manager. No action had been taken by them to date. Mr. Johnson informed Council that he would be absent from the next City Council Meeting because he will be attending a national presidential nomination convention. Due to this he requested Council delay its vote on the Public Works Commission Nominee until July 28th, and this was agreeable with City Council.

Mr. Dawkins commended the City Council this evening on the rapidity with which it handled tonight's very full agenda.

Mr. McBryde invited the City Council Members to cut a watermelon for the July 4th celebration in downtown Fayetteville.

Mr. McBryde requested the City Manager to have a general clean-up of the property in downtown Fayetteville, and to give special attention to the vacant store located at 421 Hay Street across from the new Social Services Offices because of the broken windows and the accumulation of trash, and also to clear the cars off Hay Street in order to permit the Sanitation Department to clean the streets. The City Manager acknowledged the request.

Mr. Hurley congratulated Mrs. Rothstein, who was present in the audience on her appointment to the Joint Planning Board.

Mr. Hurley voiced his concern on the growing weeds in the downtown area and stated a clean-up is need badly - particularly to clean the vacant lots. His requests were also noted by the City Manager.

Thereafter, all matters of business having been completed, this regular session was adjourned at 9:15 pm upon motion made and duly seconded.

Maurice W. Downs
City Clerk

jro

SPECIAL MEETING
MONDAY, JUNE 30, 1980
1:00 PM
KYLE HOUSE

Present: Mayor Beth Finch

Council Members: Wayne Williams, Aaron Johnson, J. L. Dawkins, Milo McBryde, Mildred Evans and Bill Hurley

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

Mayor Finch called this special session or order at 1:00 pm for the purpose of final approval of the 1980-81 budgets. Councilman Williams had telephoned that he would be several minutes late. Mayor Finch stated comments could be made during this time if Council so desired.

In response to question the City Manager stated that the tax rate had been set at 52¢; that a 10% cost of living salary adjustment had been included for city employees; that the Program Coordinator position for the Human Services Department had been included; that an appropriation for hospital insurance increase had been included; that appropriationshad been included for outside agencies, and an appropriation also included for the LaFayette bust installation under the Market House.

Council members extended a welcome back to Assistant City Manager John Smith, who had been ill in the hospital.

Mr. Hurley expressed appreciation to City Manager Thomas for the clean-up of the downtown area as requested.

Councilman Williams then arrived at the meeting at 1:07 pm.

Councilman Hurley remarked that Council had a progressive budget this year.

Mr. Dawkins then offered motion to adopt the proposed general fund budget for 1980-81 with the tax rate of 50¢ for the General Fund and 2¢ for the Debt Service Fund, a total of 52¢ per $100 valuation by the adoption of the following Ordinance. Motion seconded by Mr. Hurley and upon being put to vote carried unanimously.

1980-1981 BUDGET APPROPRIATION ORDINANCE NO. NS 1980-33.

A copy of the above ordinance is on file in the Clerk's Office in Ordinance Book No. NS1980.

Councilman Dawkins then moved for adoption of the 1980-1981 Parking Facilities budget ordinance. Motion seconded by Councilman Johnson and upon being put to a vote, carried unanimously. The ordinance title appears below:

PARKING FACILITY - 1980-1981 BUDGET ORDINANCE NO. NS1980-34.
A copy of the above is on file in the Clerk's office in Ordinance Book No. NS1980.

Thereafter, this special session was adjourned upon motion made and duly seconded at 1:15 pm.

Maurice W. Downs
City Clerk

jro

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JULY 14, 1980
7:00 PM

Present: Mayor Beth Finch

Council Members: J. L. Dawkins, Milo McBryde, Mildred Evans and Bill Hurley.

Council Members Absent: Aaron Johnson and Wayne Williams

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 invocation was offered by the Reverend Father Eugene (Chip) O'Toole, St. Patricks Catholic Church. Following the invocation, Eagle Scout Philip Tanzilo, Troop 747 St. Patricks Catholic Church, led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch recognized Fayetteville Youth Council representatives Mike Glass, Joe Sarakaitis and John Kennedy present in the audience to observe Council proceedings.

First order of business was the approval of minutes.

Upon motion by Mr. Dawkins, seconded by Mr. McBryde and carried unanimously, minutes of a special meeting of July 19th were approved as submitted by the Clerk.

Upon motion by Mr. McBryde, seconded by Mr. Dawkins and carried unanimously, minutes of the regular meeting of June 23rd were approved as submitted by the Clerk.

Upon motion by Mr. Dawkins, seconded by Mr. McBryde and carried unanimously, minutes of the special meeting of June 30th were approved as submitted by the Clerk.

Public Hearing:

A Public Hearing had been published for this date and hour on the consideration of adoption of a resolution and order closing Caldwell Street between Kirkland Drive and Brainard Avenue.

The City Engineer presented this matter and stated that the City had received a petition requesting the closing of this section of Caldwell Street and the petition was signed by three of the four abutting property owners. This street is of use only to the abutting property owners, therefore, we see no need of retaining it as a public street. The City has water mains within this section of the street, therefore, we recommend retaining the area as a public utility easement. All property owners had been duly notified of this public hearing, he concluded.

Mr. Charles Shelton of 123 Kirkland Drive was recognized in favor of the closing. There was no opposition present.

Following brief discussion, Mr. Hurley offered motion to close this portion of Caldwell Street as recommended by the adoption of the following resolution and order, seconded by Mr. McBryde and carried unanimously.

RESOLUTION AND ORDER CLOSING A PORTION CALDWELL STREET WHICH LIES BETWEEN KIRKLAND DRIVE AND BRAINARD AVENUE. RESOLUTION NO. R1980-29.

A copy of the foregoing resolution is on file in the Clerk's Office in Resolution Book R1980.

Public Hearings to be Set:

Upon motion by Mr. Dawkins, seconded by Mr. McBryde and carried unanimously, public hearings were set for August 11, 1980, by the adoption of the following two resolutions.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF BLUERIDGE AVENUE FROM WESTDALE DRIVE TO THE SOUTHERN CORNER OF LOT 10 WESTDALE SUBDIVISION. RESOLUTION NO. R1980-30.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR THE EXTENSION OF WATER WORKS AND SEWAGE SYSTEMS AND OTHER IMPROVEMENTS ON AND IN EDMONTON ROAD AND LEVY STREET. RESOLUTION NO. R1980-31.

Copies of the two foregoing Resolutions are on file in the Clerk's Office in Resolutions Book R1980.

Public Hearings were also set by the same motion for July 28th as follows:

The proposed annexation of the John H. Nance property, located at the northeast corner of Ramsey Street and Longview Drive.

The proposed annexation of the C. D. Hartsell property located at 3406 Boone Trail.

Public Works Commission Matters:

Mr. Ray Meunch, PWC Manager, presented these matters.

Mr. Meunch stated that bids had been received on June 17, 1980, for the purchase of seventy-six distribution transformers. The item below evaluated bid and the bid amounts are as follows and are as recommended:

1. Fourteen (14) 25 KVA 24.9/14/4 Transformers: Bidder - General Electric Supply Company. Total bid: $11,270.00.

2. Twenty-four (24) 50 KVA 24.9/14.4 Transformers: Bidder - General Electric Supply Company. Total bid: $22,848.00.

3. Ten (10) 25 KVA 12,470Y/7200 Transformers: Bidder - Eastern Electric Supply Company. Total bid: $7,570.00.

4. Twenty-five (25) KVA 12,470Y/7200 Transformers: Bidder - Rigby Electric Supply. Total bid: $23,000.00.

5. Two (2) 150 KVA 208/120-Volt Transformers: Bidder - Westinghouse Electric Supply Company. Total bid: $6,350.00.

6, One (1) 500 KVA 480V/277-Volt Transformer: Bidder - General Electric Supply Company. Total bid: $5,228.00.

Mr. Meunch stated approval of the foregoing low evaluated bidder as recommended by PWC.

Following brief discussion, Mr. Dawkins offered motion, seconded by Mrs. Evans and carried unanimously, to accept and award the foregoing low evaluated bidders as recommended by PWC.

Upon motion by Mr. McBryde, seconded by Mr. Dawkins and carried unanimously, an application by Mr. William Bledsoe for one 4-inch sanitary sewer connection to serve 4917 Jean Street outside the City was approved as recommended by PWC.

Council next gave consideration to the approval of a proposed lease renewal with Mrs. E. S. Jenkins for the Donaldson Street parking lot.

The City Attorney requested deferral of this matter to the next regular meeting on July 28th. The matter was so deferred.

Council next gave consideration to the purchase of a vacant lot on Vanstory Street (City Property) by Community Development.

The City Attorney presented this matter and stated that a closing statement had been forwarded to him by the Attorney for the Community Development Office. This is a piece of property owned by the City that they are purchasing for a redevelopment area. The total purchase price is $2,000.00 less $45.70 in delinquent county ad valorem taxes. He recommended to Council that the Mayor be authorized to sign the closing statement so the City can receive the money and Community Development can be given a deed to the property.

Following brief discussion, Mrs. Evans offered motion for approval of the foregoing and that the Mayor be authorized to sign the closing statement as recommended, seconded by Mr. McBryde and carried unanimously.

Council next gave consideration in concurring in a request from the Housing Authority to use HUD funds for the acquisition and construction of a parking lot on Wiley Street.

The City Manager presented this matter for Mr. Harry Jones, the Executive Director of the Housing Authority, who stated the Housing Authority is requesting this action to use the piece of property as a parking lot for authority staff and employees. The construction cost is $23,218.00. Mr. Jones recommended approval, he stated.

The Mayor stated that this information had come across her desk from HUD

and the letter enclosed in the agenda packet was for Council's information.

Following brief discussion Mrs. Evans offered motion for the Council to concur in the request with the Housing Authority as recommended, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration of approval for the Mayor to request permission from the Commanding General at Fort Bragg for the Old North State Chapter of the National Railway Historical Society, Inc. to work with the Cape Fear Railway and the appropriate military offices at Fort Bragg to operate excursions over the Cape Fear Railway.

Mayor Finch presented this matter and stated that Mr. J. C. Odom, Vice-President of Cape Fear Railways, Inc., at Fort Bragg, and herself had received letters from Mr. G. E. Rosenberger, Secretary-Treasurer of the Old North State Chapter of the National Railway Historical Society, Inc., in Raleigh requesting information and guidance on how to operate railway excursion trips over the Cape Fear Railway. The objective, he stated, would be to offer excursions to the public on certain mutually agreed-upon weekends and holidays at an affordable price. Cape Fear Railways' contribution would be the locomotive and engine crew for the excursions. The Historical Society's passenger equipment would consist of two 85-foot six-wheel truck cars, one 72-foot six-wheel truck car. The total capacity of the passenger train would be approximately 120 persons. Liability insurance would be provided. Mr. Rosenberger stated in his letter to Mr. Odom that as a non-profit and tax-exempt corporation in North Carolina, the Society would derive no personal gain from excursion activities, and all time and travel expenses would be donated by their members. Mr. Rosenberger also stated in his letter that their Society had operated 14 excursions of their own over 500 miles in the past year and participated in 2 Southern Railways Steam Excursions and have witnessed a continuing interest a carefully operated excursion can generate. Mayor Finch stated that in Mr. Rosenberger's letter to her, he had sent two copies of their Chapter's proposal for operating the passenger excursions. He also stated he had received a call from Major Lynn at Fort Bragg that the request must come from the Mayor of Fayetteville and/or Cumberland County government officials to the Commanding General at Fort Bragg requesting our Chapter be permitted to work with the railway and the appropriate military offices at Fort Bragg to operate the excursions. He also stated he has been in contact with Lt. Col. Groves, Post Transportation Officer at Fort. Bragg concerning the proposal. Mr. Rosenberger stated that he served as Chief Mechanical officer for the Chapter and it was his responsibility to accompany their cars on any movement to a new location. Ideally, this would best be done over Labor Day weekend. Southern Railway would need two to three weeks notice to provide such a movement.

Mayor Finch stated Mr. Rosenberger concluded his letter by saying that after receiving this proposal, if Council feels it has merit, they would appreciate any action appropriate to take and welcomed all city and county officials to inspect their passenger equipment when in Raleigh at their convenience.

Following brief discussion of the request, Mr. Dawkins offered motion that City Council endorse the request and give approval to the Mayor to take the appropriate action, seconded by Mr. McBryde and carried unanimously.

Council next gave consideration to a municipal NCDOT agreement for upgrading three street railroad crossings.

The City Engineer presented this matter and stated that DOT is coordinating a federal program to improve safety at railroad street crossings. Three locations have qualified for the installation of flashing signals and gates. Chance Street and SCL Railroad, Winslow Street and A & R Railroad, and Marlborough Road and A & R Railroad.

The federal government will pay 90 percent of the cost and Fayetteville is to pay 10 percent plus one half the annual maintenance cost. The total installation cost is estimated to be $131,000 with $13,100 (10%) to be paid by the city upon completion of the work. The annual maintenance cost is estimated to be $3,490, which will amount to $1,745 (50%) for the City. Equipment purchase and installation is estimated to require a year; therefore, the City's cost will be incurred in next year's budget. We recommend approval of the proposed agreement by adoption of a Resolution and for the Mayor and Clerk to sign.

Following brief discussion, Mr. Dawkins offered motion to follow the foregoing recommendation of the City Engineer and approve the agreement of the adoption of a Resolution and that the Mayor and Clerk be and are hereby authorized and directed to sign said agreement for the City, seconded by Mrs. Evans and carried unanimously.

The Resolution title appears below:

RESOLUTION AUTHORIZING A MUNICIPAL AGREEMENT FOR THE INSTALLATION OF RAILROAD FLASHING SIGNALS AND GATES. RESOLUTION NO. R1980-32.

A copy of the foregoing Resolution is on file in the Clerk's Office in Resolutions book R1980.

Council next gave consideration to a Resolution authorizing the condemnation of a drainage easement for Pennsylvania Avenue paving. The City Engineer presented this matter and stated that the City needs to acquire a drainage easement across a parcel of property at the end of Pennsylvania Avenue. A spokesman for the property owner has advised that they cannot convey this easement to the City and has asked that we begin condemnation proceedings. The owner is Mr. Tom Wood and his associate company. He does now want to be uncooperative with the City, but his land is tied up legally, and he cannot grant easement voluntarily.

RESOLUTION AUTHORIZING CONDEMNATION OF PARCELS OF LAND FOR PENNSYLVANIA AVENUE PAVING. RESOLUTION NO. R1980-33.

Mrs. Evans offered motion for adoption of the foregoing Resolution as recommended, seconded by Mr. McBryde and carried unanimously.

A copy of the foregoing Resolution is in file in the Clerk's Office in Resolutions Book R1980.

Council next gave consideration to fiscal year 1980-81 budget ordinance amendment change #1.

The City Manager presented this matter and stated it involved City and PWC items. He presented the city matter and stated it concerned the special tax district fund revenue. The requested change shows 10% increase from $4,300 to $49,300 from current taxes. PWC Manager Meunch presented the second part and stated that the change concerns the waste treatment plant total sanitary sewer bond capital, and the change is an appropriation of $656,000 for fiscal year 1980-81, so that unexpended fiscal year 79-80 funds could be utilized.

Mr. Dawkins moved for adoption of the ordinance, seconded by Mr. McBryde and carried unanimously.

The Ordinance title appears below:

1980-1981 BUDGET ORDINANCE AMENDMENT - CHANGE #1. ORDINANCE NO. NS1980-35.

A copy of the foregoing Ordinance is on file in the Clerk's Office in Ordinance Book NS1980.

Appointments

The Mayor stated the Education Development Advisory Council had three vacancies - 1 three-year term, 1 unexpired term for 1981 and 1 unexpired term for 1982.

Mrs. Evans nominated Mrs. Maureen Clark for the three-year term of office. Mrs. Evans nominated Mrs. Doris Rulnick for the two-year term of office expiring in 1982.

There were no further nominations, and the Mayor stated this matter would be carried over to the next meeting.

Council next considered two nominations to fill two vacancies on the Board of Adjustment. Mayor Finch stated the incumbents, F. Royal Loyd, Jr., and Charles Smith, would serve again if elected.

Mrs. Evans nominated F. Royal Loyd, Jr. Mr. Dawkins nominated Mr. Charles Smith. Mayor Finch stated these would be considered at the next meeting of the Council.

There were no delegations.

City Manager Reports

The City Manager stated that he had presented a request at the last meeting on June 23rd from an organization to hold a parade for the handicapped. This matter had been continued in order for the City Attorney to check the tax status of the organization. The City Attorney reported that the Brotherhood Club requesting the parade is an arm of the St. Johns Baptist Church, and that the Church has the tax exempt status, that no sales are contemplated, but if permission is granted, it should be granted in the name of St. Johns Baptist Church.

Mrs. Evans moved for approval of the parade for the handicapped to St. Johns Baptist Church on August 2, 1980, from 10:00 am to 1:00 pm, seconded by Mr Dawkins and carried unanimously.

The Mayor suggested that the Council consider a parade ordinance and asked the City Attorney to develop one. Mrs. Evans suggested the Policy Committee

study this matter also, and this was agreeable.

The City Manager reminded the City Council of the 71st Annual North Carolina League of Municipalities Annual Convention in Raleigh on October 19-21 and that reservations for those attending should go in early. Mayor Finch urged all Councilmembers to be present at this convention and to give it their support.

The City Manager informed Council that UMTA has approved our application for 1979-1980 Transit Operating Funds in the amount of $349,500. In order for us to receive these funds the Council should adopt a resolution stating that William G. Thomas, III, City Manager, is hereby authorized and directed to execute in behalf of the City of Fayetteville, North Carolina, agreements related to the 1979-1980 Operating Grant Award for the City. He requested Council's adoption of a Resolution.

Mr. Hurely offered motion for adoption of said Resolution, seconded by Mr. McBryde and carried unanimously.

The Resolution Title appears below:

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS RELATED TO THE 1979-1980 OPERATING GRANT AWARD. RESOLUTION NO. R1980-34.

A copy of the foregoing Resolution is on file in the Clerk's Office in Resolutions Book R1980.

Matters of Interst to the City Council

Mr. Dawkins welcomed Mr. Harry Jones, Executive Director of the Housing Authority, to the meeting.

Mr. McBryde requested the Policy Committee to consider paying mileage to City Employees rather than a lump sum, and that our own City Planning Board be considered.

Mr. Hurely read the following memorandum concerning a proposed Ordinance dealing with drug paraphernalia.

Whereas, there is a local organization called Concerned Citizens in Cumberland County who are actively concerned with the increasing problem of drug abuse and whereas, also there is a (paraphernalia) model bill that would prevent any establishment from selling materials used in the smoking of marajuana, or other illegal drugs, I would like to make the following motion.

I move that City Council instruct City Attorney to look into such an ordinance for the city of Fayetteville and bring back his findings to Council for action. Motion was seconded by Mr. McBryde and carried unanimously.

The City Manager informed Council that no information meeting was set for next Monday night for the present time, but that he was waiting for information and if such arrived, he would notify the Council later on this week.

Mr. Dawkins commended the City Attorney and Mr. Hurley on the preparation of the proposed drug ordinance.

Thereafter, all matters of business having been completed, this meeting was adjourned at 7:40 pm upon motion made and duly seconded.

Maurice W. Downs
City Clerk

MWD:jro

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JULY 28, 1980
7:00 PM

Present: Mayor Beth Finch

Council Members: Aaron Johnson, J. L. Dawkins, Milo McBryde, Mildred Evans and Bill Hurley

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 invocation was offered by the Reverend Warren B. Petteway of Haymount United Methodist Church. Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch recognized Fayetteville Youth Council representatives Tina Hoffman, Leah Perry and Brenna Berry present in the audience to observe Council proceedings.

The first order of business was the approval of the minutes.

Upon motion by Mr. McBryde, seconded by Mr. Dawkins and carried unanimously, the minutes of the regular meeting of July 14, 1980, were approved as submitted by the Clerk.

Public Hearings

A Public Hearing had been published for this date and hour on the consideration of the rezoning from R15 Residential District to P2 Professional District or to a more restrictive zoning classification an area located at 2908 Cliffdale Road. Planning Board recommended denial.

Mr. Mike Schmidt, petitioner, was recognized by Council in favor of the rezoning. He stated that within the last ten years there had been a trememdous change in development for this area. He also stated this area was once a nice quiet street, but now is was no longer residential.

Mr. Frank Franklin was recognized by Council in opposition to the request. He said the noise factor, discussed by Mr. Schmidt, was there when he purchased this residence and that a previous offer to purchase the property was refused. He also said he did not want to see anyone lose money on their property, but they also had to protect their own interests.

Mr. Paul Snell was also recognized in opposition to the request. He said he was accustomed to the heavy traffic in this area and if a professional use was put on the subject site, many lives would be endangered because of poor access. He also stated there was no need for this P-2 Professional District because everything they needed was accessible to this area.

Also, a valid petition of opposition had been received by the Clerk pursuant to N.C.G.S. 160A-385 & 386 and Sec. 32-70 of the City Code.

Following brief discussion, Mr. Dawkins offered motion to follow the recommendation of the Planning Board to deny the request, seconded by Rev. Johnson and carried unanimously.

A Public Hearing had been published for this date and hour on the consideration of the rezoning from P2 Professional District to C1 Local Business District or to a more restrictive zoning classification an area located at 1126 Marlborough Road. Planning Board recommended denial.

No one appeared for the rezoning.

Mr. Wilbur Wyman was recognized by Council in opposition to the proposed rezoning.

Mr. McBryde then offered motion to follow the recommendation of the Planning Board to deny the request for rezoning, seconded by Mrs. Evans and carried unanimously.

A Public Hearing had been published for this date and hour on the consideration of a request for a special use permit for the construction of medical and dental offices in a R5A Residential District as provided for in the Fayetteville Zoning Ordinance Section 32-24(4) for an area located about 370 feet north of Village Drive East of Owen Drive. Planning Board recommended conditional approval.

Mr. William Clark was recognized by Council as representing himself, his brother and two sisters in behalf of the request.

Mr. Clinton Harris was recognized, and he inquired about sidewalks on the property.

Mrs. Evans asked Mr. Mitchell to comment on the change request by Mr. Clark.

Mr. Mitchell stated that the Planning Board had no objections as long as the minimum parking requirement was always maintained on the property.

Mrs. Evans offered motion to follow the recommendation of the Planning Board for the site to be developed in accordance with the requirements of Section 32-24 of the City Code. The motion was seconded by Mr. McBryde and carried unanimously.

A Public Hearing had been published for this date and hour on the consideration of a proposed annexation of the property located at 3406 Boone Trail N.C.G.S. 160A-31. Annexation Technical Review Committee recommended approval.

Planner Mitchell presented this matter.

There were neither proponents or opponents present.

Mr. Dawkins offered motion to follow the recommendation of the Annexation Technical Review Committee to approve the annexation by adoption of the Ordinance, seconded by Mr. McBryde and carried unanimously.

AN ORDINANCE EXTENDING THE CITY LIMITS OF THE CITY OF FAYETTEVILLE TO INCLUDE 3406 BOONE TRAIL. ANNEXATION ORDINANCE NO. 80-7-229.

A Public Hearing had been published for this date and hour on the consideration of a proposed annexation of the John Nance property located at the Northeast intersection of Ramsey Street and Longview Drive. Annexation Technical Review Committee recommends approval.

Council recognized Mr. Robert Butler in favor of the proposed annexation. He represented Port Oil Company who leases part of this property from the owner, Colonel and Mrs. Nance.

There were no opponents present.

Mr. Dawkins offered motion to follow the recommendation of the Annexation Technical Review Committee to grant the request by adoption of the Ordinance, seconded by Mr. McBryde and carried unanimously.

AN ORDINANCE EXTENDING THE CITY LIMITS OF THE CITY OF FAYETTEVILLE TO INCLUDE JOHN NANCE PROPERTY LOCATED AT THE INTERSECTION OF LONGVIEW DRIVE AND RAMSEY STREET. ANNEXATION ORDINANCE NO. 80-7-230.

Public Hearings to be Set

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

A. Consideration of annexation of property on the Southeastern side of Boone Trail for August 25, 1980.

B. Consideration of annexation of property in the Powell Street area for August 25, 1980.

C. Consideration of annexation of property on Delcross Street for August 25, 1980.

D. Consideration of revision to Transit Route #4 - elimination of service to Hickory Hills for September 8, 1980.

E. Consideration of comments on experimental service extension on Transit Route #5 - Methodist College for September 8, 1980.

Planning Board Matters

Planner Mitchell presented these matters.

The next item of business was the consideration of conditional approval to Morgan-Wood Townhouse group development preliminary and final subdivision review located in the Northeast quadrant of Morganton Road and Woodrow Street intersection.

Planner Mitchell presented the developer's request for deferrment of this item until the August 28th meeting. There were no objections from Council.

Next Council heard the recommendation from the Planning Board to give conditional approval to the consideration of Cape Fear Professional Park subdivision revision review located west of Oliver Street along Crestwood Street extention.

Mrs. Evans offered motion to follow the recommendation of the Planning Board, seconded by Mr. Dawkins and carried unanimously.

Council next considered the Fayetteville Recreation and Parks Department's proposed Ceramics building group development review located along Ft. Bragg Road at Honey Cutt Park. Planning Board recommended conditional approval.

Mrs. Evans offered motion to follow the recommendation of the Planning Board, seconded by Mr. McBryde and carried unanimously.

The next item of business was the consideration of Briarwood Hills North subdivision review located off Colgate Drive along Edmonton Road. Planning Board recommended conditional approval.

Reverend Johnson offered motion to follow the recommendation of the Planning Board, seconded by Mr. Dawkins and carried unanimously.

Next on the agenda was the consideration of Rivercliff Subdivision extension review located along Eastwood Avenue at the Cape Fear River. Planning Board recommended approval.

Mr. Hurely offered motion to approve the Rivercliff Subdivision extension according to the conditions of the Planning Board, seconded by Mrs. Evans and carried unanimously.

The final Planning Board matter was the consideration of revisions to the Fayetteville Urban Area Thoroughfare Plan.

Following brief discussion Rev. Johnson offered motion to accept the revisions to the Fayetteville Urban Area Thoroughfare plan by the adoption of the following Resolution, seconded by Mr. Dawkins and carried unanimously.

RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA - FAYETTEVILLE THOROUGHFARE PLAN. RESOLUTION NO. R1980-35.

A copy of the foregoing Resolution is filed in the Clerk's office in Resolutions Book R1980.

Public Works Commission Matters

Mr. Ray Muench presented these matters.

The first PWC matter was the consideration of an application for one 4-inch sanitary sewer connection to existing main to serve existing building at 5429 Bragg Boulevard, outside City. The property owner is Netress J. Williams. The Public Works Commission recommended approval.

Mr. McBryde offered motion for the approval of the application for one 4-inch sanitary sewer connection to serve 5429 Bragg Boulevard, seconded by Mr. Dawkins and carried unanimously.

The next item considered by the Council was of an application for two 1-inch water connections to existing main to serve two existing residences at 4418 and 4422 Ramsey Street, outside City. The property is owned by John A. Dowless.

Mrs. Evans offered motion to approve the application for two 1-inch water connections to serve residence at 4418 and 4422 Ramsey Street, seconded by Mr. Dawkins and carried unanimously.

The last Public Works matter was the consideration of an application for one 1-inch water connection to existing main to serve residence at 3501 Rosehill Road, outside City. The property owner is William C. Hairston.

Mr. McBryde offered motion to approve the application for one 1-inch water connection to existing main to serve residence at 3501 Rosehill Road, seconded by Mr. Dawkins and carried unanimously.

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

The next item of business was the consideration of approval of proposed lease renewal with Mrs. E. S. Jenkins - Donaldson Street parking lot. This item was continued from the July 15 regular meeting.

The City Attorney presented this matter and recommended approval by adoption of Resolution.

After brief discussion, Mr. Dawkins offered motion to approve the lease, seconded by Mr. McBryde and carried unanimously, by adoption of the following resolution.

RESOLUTION AUTHORIZING RENEWAL OF LEASE - ELOISE JENKINS PROPERTY. RESOLUTION NO. R1980-36.

A copy of the foregoing Resolution is on file in the Clerk's Office in Resolutions Book 1980.

The next item of business was the consideration of a petition to take action against Baby Blues Rock and Roll Club located in the 2800 block of Ramsey Street.

Mr. Thompson was recognized as the spokesman for the property owners. He stated the Club is too loud in the late evening hours and many people can't sleep. This could affect the health of the residents. He requested a hearing with the ABC Board.

Mr. Hutchins was recognized as representing the Club owners. He stated the Club has made many efforts to keep the noise inside the building and is now not violating any laws.

Chief Dixon was recognized by Council, and he presented a record of the calls made to Police complaining of the noise.

After some discussion, Mrs. Evans offered motion to request the ABC Board to conduct a hearing for the suspension of license of Baby Blues Club on the grounds that this location is not suitable for their type of business, seconded by Rev. Johnson and carried unanimously, pursuant to N.C.G.S. 18A-43B.

The City Attorney stated that under the statutes, it is not the City's obligation to set the hearing. The residents must notify the ABC Board.

The next item of business was the consideration of a presentation from a representative of the Board of Directors of Operation Sickle Cell, Incorporated, and a representative of the Parent Club concerning a request for funding for FY 1980-81.

Councilman Johnson asked to be excused from voting on this matter because he is the Chairman of the Board of Sickle Cell.

Council recognized Mark L. Jones acting in behalf of the organization. He requested an emergency grant of $15,000 from the City for the Sickle Cell Organization for FY 1980-81.

Glenda Harris of the Parent Club was also recognized concerning this matter.

Council stated this was a County matter and it is not the City's obligation to support funding. If we gave money to them, we would have to give it to many other funds, and the City is limited as to what they can give.

After some discussion, Mr. Hurley offered motion to deny the request from the Operation Sickle Cell, seconded by Mr. McBryde and carried unanimously.

The next item on the agenda was the consideration of a presentation of the design of the new ceramics building by Mr. Gordan Peebles.

Mr. Peebles and his son were recognized by Council, and he stated the building would be energy efficient and the cost would be approximately $75,000 to $85,000. At this time the following firms have been assigned as consultants for this project:

A. Ben Huske and Associates, Structural Engineers, Fayetteville, NC
B. Stephen D. Largent, P.E.: Chapel Hill, NC, Mechanical Engineer
C. Margy Lee Elspass, West End, NC: Color Rendering
D. Owen Florist, Fayetteville, NC; Landscaping.

Following brief discussion, Mr. McBryde offered motion to approve the design, seconded by Mr. Hurley and carried unanimously.

Council next considered a request from Mr. Joe Walker, developer of Walking Shores subdivision for City to accept walking lane for maintenance purposes.

The City Engineer presented this matter and recommended approval.

The developer, Mr. Joe Walker, is now asking the City to accept the street for maintenance purposes. The street and utility easements are properly dedicated on a recorded plat; therefore, the Planning Board recommends approval of his request.

Mrs. Evans offered motion to follow the recommendation of the Planning Board, seconded by Mr. Dawkins and carried unanimously.

The next item considered by Council was an Ordinance amending Chapter 21, Offences and Miscellaneous Provisions", of the Code of Ordinances of the Code of Fayetteville - Drug Paraphernalia.

The City Attorney presented this matter.

Mr. H. T. Hutchins and Mr. Paul Callahan were recognized for their efforts in

aiding the City personnel in drafting this Ordinance.

Mr. Hurley offered motion for the City of Fayetteville to adopt the ordinance as presented, seconded by Mr. McBryde and carried unanimously.

AN ORDINANCE AMENDING CHAPTER 21, "OFFENSES AND MISCELLANEOUS PROVISIONS" OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE - DRUG PARAPHERNALIA S1980-8.

A copy of the foregoing Ordinance is on file in the Clerk's Office in Ordinance Book S1980.

The next item on the agenda was the consideration of bids for taxiway overlay, grooving runway 3-21, pavement painting.

Mr. Cyrus Earnhardt presented this matter and stated the following low bids were made by Crowell Construction and recommended.

Taxiway Overlay - $217,530.80
Runway Grooving - $77,827.50
Pavement Painting - $14,573.90

Mr. Dawkins offered motion, seconded by Mr. McBryde and carried unanimously to approve the foregoing bids as recommended.

Mr. Earnhardt also requested approval of an FAA Grant for $376,200 for the taxiway overlay, runway grooving and pavement painting.

Mr. McBryde offered motion, seconded by Rev. Johnson and carried unanimously to grant the request for approval of the FAA Grant as requested.

The next item of business was the consideration of Council to take necessary action to correct conditions at the following addresses for substandard structures.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 623 BELT BOULEVARD, OWNED BY NANCY BLACK. ORDINANCE NO. NS1980-36.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 536-A GROVE STREET, OWNED BY DOCK AND MAMIE EVANS. ORDINANCE NO. NS1980-37.

Mr. Dawkins introduced the foregoing ordinances and moved their adoption, seconded by Mr. McBryde and carried unanimously.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 121 JASPER STREET, OWNED BY MRS. ANN BUSHROD. ORDINANCE NO. NS1980-38.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 1508 DIXON DRIVE, OWNED BY DOUGLAS MONROE. ORDINANCE NO. NS1980-39.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 216 PENNSYLVANIA AVENUE, OWNED BY ELIJAH CAMERON. ORDINANCE NO. NS1980-40.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 314 CHANCE STREET, APARTMENTS 1 AND 2, OWNED BY MARY J. MCQUEEN. ORDINANCE NO. NS1980-41.

Mr. McBryde introduced the foregoing Ordinances and moved their adoption, seconded by Mr. Dawkins and carried unanimously.

The City Attorney requested continuance for 6 months of demolition ordinances for 1213 and 1211 Hay Street and 1512 Pierce Street.

Mr. McBryde offered motion for approval of the foregoing request of a 6-month extention as requested by the City Attorney, seconded by Mr. Dawkins and carried unanimously.

Copies of the foregoing Ordinances which were adopted are on file in the Clerk's Office in Ordinance Book NS1980.

Next on the agenda was the consideration of continued funding for a joint resource recovery feasibility study with the County on a 50-50 basis. The approximate cost to the City is $24,437.

The City Manager presented this matter and stated the joint resource recovery feasibility study being undertaken by Cumberland County, Fayetteville, and the Public Works Commission is going very well. Completion of the first phase will be in October.

The funding agency, EPA, set aside enough money to fund this project all the way through its final study phases if the feasibility of building a project to burn solid waste to produce energy in Cumberland County continued to be "go". The balance of the study funds was to come after a followup application was submitted in January 1981.

However, EPA now tells us that these planning funds will be lost unless our application is submitted by the end of July and then immediately approved by EPA.

Following brief discussion, Mrs. Evans offered motion for the Council to contribute on a 50-50 basis with the County on this project, seconded by Mr. Hurely and carried unanimously.

Next, the Council gave consideration of bids received for the purchase of four VHF mobile radios for Park Patrol Rangers.

Mr. Al Jordan, Purchasing Agent, presented this matter and recommended the low bid of $5,660.46 submitted by General Electric, Corp.

Mr. Dawkins offered motion to follow the recommendation, seconded by Rev. Johnson and carried unanimously.

Council next gave consideration to Taxi Permits.

The following named were recommended for permits by the City Manager, Captain P. D. Warner and Police Chief Daniel K. Dixon:

Allen Dyle Dyle, David Lloyd Holman, Deborah Vea Jacobs, Charles Ernest Lilly, Leonard Joseph Meyer, George Baucjat, John George Schwind, III, Larry William Cook and William Bardon Hardison.

Mr. Dawkins offered motion to follow the recommendation of the City Manager, seconded by Mr. Hurley and carried unanimously.

Appointments

Council considered the election of one Public Works Commissioner to complete the unexpired term of Mr. Harry B. Stein (deceased).

Thomas M. McCoy and Robert Williams were nominted at the June 23rd meeting.

The Mayor called for the vote. The votes were cast and Mayor Finch delcared Mr. McCoy elected to fill this appointment to serve the balance of this office to July 1981.

The next item was the election of two nominees to fill two vacancies on the Education Development Advisory Council. The two nominees are Mrs. Maureen Clark and Mrs. Doris Rulnick.

The Mayor called for the vote, and its was a unanimous decision for Mrs. Clark to serve the 3-year term to June 1983 and Mrs. Rulnick to serve the 2-year term to June 1982, the balance of the term of Marvin Mauldin.

There was also a nomination needed for a vacancy for a one-year term on the Education Development Advisory Council. There were no nominations.

Next, was the election of two nominees previously made to fill two vacancies on the Board of Adjustment. The nominees were Mr. F. Royal Loyd, Jr. and Charles Smith.

The Mayor called for the vote for the two nominees. It was a unanimous decision in favor of reappointment for 3-year terms of office each.

Delegations

Mr. Clinton Harris, a local citizen, was recognized with comments.

City Manager's Reports

The next item of business was the consideration for Mr. J. Paul James to produce and conduct a year book sale for the Fayetteville Police Club and a Policemen's Ball.

Mrs. Evans offered motion, seconded by Mr. McBryde and carried unanimously to follow the recommendation of the Chief of Police.

The City Manager reported the following certified as applicants to the Fayetteville Fire Department:

Dennis D. Jones, Richard L. Lynch, Tony D. Riddle and Theodore M. Underwood.

The City Manager recommended approval.

Mr. Dawkins then offered motion that the aforenamed be, and they hereby are, appointed to the Fayetteville Fire Department, seconded by Mr. Williams and carried unanimously.

The next item of business was the Fayetteville Area Runners Association's 3-day marathon during 19-21 September 1980.

Mr. Thomas recommended approval.

Mr. McBryde offered motion, seconded by Mr. Hurley and carried unanimously, to follow the recommendation of the City Manager.

Next on the agenda was the request to set special meeting to consider MICA's report on a central banking arrangement.

The City Manager requested the setting of a special meeting for August 18 at 7:00 pm in the Kyle House for the consideration of MICA's report on a central banking arrangement.

The Council approved.

Matters of Interest to Council

Mr. Johnson asked the City Attorney and City Manager to look into whatever is necessary to expand the Public Works Commission membership.

Mayor Finch reminded Council of the meeting with Spring Lake on the annexation of Fort Bragg tomorrow night.

Thereafter all matters of business having been concluded, this regular meeting was adjourned at 10:17 pm upon motion made and duly seconded.

Janet R. Olson

Janet R. Olson
Acting City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
AUGUST 11, 1980

Present: Mayor Beth Finch

Council Members: ☆ Aaron Johnson, J. L. Dawkins, Milo McBryde, Mildred Evans and Bill Hurley

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

☆ Mr. Williams was present — see next minutes of correction

Mayor Finch called the meeting to order and the invocation was offered by the Reverend Ron Crews of the Manna Church. Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch recognized Fayetteville Youth Council representatives Sterling McDiarmid, Shaye Wilmers and Faye Jernigan present in the audience to observe Council proceedings.

Mayor Finch then recognized Mr. Horace Thompson, former chairman of the Fayetteville Revitilization Commission, and presented him with a framed certificate of appreciation for his good work in chairing the Commission. Mr. Thompson thanked the Mayor and Council for the recognition.

The first order of business was the approval of the minutes.

Upon motion by Mr. McBryde, seconded by Mr. Williams and carried unanimously, the minutes of the regular meeting of July 28th were approved as submitted by the Acting City Clerk.

Mayor Finch then recognized Mrs. Evans who offered motion that in view of the large delegation present in the audience this evening interested in the appointment of the Chief of Police, council move Item 15A (Appointment of the Police Chief) up to after Item 3A on the agenda. Motion seconded by Mr. Dawkins and carried unanimously.

Mr. Hurley then offered motion that Council enter into executive session for further discussion of personnel matter (the foregoing matter) at that time, seconded by Mr. Dawkins and carried unanimously.

Public Hearings

A Public Hearing had been published for this date and hour on the consideration of an Ordinance confirming the assessment roll for the paving and other improvement of Blueridge Avenue from Westdale Drive to the southern corner of lot 10 Westfield Subdivision. The City Clerk had certified in writing that all property owners had received proper notice.

The City Engineer presented this matter and stated that this street had been paved and the assessment hearing was scheduled for this time. He stated the assement rate was $4.00 per front foot of the abutting property.

There were neither proponents nor opponents present.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF BLUERIDGE AVENUE FROM WESTDALE DRIVE TO THE SOUTHERN CORNER OF LOT 10 WESTFIELD SUBDIVISION. ORDINANCE NO. NS1980-42.

Mr. Dawkins introduced the foregoing Ordinance and moved its adoption, confirming the assessment roll at 8:15 pm. Motion seconded by Mr. McBryde and carried unanimously.

A copy of the foregoing Ordinance is on file in the Clerk's Office in Ordinance Book NS1980.

A Public Hearing had been published for this date and hour on the consideration of an Ordinance confirming the assessment roll for the extension of waterworks and sewerage systems and other improvements on or in Edmonton Road and Levy Street.

The City Clerk certified in writing that the property owners had been mailed notices as required.

PWC Manager Ray Muench presented this matter and stated that utilities had been ordered installed by the Council.

Sgt. First Class Lydell Williams of 1902 Chestnut Avenue, NewBern, NC, was recognized in opposition to the assessment since they had been required to give

right-of-way.

In response to further inquiry, PWC Manager Muench stated that this action had been approved by City Council on March 28, 1977, and was not by petition of the property owners.

In response to inquiry, the City Engineer stated that there appeared to be some confusion between the paving in this area and the installation of the utilities, and that no charge had been made for the paving since it was done under revenue sharing; but the assessment was for the water and sewer.

Mr. John C. Clark of 1327 Levy Drive was recognized in opposition stating that it was his understanding that there would be no assessment charge for the right-of-way given.

Mr. Charles Dixon, Airforce retired, was recognized for his father, now deceased; and he stated that the assessment charge was excessive, too much so for his widowed mother to pay on her limited income.

Azula Watson of 1323 Levy Street was also recognized in opposition to the assessments.

Mr. William Clark, a local attorney, representinga property owner on Edmonton Rd. was recognized in opposition to the assessment since the property was not improved, and he requested that no assessment be made or that his client's property be appraised.

Following this discussion, Mrs. Evans offered motion to continue this matter to the August 25th meeting, seconded by Mr. Johnson and carried unanimously. Mr. Williams requested research of the item, meanwhile.

Planning Board Matters

Council gave consideration of an addition to South Lockwood Park Section II Subdivision Review located on the south side of Morganton Road, west of Churchill Drive. Planning Board recommended conditional approval as contained in the memorandum of August 6th.

Mr. Williams offered motion, seconded by Mr. McBryde and carried unanimously, that approval be given the foregoing as recommended.

Mayor Finch then recessed the City Council into executive session to consider a personnel matter (appointment of the Police Chief) at 7:40 pm.

Mayor Finch then reconvened Council into regular session at 8:40 pm.

Council then considered appointment of the Chief of Police for a four-year term of office.

Mr. Williams offered motion that Danny K. Dixon be reappointed for four years effective August 22nd as Chief of Police of Fayetteville, North Carolina. Motion seconded by Mr. Dawkins and carried unanimously.

The appointment received vigorous applause and approval from the approximately 150 members of the Police Department, their families and friends assembled in the audience. Chief Danny Dixon extended thanks for the confidence of the Council and the presence and expressions of the other persons present, and they then retired from the meeting.

Public Works Commission Matters

PWC Manager Muench presented these matters.

Upon motion by Mr. Williams, seconded by Mr. Johnson and carried unanimously, approval was given to an application by Horace Thomas Price for one-inch water connection to existing main, outside City, to serve residence at 2222 Progress Street.

Upon motion by Mr. McBryde, seconded by Mr. Williams and carried unanimously, approval was given to an application by Alexander Powell for one-inch water connection to existing main outside the City to serve residence on River Road, one-half mile south of Cargill, Inc.

Upon motion by Mr. Johnson, seconded by Mr. Williams and carried unanimously, approval was given an application by Mrs. Berkley Rogers for one-inch water connection to existing main, outside City, to serve residence at 429 Sandy Valley Road.

All the the foregoing applications were recommended for approval by the Public Works Commission, Mr. Muench stated.

Mr. Muench next presented bid awards for 30 50-KVA electric distribution transformers. Mr. Muench stated the low evaluated bids were as follows: General Electric Supply Co. - ten 50-KVA 24.9/14.4 padmount transformers for a total cost of $9,010; and Hesco, Inc., for twenty 50-KVA 12470/7200 overhead transformers for a total of $12,580.

Mr. Hurley then offered motion to accept the low bids as recommended, seconded by Mr. Williams and carried unanimously.

Mr. Muench then presented for Council's consideration a request to extend utilities to serve a proposed energy related industry to be located north of Fayetteville with 50 percent of the cost to be paid by Cumberland County and 50 percent by the Public Works Commission. Mr. Muench stated that PWC will serve the proposed industry with electricity, an estimated cost of $200,000. He stated the industry will be required to demonstrate that they have the ability to serve andassure their operation.

Mr. Dawkins stated that PWC will not pay 1¢ of the cost if electricity is not purchased from PWC; and that the County will pay the total price.

Mr. Muench stated that the firm will employ 40 to 50 persons and will have a $40 million to $50 million capital investment, and will provide another market for a cash crop in the County.

Following brief discussion, Mr. Williams offered motion to follow the foregoing recommendation of the PWC and approve the request. Motion seconded by Mr. McBryde and carried unanimously.

Council next gave consideration to a presentation by Mr. Ed Grannis, District Attorney, which would propose increasing the fiscal year 80-81 Budget of the City/County Identification Bureau.

Mr. Grannis was recognized and requested funds in the amount of $43,500 to hire three more technicians for the ID Bureau. He stated the City would pay 1/3 of this cost. He stated that break-ins are and have been a large problem in the community, and that the three additional technicians would provide more coverage for this problem. He reitereated his request for funds to hire the three additional technicians.

Following brief discussion, Mr. Williams offered motion that the City join with the County and approve the foregoing request. Motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a resolution for acquiring parcel E-6 for the B Street drainage project.

The City Engineer presented this matter and stated that for several months now the City has been negotiating with the owner of this property to acquire a 20-foot wide drainage easement to serve the B Street area drainage project. The appraised amount for this easement of $700 has been offered to the property owner and rejected. Therefore, it is recommended that a condemnation resolution be adopted to acquire this parcel.

RESOLUTION AUTHORIZING THE CONDEMNATION OF A PARCEL OF LAND (PARCEL E-6) FOR B STREET (FORMERLY ADAMSSTREET) FOR STORM WATER DRAINAGE. RESOLUTION NUMBER R1980-37.

Mrs. Evans offered motion to follow the recommendation of the City Engineer and adopt the foregoing Resolution, seconded by Mr. Hurley and carried unanimously.

A copy of the foregoing Resolution is on file in the Clerk's Office in Resolutions Book R1980.

Council next gave consideration to a request from Mr. James M. Kizer, a consulting engineer, for City participation in drainage across Colony Place Apartments.

The City Engineer presented this matter and stated that the City had received a request form Mr. Kizer representing Mr. Homer Barrett, who is owner of Colony Place Apartments. The request is for 50 percent participation in piping a ditch across the apartment property. This ditch drains three city streets and the requested participation fits the City's drainage policy, he stated. The total estimated cost is $40,000. Therefore, the City's participation would be approximately $20,000. Four hundred twenty feet of drainage line is required and the owner will grant an easement. The City Engineer recommended approval of the City participation in this construction work.

Mr. Williams offered motion that the City continue with the existing policy and participate 50 percent at the request of the property owner, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration of resurfacing Ann Street between Grove Street and Gray Street.

The City Engineer presented this matter and stated that it is recommended to resurface this portion of Ann Street by extending the present resurfacing contract. (City contract no. 229 with Cumberland Paving Company). Ann Street was paved about 18 years ago and was not expected to carry the heavy truck traffic that the new County landfill now generates. This heavy truck traffic is causing some distressed areas of pavement, which will continue to deteriorate unless maintenance work is done immediately, he stated. We believe major failure of the pavement will occur this winter unless the resurfacing work is accomplished. The existing resurfacing contract was based on unit prices of estimated quantities, and $185,000 was reserved for this work. There are adequate funds within this reserved amount to resurface Ann Street which is estimated to cost $18,000, he concluded.

The City Engineer replied to inquiries from Mr. Williams concerning a new type of underlay for asphalt pavement and of the possibility of using it in this instance. However, it was decided, after discussion, not to use this on Ann Street, but for the City Engineer to give it consideration at a later date.

Mr. Williams then offered motion for the approval of resurfacing Ann Street as recommended, seconded by Mr. Johnson and carried unanimously.

Council next gave consideration to a Resolution of amendment to a cooperation agreement amending Section 23 Leased Housing Cooperation Agreement.

Mr. Harry Jones, Executive Director of the Fayetteville Metropolitan Housing Authority, was recognized and requested approval of the amendment seeking acquisition of these properties, which is required for HUD for a $1,600,000 grant. Action is necessary, he stated, to obtain deeds to the property.

Following some discussion, Mrs. Evans offered motion to approve an amending Resolution to Section 23 Leased Housing Cooperation Agreement. Motion seconded by Mr. Williams and carried unanimously.

Council next gave consideration to authorizing the Mayor to forward a letter to HUD endorsing the Grove View Application for the Comprehensive Modernization Grant Program.

Mr. Harry Jones was again recognized, and he stated that he had submitted an application approximately one month ago for modernization of Grove View Terrace, totaling $4.9 million dollars. He stated he had informed the Mayor that HUD will make a decision this weekend and that a letter of endorsement was needed from City Council that she would not send the letter without City Council's approval.

Following brief discussion, Mrs. Evans offered motion of approval authorizing the Mayor to forward the letter to HUD, endorsing the Grove View application as outlined, seconded by Mr. Hurley and carried unanimously.

Council next gave consideration of approval of change #2 to the Budget Ordinance for FY 80-81.

The City Manager presented this matter and stated that change #2 consisted of (1) city garage improvement involving the construction, for $5,000, of fencing material to encircle vehicles in the garage area for security purposes, and (2) for the Transit Department authorizing the purchase of a lawnmower, 3 calculators, 1 camera, 1 visible file and 2 file cabinets; and to increase the appropriation of Professional Association and Publications by $500 in the transit operating fund, for a total of $1,725.

Following brief discussion, Mr. Williams offered motion for approval of the foregoing as presented by the City Manager, seconded by Mr. Johnson and carried unanimously.

Council next gave consideration to Taxicab Driver Permits.

The City Manager presented this matter and stated that the following were recommended by the taxicab inspector and the Chief of Police: Jerry Lee Elliott, Walter James Lawson, Jr., Thomas Bottazzo, Larry Allen Burke and Joseph Anthony Poole.

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

Council next gave consideration to a request from the Fayetteville Taxi Franchinse owners through the Taxi Inspector Officer for a fare increase adjustment.

Captain Paul Warner, Taxi Inspector Officer of the Fayetteville Police Department, presented this matter and stated that Fayett eville Taxi Franchise owners are making request through the Taxi Inspector Officer for a fare increase adjustment. The present rate adopted by Council on January 22, 1979, is 85¢ for the first(1/7) mile of a mile or fraction thereof for one passenger and ten cents (10¢) for each

additional (1/7) of a mile thereafter.

The 1980 Taxi rate adjustement request consists of ninety-five (95¢) for the first ont tenth of a mile and ten cents (10¢) for each additional one tenth of a mile. Compared to the present rate in effect, the proposed increase is approximately forty cents (40¢) on the first mile of operation. The overall rate after the initial drop will stay the same one dollar a mile, he stated. He also stated these rates are comparable with the other cities the size of Fayetteville and recommended approval.

Mr. McBryde then offered motion to follow the recommendation of Captain Warner and approve the request for the fare increase adjustement on first reading, seconded by Mr. Hurley and carried unanimously.

Mayor Finch stated that that second reading on this matter would be held at the August 25th meeting.

The next item on the agenda was consideration of an agreement with Region "M" for grant funds for Senior Service Center. However the City Manager requested a postponement of discussion on this matter. There was no objection from City Council.

Appointments

Item 15 A, Chief of Police appointment for a four-year term of office had already considered and acted upon by City Council.

Item B. was nominations to fill a one year unexpired term on the Education Development Advisory Council. Mr. Johnson nominated Edith McQueen for this vacany. Mrs. Evans stated she wished to make another nomination at the next meeting. Mayor Finch stated this matter would be carried over to August 25th.

There were no delegations present responding to the invitation by Mayor Finch for recognition.

City Manager Reports

The City Manager informed Council that he had received a letter from the Fayetteville- Cumberland County National Organization for Women requesting authority to hold a walk-a-thon for Saturday, August 23rd. This walk is being held in conjunction with Women's Equality Day of August 26th, which is the 60th anniversary of when women won the right to vote. The walk would begin and end at Cross Creek Park. The walk-a-thon had been coordinated with the Police Department. The City Manager recommended approval.

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

The City Manager reminded Council concerning the schedule of working sessions with Spring Lake on the Fort Bragg annexation matter.

Following brief discussion, Council decided it would consider this matter further at the information meeting on Monday night, August 18th.

The City Manager reminded Council of the scheduling of a City Council photograph, as requested by a member of the Council during one of the budget sessions.

Following brief discussion, it was decided to discuss this matter further also at the information meeting on August 18th.

The City Manager also reminded Council of the information meeting on Monday, August 18th.

Thereafter all matters of business having been concluded, this regular sesssion was adjourned at 9:40 pm upon motion made and duly seconded.

Maurice W. Downs
City Clerk

MWD:jro

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
AUGUST 25, 1980
7:00 PM

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. Robert Cogswell, City Attorney
Mr. Ray Muench, PWC Manager

Mayor Finch called the meeting to order and the Reverend Robert Wilson, Cross Creek Presbyterian Church, offered the invocation. Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch recognized the following Youth Council representatives present in the audience: Christine Manuel, Linda Cobb and Jeff Cameron.

Mayor Finch informed the Council members that the City Attorney had requested an executive session for a litigation matter at the end of this meeting.

Councilman Williams asked for an opinion as to whether he should abstain from discussion and voting on Item 12 on the agenda this evening concerning consolidation of demand deposit bank accounts. City Attorney Cogswell replied "no" and stated that he intended to forward a copy of the resolution to the Attorney General's office but he was of the opinion that there would be no conflict at the present time.

The first order of business was the approval minutes and upon motion by Mr. McBryde, seconded by Mr. Williams and carried unanimously, minutes of the August 11th meeting were approved with the following correction: That Councilman Wayne Williams was present at this meeting, which the minutes did not reflect.

Public Hearings

Public hearing was held as continued from the August 11th meeting on the consideration of an Ordinance confirming the assessment roll for the extension of waterworks and sewerage systems and other improvements on or in Edmonton Road and Levy Street.

The City Manager presented this matter and stated that at the public hearing during your last meeting in August concerning water and sewerage assessments on Levy Drive, several residents on Levy Drive stated their belief that the water and sewer improvements were to be paid for by general revenue sharing funds. He stated that the minutes of the meeting of July 11, 1977, as well as the final resolution adopted at this meeting clearly state the paving, curbs and gutters were to be paid from revenue sharing funds and an amount not to exceed 2/3 for water and sanitary sewer mains installation would be especially assessed against properties abutting Levy Drive and Dixon Drive. He stated further that Mr. Muench would have an appraisal of the Clark property in time for this meeting. This appraisal would be necessary for Council's consideration of the request by Mr. William E. Clark, representing Village Drive property, that no assessment be made against the Clark property (one lot abutting Dark Branch) since the improvements did not increase the value of the property.

Council recognized Elbuela Watson of Levy Street who read a petition from the property owners on Levy Street requesting Council's reconsideration of assessing for the utilities. She stated all property owners were on fixed income, were senior citizens and had recently had their taxes increased.

Mr. William Clark was again recognized representing Village Drive properties in opposition to the assessment to the one lot saying the improvements did not increase the value of the property.

PWC Manager Muench informed Council that Mr. Clark's property is being appraised at the present time and PWC will report back at the next meeting concerning this.

SFC. Lydell Williams, a property owner and a resident of Chestnut Avenue, NewBern, North Carolina, was again recognized opposing the assessments.

Considerable discussion then followed with Mr. Dawkins informing those property owners present that approximately $165,000 had been spent for paving and drainage from general revenue sharing funds on this project and that the property had been improved by the paving and utilities.

Following some further discussion, Mr. Dawkins offered motion for adoption of the Ordinance confirming the assessment roll at 8:30 pm with the exception of one lot abutting Dark Branch owned by Mr. Clark and Village Drive properties, pending the appraisal from Mr. Muench. Motion was seconded by Mr. McBryde.

Following some further discussion, Mrs. Evans offered substitute motion that an appraiser

get a fair estimate of what would be paid for easements and that amount be deducted from the assessments. Motion seconded by Mr. Johnson.

Following some further discussion, Mr. Williams called the question on the substitute motion; and it was agreed to put it to a vote. The vote was as follows: For the substitute motion: Councilmembers Evans and Johnson. Against the substitute motion: Councilmembers Hurley, McBryde, Dawkins and Williams.

Mayor Finch then called for a vote on the original motion and it was as follows: For: Councilmembers Hurley, McBryde, Dawkins and Williams. Against: Councilmembers Evans and Johnson. Mayor Finch declared the original motion carried.

The Ordinance Title appears below:

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE EXTENSION OF WATERWORKS AND SEWERAGE SYSTEMS AND OTHER IMPROVEMENTS ON AND IN EDMONTON ROAD AND LEVY STREET. ORDINANCE NO. NS1980-43.

A copy of the foregoing Ordinance in on file in the Clerk's Office in Ordinance Book NS1980.

Public Hearing was held as continued from the May 27, 1980, meeting on consideration of the rezoning from the C1P Shopping Center District to R5 Residential District or to a more restrictive zoning classification of an area located on the southwest corner of the intersection of the Aberdeen and Rockfish Railroad and the All American Freeway. Planning Board recommended approval; and Planner Mitchell stated this matter had been continued at the request of Mr. Joe Thompson due to negotiations with the A & R Railroad.

Mr. Joe Thompson was recognized representing the Snyder family, the property owners; and although negotiations were still continuing with the Railroad, he requested approval of the rezoning to R5 as originally requested. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM C1P SHOPPING CENTER DISTRICT TO R5 RESIDENTIAL DISTRICT AN AREA LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF THE ABERDEEN AND ROCKFISH RAILROAD AND THE ALL AMERICAN FREEWAY. ORDINANCE NO. NS1980-44.

Mr. Williams introduced the foregoing ordinance and moved its adoption as recommended; motion seconded by Mrs. Evans and carried unanimously by those present and voting (Mr. Dawkins had been excused momentarily from the meeting).

A Public Hearing had been published for this date and hour on the consideration of annexation of property on the southeastern side of Boone Trail (Lots 14, 15, 16 and 17, Block "E" Platbook 18, Page 61). The annexation technical review committee recommended approval of this annexation.

There neither proponents or opponents present.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE LOTS 14 THROUGH 17, BLOCK "E" BOONE TRAIL. ANNEXATION ORDINANCE NO. 80-8-231.

Mr. Williams introduced the foregoing Ordinance and moved its adoption, seconded by Mr. McBryde and carried unanimously.

A Public Hearing had been published for this date and hour on consideration of annexation of property in the Powell Street area (Lots 12, 14, 16, 18, 20, 22, Block 13 and Lots 14 through 21, inclusive, Block 14, Platbook 10, Page 32). The annexation technical review committee recommended this annexation.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE LOTS 12, 14, 16, 18, 20, 22, BLOCK 13 AND LOTS 14 THROUGH 21, INCLUSIVE, BLOCK 14, PLATBOOK 10, PAGE 32. ANNEXATION ORDINANCE NO. 80-8-232.

There were neither proponents or opponents present.

Mr. Johnson introduced the foregoing Ordinance and moved its adoption, seconded by Mr. McBryde and carried unanimously.

A Public Hearing had been published for this date and hour on the annexation of property on Delcross Street (Portion of Lots 20, Block 6, and portion of Lot 2, Block 9, Platbook 10, Page 32). The annexation technical review committee recommended approval.

There were neither proponents or opponents present.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE PORTION OF LOTS 20, BLOCK 6, AND PORTION OF LOT 2, BLOCK 9, PLATBOOK 10, PAGE 32 IN THE DELCROSS STREET AREA. ANNEXATION ORDINANCE NO. 80-8-233.

Mr. Williams introduced the foregoing Ordinance and moved its adoption,

seconded by Mr. McBryde and carried unanimously.

Copies of all foregoing annexation ordinances are on file in the Clerk's Office in Annexation Ordinance Book 1980.

Public Hearings to be Set

Upon motion by Mr. Williams, seconded by Mr. Johnson and carried unanimously, public hearings were set for September 22, 1980, on the following matters:

A. The rezoning from R6 Residential District and R5A Residential District to M2 Heavy Industrial District or to a more restrictive zoning classification an area located on the south side of Pelt Drive between Providence Street and Carlye Street.

B. The initial zoning to R10 Residential District or to a more restrictive zoning classification an area located at 3406 Boone Trail.

C. The initial zoning to C3 Heavy Commercial District or to a more restrictive zoning classification an area located on the northeast corner of Ramsey Street and Longview Drive.

D. Consideration of a preliminary resolution to pave Freeman Street pursuant to petition from Brainerd Avenue to Kirkland Drive by the adoption of the following resolution:

PRELIMINARY RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION OF FREEMAN STREET FROM KIRKLAND DRIVE TO BRAINERD AVENUE. RESOLUTION NO. R1980-38.

A copy of the foregoing resolution is on file in the Clerk's Office in Resolutions Book R1980.

Planning Board Matters

Planner Mitchell presented for consideration Morgan-Wood Townhouse Group Development preliminary and final subdivision review located in the northeast quadrant of Morganton Road and Woodrow Street intersection. Planning board recommended conditional approval. Among the conditions recommended was that the developer record a plat dedicating an additional 5-foot public sidewalk easement along Morganton Road and the developer construct sidewalks along Morganton Road and Woodrow Street with city participation in construction costs prior to occupancy. Mr. Hurley offered motion for approval as recommended; motion seconded by Mr. Johnson.

Mayor Finch recognized Mr. Gardner Altman representing Mr. M. J. Weeks, the developer. Mr. Altman stated that at the present time, Mr. Weeks was opposed to conditions 7 and 8, the dedication of sidewalk easement and the construction of the sidewalks. He stated that there were no sidewalks in the immediate vicinity of this proposed development and requested deferrment of these requirments at this time until other sidewalks and constructed in the area. At that time, he stated, Mr. Weeks would dedicate the easement and construct the sidewalks.

Following brief discussion Mr. Williams moved to amend the motion that if Mr. Weeks would give a written commitment to the city, that he would pave walkways under city policy when adjacent property owners pave theirs, that the five-foot easement be dedicated under number 7 with no improvements prohibiting the area to be used as a soil walkway; and under number 8, that the sidewalks be constructed with participation per city policy at such time as adjacent property owners pave their sidewalks. There then followed a discussion precipitated by Mr. Williams regarding the definition of a sidewalk, as outlined by city policy and in the city code.

Following this detailed discussion, Mr. Hurley withdrew his motion of approval and the withdrawal was permitted by Mayor Finch.

Following some further discussion, Mrs. Evans offered motion to continue this matter until the next regular meeting of the Council (September 8th) so the City Attorney could return with the proper information; motion seconded by Mr. Hurley and carried unanimously.

Planner Mitchell then requested Council to consider items 4B and D together at this time. Item 4B was Drexel Subdivision preliminary and final review located along Rosehill Road and Rosehill Road Realignment. Item 4D was Hillendale section VII Subdivision revision and extension review (preliminary and final) located on the east side of Rosehill Road Realighment along Daughtridge Drive. Planner Mitchell stated that Planning Board recommended conditional approval for both. Condition 6 of Drexel Subdivision was that the developer dedicate and the city purchase immediately at raw land cost the Rosehill Road extension right-of-way except for any portions where a lot may front onto such right-of-way (developer

must then construct such segments). The same condition was imposed for Hillendale.

Mrs. Evans offered motion for approval of both the foregoing as recommended, seconded by Mr. Hurley. Following some discussion Mrs. Evans added the following to her motion. "And that the property be purchased at raw land cost, not to exceed $6,000 per acre and that the city have the property appraised". Following some further discussion, Mr. Williams offered substitute motion that Council take no action on these matters tonight and that appraisals be made and presented to the Council at the earliest date. Motion seconded by Mr. Johnson. Following some discussion, Mr. McBryde called the question on the substitute motion; and the vote was considered. Mayor Finch called for a vote on the substitute motion and it was as follows: For - Councilmembers Williams, Johnson, Dawkins, McBryde and Hurley. Against - Councilmember Evans.

Mrs. Evans then offered motion for approval of item 4B (Drexel Subdivision) as recommended with the exception of condition 6, seconded by Mr. McBryde and carried unanimously.

Upon motion by Mr. Williams, seconded by Mr. Johnson and carried unanimously, conditional approval as recommended by the Planning Board was given to Three Colonies Section III (remaining land) Townhouse Revision Review (preliminary and final) located on the south side of Cliffdale Road along Lox Drive.

Upon motion by Mr. McBryde, seconded by Mr. Johnson and carried unanimously, conditional approval as recommended by the Planning Board was given to a proposed office building and Jiffy Lube C(1)P review and subdivision review (preliminary and final) located on the north side of US 401 southwest of the All American Freeway.

This completed Planning Board matters.

Public Works Commission Matters

PWC Manager Ray Muench presented these items.

Upon motion by Mrs. Evans, seconded by Mr. McBryde and carried (Mr. Hurley not being present at this time) approval, as recommended by PWC, was given an application by Mr. Robert L. Howell for one 4-inch sanitary sewer connection outside City to serve a residence at 1902 Glenwick Drive.

Upon motion by Mrs. Evans, seconded by Mr. Williams and carried unanimously, (Mr. Hurley not being present to vote) approval, as recommended by PWC, was given to an application by Wilbur B. Bell for one 6-inch sanitary sewer connection outside the City to serve a residence at 225 Liebers Street.

Upon motion by Mr. McBryde, seconded by Mr. Dawkins and carried unanimously, approval, as recommended by PWC, was given to an application by Mitchell A. Nance for 1-inch water and 4-inch sanitary sewer connections to existing mains to serve 5301 Bragg Boulevard, outside City.

This completed the Public Works Commission matters and Mr. Muench was excused from the meeting.

Council next gave consideration to resurfacing Ann Street between Grove Street and Gray Street (this matter continued from the August 11th meeting). The City Engineer presented this matter and stated that the estimated cost would be $18,000 without the proposed underlay. The underlay cost would be an additional $5,600. The City Engineer recommended approval using the underlay.

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

Council next reconsidered a request from the Fayetteville Taxi Franchise owners through the Taxi Inspector Officer for a fare increase adjustment. The proposed Ordinance amending the City Code to accomplish this was approved at the first reading at the August 11th meeting. The Ordinance was then represented for the second reading at this time.

Mr. Dawkins then offered motion for adoption of the Ordinance on second reading, seconded by Mr. McBryde and carried unanimously.

AN ORDINANCE AMENDING CHAPTER 28 "TAXICABS" OF THE CITY CODE OF THE CITY OF FAYETTEVILLE (FARE INCREASE ADJUSTMENT) ORDINANCE NO. S1980-9.

A copy of foregoing Ordinance is on file in the Clerk's Office in Ordinance Book S1980.

Council next gave consideration to a recommendation from the City/County

Liaison Committee concerning relocation of the Anderson Street Library.

Mr. John Monaghan, Jr., Executive Director of Fayetteville Revitilization, presented this matter. He reviewed for Council's information the proposed Transit Mall from Market Square to the new Ray Avenue, the development of the Cross Creek Linear Park, the completion of surface area parking behind City Hall and parking deck on Anderson Street at the present library site. Mr. Monaghan stated further that the City/County Liaison Committee created a special subcommittee in May to study options for temporary relocation of the Anderson Street Library to make way for the parking structure which will be constructed in that block. As you know, the parking stucture project is one of the initial steps to be taken in implementing the CHNMB Conceptual Plan for downtown improvements. The members of the subcommittee were Jerry Thrasher, Cumberland County Library Director; Cobby Reaves, Chairman of the Library Board of Trustees; Horace Thompson and John Monaghan, representing the Fayetteville Revitilization Commission, Councilman Milo McBryde and Commissioner Virginia Thompson.

After considerable discussion of the matter, the subcommittee concluded that the following division of responsibilities would be the most equitable:

- The City of Fayetteville should be responsible for all moving expenses and for the cost of leasehold improvements at the temporary location as part of the project costs for the parking deck

- The County of Cumberland should be responsible for all lease costs and for the cost of routine maintenance at the temporary location

The City/County Liaison Committee considered the subcommittee's recommendation on August 12 and voted to recommend that the City Council and County Commissioners adopt this general division of responsibilities in concept, and that specific arrangements for the relocation should be approved by the two governing bodies only after definitive costs to the City and County have been established and have been shown to be reasonable.

In order that definitive costs might be established, the subcommittee recommended that the following steps be taken:

- The Board of County Commissioners should authorize the County Administration to begin negotiations for lease of properties in the vicinity of the Frances Brooks Stein Library under terms and conditions favorable to the County, with the rear portion of the former Kress Building as the first choice for lease.

- The Fayetteville City Council should authorize City Administration to retain an architect to develop definitive plans and cost estimates for leasehold improvements at the possible temporary sites, with the cost of these services to be included as project costs for the parking deck project

The City/County Liaison Committee concurred with this recommendation.

Following Mr. Monaghan's foregoing comments, Mrs. Evans offered comments on the value of the City's libraries. She suggested that Council not consider a second-rate solution, and not to destroy a good building on a two-year parking deck probability. She suggested further that Council contact the Cumberland County Commissioners concerning building a central library facility.

Following some further discussion, Mrs. Evans offered motion to continue any action on this matter until we are certain that all necessary coordinating avenues are explored. Motion seconded by Mr. Johnson.

Mr. Cobby Reaves, Chairman of the Library Board of Trustees, was recognized with a detailed presentation. The summation of which was that the library board does not wish to relocate until a central location is secured and a bond issue presented to the people for the construction of a central facility.

Mr. Horace Thompson, former member of the Revitilization Commission, was recognized with remarks and requested City Council not to wait on this matter.

Following some further discussion, Mr. McBryde offered a substitute motion to accept the recommendation from the City/County Liaison Committee and that the project committee make the decision concerning the time to hire the architect. Motion was seconded by Mr. Hurley.

Following some further discussion, Mr. Williams called the question on the substitute motion, and it was put to a vote. The vote was as follows:
For - Councilmembers Hurely, McBryde and Dawkins. Against - Councilmembers Johnson, Evans and Williams. Mayor Finch declared a tied vote, cast her vote against the substitute motion and declared it failed.

Mayor Finch then called for a vote on the main motion, which was to continue any action and the vote was as follows: For - Councilmembers Evans, Dawkins, Johnson and Williams. Against - Councilmembers Hurley and McBryde. Mayor Finch declared the main motion carried.

Council next gave consideration to authorizing the transfer of membership of law officers from the local government employees retirement system to a law enforcement officers benefit fund.

The City Manager presented this matter and stated that he was in receipt of a memorandum from the Chief of Police who stated that the following list of officers are those currently under the local retirement system who wish to transfer over to the state law enforcement officers retirement system. As per your request we are sending an amended list of 21 officers who wish to transfer over. Three officers who were on the original list dated May 5, 1980, have been dropped. Your consideration and approval of this request would be appreciated.

Charlie Baxley
Joseph R. Cervantes
Sammie L. Durden
Betty L. Godwin
Eugene S. Hallock
Glenn C. Johnson
Angelita M. Marable
George E. Moyd
Marion J. Phillips
Robert Shamburg
Leon E. Byers
Orval L. Cox
Marvin P. Gainey
Calvin E. Gray
Peter Hathaway
James B. Luladakis
Robert Parham
Ronnie Purdie
Samuel C. Sessoms
William H. Simons
Larry O. Williams

The City Manager stated that permission of the Council must be granted in order to accomplish this transfer. He recommended approval.

Mrs. Evans then offered motion to honor the request, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a request from officer Ernest McCoy of the Police Department to be represented by the City Attorney in an action filed against him. The City Attorney presented this matter and stated that he had investigated this matter in accordance with the provisions of the City Code and recommended that Mr. Douglas Canders represent this police officer in this matter. Mr. Dawkins then offered motion, seconded by Mr. McBryde, to approve the request and have Mr. Douglas Canders represent Mr. McCoy as requested. Motion carried unanimously.

Council next gave consideration of budget amendment change #3 to the FY1980-81 budget.

The City Manager presented this matter and stated the amendment was to reduce the appropriation for the purchase of one piece of park equipment (one whirl $721) and provide an appropriation for the purchase of one (1) six pocket pool table for the Massey Hill Recreation Center.

Mr. McBryde offered motion for approval of the foregoing amendment, seconded by Mr. Johnson and carried unanimously.

Council next gave consideration to a Resolution adopting a policy of consolidating all of the City's demand deposit accounts into a central depository. The City Manager presented this matter and reminded Council that this had been discussed at their information meeting on August 18th.

Mr. McBryde then offered motion, seconded by Mrs. Evans and carried unanimously to adopt the resolution.

A RESOLUTION ADOPTING A POLICY OF CONSOLIDATING ALL OF THE CITY'S DEMAND DEPOSIT ACCOUNTS INTO A CENTRAL DEPOSITORY. RESOLUTION NO. R1980-39.

A copy of the foregoing Resolution is on file in the Clerk's Office in Resolutions Book R1980.

Council next gave consideration to the adoption of a Resolution concerning the minority business enterprise program for the airport.

The City Attorney presented the Resolution and reminded Council that this matter was presented to them in detail at the information meeting on the 18th.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL ADOPTING THE MINORITY BUSINESS ENTERPRISE PROGRAM FOR THE CITY OF FAYETTEVILLE MUNICIPAL AIRPORT. RESOLUTION NO. R1980-40.

Mr. Williams introduced the foregoing Resolution and moved its adoption as presented for the airport, seconded by Mr. Dawkins and carried unanimously.

A copy of the foregoing Resolution is on file in the Clerk's Office in Resolutions Book R1980.

Council next gave consideration to the discussion of Fort Bragg annexation.

The City Manager presented this matter and recapped it for the Council by showing proposed boundries on the map, as well as the proposals and counter proposals by Spring Lake.

Following the presentation Mrs. Evans offered motion that we present to Spring Lake Plan B as originally done. Motion was lost for lack of a second.

Mr. Williams then offered motion that no action be taken at this time or in the future until Spring Lake requests we review the annexation. This motion lost for lack of a second.

Mayor Finch then polled the Council on their preferences of the various plans. Mr. Williams indicated Plan B. Mr. Johnson indicated Plan B. Mr. Dawkins indicated Plan B. Mr. McBryde indicated Plan B. Mrs. Evans indicated Plan B. Mr. Hurley indicated a 65-35 percent.

Mrs. Evans then offered motion to present Plan B to Spring Lake, seconded by Mr. McBryde and carried, Mr. Hurley voting no.

Council next gave consideration to an appointment to the Education Development Advisory Council.

Mrs. Edith McQueen had been nominted at the last meeting by Mr. Johnson.

Mr. Williams offered motion that nominations be closed and Mrs. Edith McQueen appointed for a one-year term by acclamation to complete the term of Mrs. Gloria Luntz, resigned, to June 1981, seconded by Mr. Johnson and carried unanimously.

Delegations

Council recognized Mr. Clinton Harris, a local citizen, who commented on Item 4a on the agenda on sidewalks and the picture by the news media. He also encouraged industry to locate in Fayetteville due to the military potential. He also commented on library need for education.

City Manager Reports

The City Manager reported the resignation from the Fire Department of Vincent Wolfe effective August 26th. He stated Mr. Wolf was employed June 14, 1976. Council noted the resignation.

The City Manager informed Council that he was in receipt of a request for Council approval of a walk-a-thon sponsored by the Fayetteville Urban Ministry, Inc. for October 5, 1980 from 2 to 5 pm. The walk-a-thon would start at Terry Sanford Stadium and end there. This has been coordinated with the Police Department, he stated and recommended approval. Mr. McBryde moved for approval of the foregoing, seconded by Mr. Dawkins and carried unanimously.

The City Manager informed Council that the Downtown Fayetteville Association would hold its international folk festival and LaFayette Bust activities on Saturday, September 27th and requested permission to close the streets on market square.

Mr. Williams offered motion for approval, seconded by Mr. McBryde and carried unanimously.

The City Manager stated the Association for Indian people had requested permission to hold its annual parade from High smith-Rainey hospital to Gillespie Street and to the fairground on August 30th at 11:00 am.

Mr. McBryde offered motion for approval, seconded by Mr. Dawkins and carried unanimously.

The City Manager further informed Council that the association wants to use horses in the parade, but liability insurance is the problem and the City Attorney is checking it out.

Mr. Williams moved for approval of the foregoing if insurance is provided, seconded by Mr. McBryde and carried unanimously.

Matters of Interest to the Council

Mr. Hurley requested permission to be excused from the Council meeting of September the 8th. Permission was granted.

Mrs. Evans requested that a letter be written to the Cumberland County Commissioners to urge them to select a site for the library.

Mrs. Evans offered motion that the Mayor be authorized to write such a letter, seconded by Mr. Johnson and carried unanimously.

Mr. McBryde suggested that a clean-up campaign is needed in the downtown area.

Mr. Dawkins then moved at 10:10 pm that Council enter into executive session to consider a litigation matter, seconded by Mr. McBryde and carried unanimously.

Council reconvened into regular session at 10:15 pm.

The City Attorney recommended that we purchase the property owned by Tildon Walker, White Lake Estates, at the intersection of Southern Avenue and Winslow St. for $7,800.

Mr. Hurley offered motion to follow the foregoing recommendation of the City Attorney and purchase the property, seconded by Mr. McBryde and carried unanimously.

Thereafter, all matters of business being completed, this session was adjourned at 10:17 pm upon motion made and duly seconded.

Maurice W. Downs
City Clerk

MWD:jro

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
SEPTEMBER 8, 1980
7:00 PM

Present: Mayor Beth Finch

Council Members: Wayne Williams, Aaron Johnson, J. L. Dawkins, Milo McBryde, Mildred Evans

Council Member Absent: Bill Hurley

Other 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 City Attorney Bob Cogswell. Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch recognized Fayetteville Youth Council members Leah Perry, Tina Hoffman and Gwen Perry present in the audience to observe Council proceedings. Mayor Finch also recognized Mrs. Dorothy Gillmore, Advisor to the Youth Council, also present in the audience.

Mayor Finch then presented service pin awards to city employees. Mayor Finch in her preliminary remarks extended thanks in advance to the city employees for their loyalty and faithful service to the community.

Five Year Pins:

Diane Melvin, Recreation and Parks; Janice Gerald, Community Development; David Kimbrel, Community Development; Richard Hererra, Community Development; Ethelyn Marsh, Community Development

Ten Year Pins:

Carl Lane, Engineering; Frank Dallas, Engineering; Floyd Howell, Recreation and Parks; Julia Reaves, Recreation and Parks; Harold Maxson, Recreation and Parks

Fifteen Year Pin

Bobby Wilder, Fire Department

Twenty Year Pin

Malloy Quick, Fire Department

Thirty Year Pins

Joseph Butler, Fire Department; Kirby Carter, Fire Department; George Crumbley, Recreation and Parks

This concluded the service pin awards and those persons receiving them also received a vigorous round of applause from the audience.

The first order of business was approval of the minutes and upon motion by Mr. McBryde, seconded by Mr. Williams and carried unanimously, minutes of the meeting of August 25th were approved as submitted by the Clerk.

Public Hearings

A Public Hearing had been published for this date and hour on the consideration of revision to Transit Route #4 - elimination of service to Hickory Hills. Assistant City Manager, John Smith, presented this matter and stated that the transit service to Hickory Hills Apartments was established on an experimental basis due to the high concentration of elderly people in the complex. In order to provide the service it is necessary to run a special bus three times per day. The attached figures give the ridership and expense information for the service. As you can see, the net cost per passenger of $17.80 as compared to the average for the entire FAST system of $.60 per passenger. An average of one round trip passenger per trip is taking advantage of the service. Based on these survey findings for the month of August and our cost allocation formula, the annual revenue from this service will be only $234 while the annual expense will be $18,300.

We have explored the possibility of adding this service to the regular Ramsey Street route. Unfortunately, to do so would either add 10 to 15 minutes to the headway or as an alternative remove another section of the route which generates considerably more ridership. Adding to the headway could result in a loss of ridership on the rest of the route as well as causing severe problems for passengers making connections downtown to and from other routes.

It is recommended that the service to Hickory Hills be discontinued due to the high cost and extremely low ridership.

Mr.Bill Hardisty, Manager of Hickory Hills Apartments, was recognized with a request that the City not discontinue service entirely to the complex. He suggested one run at 10:00 am and return at 1:00 pm. He also presented a letter from the owner of the complex and a letter with approximately 35 signatures making the same request. Approximately 20 persons were present in the audience in favor of continuance of the bus service. Mr. Hardisty also stated that his firm would be willing to participate in the cost if necessary.

There was no opposition present.

Following some discussion, Assistant City Manager Smith suggested that the coordinating Council may be able to provide bus service to the complex, as it is now doing in several areas of the city. He stated that this service could be better in as much as it is provided on a door-to-door basis. Mr. Smith also stated that another problem with City bus service is a turn-a-round point for the bus within the complex.

Further discussion followed.

Mrs. Evans stated she had been in touch with Mr. Lecornu of the coordinating council who stated he could provide this bus service.

Mrs. Evans then offered motion that we continue this matter for two weeks until Mr. Lecornu of the coordinating council can come back with a report. Motion seconded by Mr. Williams.

Following some further discussion, Mr. Johnson offered amendment to the foregoing motion that city administration work with this group on this matter. The amendment was accepted. Mayor Finch then called for a vote on the amended motion and it carried unanimously.

A Public Hearing had been published for this date and hour on the consideration of comments on experimental service extension on transit route #5 - Methodist College.

Assistant City Manager, Mr. John Smith, also presented this matter and stated that as you recall, the City received approval of a grant from the North Carolina Department of Transportation for an experimental route to serve Methodist College. That service is currently underway and will be evaluated to determine whether or not it will continue after the expiration of the grant. UMTA regulations require that we hold a public hearing on experimental routes within six months after service is commenced in order to get public input. No action will be required of City Council at this meeting other than to receive public imput. No decision as to the future of this route will be necessary until the special grant funds are depleted.

A map of the route is attached for your information. The experimental portion of the route begins at Rosehill Road and Country Club Drive and loops around past Methodist College. This is an add-on the the Ramsey Street route which formerly went as far as Lafayette College and turned around.

Council recognized Mr. Clinton Harris, a local citizen, who was opposed to the discontinuance of any bus routes. Mr. Harris contended that the city should provide sidewalks for use by the bus riders.

There was no opposition present or any further comments made by the audience.

Public Hearings to be set

Upon motion by Mr. McBryde, seconded by Mr. Johnson and carried unanimously, the following public hearing was set for October 13th: Consideration of annexation of property on both sides of Powell Street to include lots 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 & 24 Block 9; lots 5-12 inclusive, Block 10; lots 2, 4, 6, 8 & 10, Block 13; and lots 1-13 inclusive; Block 14, all of Plat Book 10, Page 32, Cumberland County Registry.

Planning Board Matters

Council next gave reconsideration of Morgan-Wood Townhouse group development preliminary and final subdivision review located in the Northeast quadrant of Morganton Road and Woodrow Street intersection. Planning Board recommends conditional approval. (This item continued from the August 25th meeting)

Planner Mitchell presented this matter and stated that Planning Board still recommended conditional approval without condition 8 or modifying condition 8, referring to sidewalks.

Councilman Williams again raised the question of the definition of sidewalks; and there was a brief discussion of the definition graded sidewalks as contained in the sidewalk paving policy of the city and the city code. Mr. Mitchell explained the policy of minimum requirement as implemented by the planning staff and Planning Department.

Planner Mitchell also stated that sidewalks were not recommended for an apartment complex in the same area as MorganWood due to an oversighton the part of the Planning Staff.

Following some lengthy discussion, Mrs. Evans offered motion to follow the recommendation of the Planning Board. Motion seconded by Mr. Johnson.

Council again recognized Attorney Gardner Altman representing Mr. M. J. Weeks, the developer, who reiterated his request that they not be required to dedicate or construct sidewalks for this complex until other property owners in the area provide sidewalks.

Councilman Williams then suggested that the policy committee review the existing sidewalk policy.

Mayor Finch then called for a vote on the motion and it was as follows: For - Councilmembers Johnson and Evans. Against - Councilmembers Williams, McBryde and Dawkins.

Mr. Dawkins then offered motion that this matter just defeated be placed on the agenda for the next regular meeting for further discussion. Motion seconded by Mr. Johnson and carried, Mr. Williams voting "no".

Council next gave reconsideration to Drexel Subdivision preliminary and final review located along Rosehill Road and Rosehill Road Realignment. (this matter continued from the August 25th meeting) Planning Board recommended conditional approval. Planner Mitchell reminded Council that this item was continued from the last meeting for an appraisal of the raw land cost; and he stated that the City Attorney had secured same and would present it at this time along with a recommendation.

Council recognized City Attorney Cogswell who stated that the city had obtained an appraisal and the appraisal of $6,000 an acre is a fair price as requested by the developer. The City Attorney recommended to Council that in the approval you reword it in item No. 6 in each case that the developer dedicate and the city purchase immediately at raw land cost in the amount of $6,000 per acre.

Mrs. Evans so moved, seconded by Mr. McBryde and carried unanimously.

Council next gave reconsideration to Hillendale Section VII Subdivision revision and extension review (preliminary and final) located on the East side of Rosehill Road Realignment along Daughtridge Drive. (this matter also continued from the August 25th meeting for the same reason as Drexel)

Planner Mitchell stated that Planning Board recommends conditional approval on all points including the acquisition of the land under the same conditions as Drexel and City Attorney Cogswell made the same recommendation as for Drexel.

Following brief discussion, Mr. Williams so moved, seconded by Mr. McBryde and carried unanimously.

Public Works Commission Matters

PWC Manager Muench presented these matters.

Mr. Muench stated that bids were received on August 25th, 1980, for the purchase of 53 electric distribution transformers as follows:

A. Fifteen 25 KVA 12470/7200 - evaluated low bidder, Hesco, Inc. - $9,630.
B. Thirty 50 KVA 12470/7200 - low bidder, Hesco, Inc., - $24,120.
C. Five 100 KVA 12470/7200 - low bidder, Mill-Power Supply Co. - $6,955.
D. Three 100 KVA 24.9/14.4 - low bidder, Maddux Supply Co. $3,243.

Mr. Muench stated the foregoing low bids are recommended.

Mr. McBryde offered motion, seconded by Mr. Johnson, to award the foregoing bids as recommended. Motion carried unanimously.

Upon motion by Mr. McBryde, seconded by Mr. Johnson and carried unanimously, approval was given to an application by Mr. and Mrs. A. L. Keisler for a 4-inch sanitary sewer connection to serve a residence outside the city as recommended by PWC with the provision that they will sign an annexation agreement.

Council next gave consideration to a report by PWC Manager Muench on an appraisal of the Village Drive Properties property on Levy/Edmonton owned by Mr. Billy Clark on the utilities assessment matter. (this item continued from the August 25th meeting)

Mr. Muench informed Council that he had had this property appraised by Mr. Crawford B. McKethan, real estate appraiser, who stated in his appraisal that the Village Drive Property located on the west side of Levy Street (Edmonton Road) had been appraised by him in compliance with PWC's request, and that he had carefully examined and reviewed the above caption property in order to furnish you with my opinion of market value as of September 3, 1980. Mr. Muench did not read the entire appraisal report but in summation stated that it was Mr. McKeathan's opinion that the subject property is not enhanced in value by this availability of the utilities, and that the assessment exceeds the value of subject tract. The estimated market

value of this 2.4 acre tract is $3,100, he concluded.

Mr. Muench stated that in view of this appraisal report, the assessment should be canceled and is so recommended by PWC.

Following brief discussion Mr. Williams offered motion to follow the foregoing recommendation of the PWC and that there is no enhancement in value of the property due to the improvement. Motion seconded by Mr. McBryde and carried unanimously.

Council next gave consideration to the awarding of bids for the construction of the new ceramics building.

Council recognized Mr. Gordon Peebles, the architect, who presented the low bids received for the basic building facility. The bids were as follows:

General Construction (Player, Inc., Fayetteville, NC)-	$94,400.00
Plumbing Work: (Nichols Plbg. Co., Fayetteville, NC)-	9,650.00
HVAC Work: (Cape Fear A. C., Fayetteville, NC)-	11,250.00
Electrical Work: (Watson Elect. Co., Fayetteville, NC)-	14,942.00
Total for the building facility (no alterations)	$130,242.00

Mr. Peebles stated further that in order to meet all requirements as presented by the Recreation and Parks Department and local city municipal agencies, requiring function, beauty, safety, confort, sanitation requirements, energy efficient requirements and numerous other code compliances, it was necessary to increase the building size from the original 2620 sq. ft. to 3350 sq. ft. This area, 3350 sq. ft., costing $130,242.00, to include the above mentioned items will average $38,87 per square foot and is considered a fair price in comparison to today's cost trends. All bids received included a completed project with fees, permits, insurance, bid bond, performance bond, guarantees and are presented by reputable licensed contractors. He recommended that the above project be awarded as bid.

In a memorandum to the City Council, the City Manager stated as follows:

If Mr. Peebles' recommendation is approved, the $70,000 budgeted in the Revenue Sharing Budget must be increased as follows:

$70,000	presently budgeted
+60,242	from Revenue Sharing Contingency
+9,768	Architects fees (7.5%) from Revenue Sharing Contingency.
+6,512	5% Contingency from Revenue Sharing Contingency.
$146,522	

Council also recognized Mr. Milton Mazarick, Chairman of the Recreation and Parks Commission, who stated that the enlarged restrooms for the handicapped and other required items account for the increased cost of the building. City Manager Thomas requested Council to include the cost from Revenue Sharing in the motion, if it desired to approve the action.

Following brief discussion, Mrs. Evans offered motion to award the bids as presented with additional funds to come from Revenue Sharing, seconded by Mr. McBryde and carried unanimously.

Council next gave consideration to a request from the Groton Heirs to realign Groton Street.

The City Attorney presented this matter and stated that a representative of the Groton Heirs will appear before the Fayetteville City Council at their next meeting on September 8, 1980, to ask that the City Council reconsider its decision directing that a cul-de-sac be constructed at the northern end of Groton Avenue. Their request will be that Groton Avenue be terminated without a cul-de-sac at the southern boundary of Lot No. 5 owned by the Della Groton Heirs. This would be approximately 100 feet from the northern end.

I apologize for this short notice; however, since you will be affected by the Council's decision, you are requested to be present. The meeting will begin at 7:00 pm in the Councilroom of City Hall on Green Street.

Following this Council recognized City Engineer, Bob Bennett, who stated that the cul-de-sac does not affect the property owners on Lamb Street or Sunnyside Circle. He stated that the property on the west side of Groton Avenue at the northern end where the cul-de-sac is proposed, can be used with the cul-de-sac. and displayed slides showing single, double and triple duplex building units can be constructed on the lot. In addition, Mr. Bennett stated the code requires

the cul-de-sac be constructed. He also stated that the City's garbage trucks must have turn-a-round room to serve the street. He stated further that the street paving was approved with the cul-de-sac by previous council for a number of years back. Finally, Mr. Bennett stated that the oak tree situated inside the cul-de-sac can be preserved.

Council recognized Attorney D. P. Russ, Jr., for the Groton Heirs, who are opposed to the cul-de-sac and desire that Groton Avenue be terminated at the southern boundry of Lot #5. Mr. Russ Stated that no easement was ever signed by the owner, Ella Groton, for the easement across her lot, and further that the action is discriminitory. Mr. Russ stated trees on the lot would be destroyed by construction of the cul-de-sac and that further because cul-de-sac is all on one lot, he requested that Council cut off the street at the last lot.

Council then recognized Mrs. Jean Harris, a property owner on Groton Street on the corner of Pugh Street. She stated there was no opposition at the hearings on this matter. She further stated that there has been no maintenance on this street for the past three years and it is barely negotiable by motor vehicle. She requested that Council take no action on this matter.

Council then recognized a Mrs. Hoskins who stated that she had never received any communication concerning this street.

Council also recognized a Mr. Jamison, a property owner on Lamb Street and Sunnyside Circle, who stated he along with his neighbors, the Terwilligers, want no access to Groton Street at all from their property. He stated they further desired to see the street cut off and no cul-de-sac constructed.

Council also recognized a Mrs. Emma Thomas, a Groton Street property owner, who stated she does not wish the cul-de-sac constructed.

Council also recognized Captain Fred Truitt, a Groton Avenue property owner, with a question on the cul-de-sac. He stated he was also opposed to the cul-de-sac.

Lengthy discussion followed.

Mayor Finch then asked the City Engineer if a driveway could be constructed for City use. The City Engineer replied in the affirmative but stated that it would not be in conformance with the code.

Following some further discussion, Mr. Williams offered motion to continue this matter for two weeks and that the City Engineer bring back a cul-de-sac plan around the oak tree. Motion seconded by Mr. Johnson and carried unanimously.

Council next gave consideration to the purchase of city property at 1030 Newbern Avenue by the Redevelopment Commission. The City Attorney presented this matter and stated that this property is jointly owned by the City and the County and is in the Collier Drive 5th year expanded project. The appraised price as indicated by the attached closing statement is $1,800. The County will receive $1,030.39, and the City will receive $686.93. The difference of $82.68 will be paid directly to the tax collector for delinquent taxes. He requested that Council authorize the Mayor to sign the closing statement on behalf of the City. This is required by general statute, he concluded.

Following brief discussion, Mr. Williams offered motion, seconded by Mr. Dawkins and carried unanimously, to approve the foregoing as requested, and that the Mayor be and is hereby authorized and directed to sign the closing statement on behalf of the City.

Council next gave consideration to budget ordinance amendment - change #4.

The City Manager presented this matter and stated that the purpose of the change is that this budget amendment distribution to the various departments is necessary appropriation to accommodate the Council action to raise the cost of living increase from 5% to 10% for all City employees. He recommended approval.

Mr. Dawkins then offered motion for approval of the foregoing change #4 to the 1980-81 budget as recommended, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to the acceptance of the Older Americans Act Grant for Senior Service Center.

The City Manager presented this matter and stated that the city of Fayetteville has applied for and received approval of a grant through Region "M" for certain elements of the Senior Services Center. These items have been approved in prior action by City Council and are as follows:

Automated Front Doors	$5,352.42
"E" Louvers	125.00
Energy Saving Equipment	3,760.00
Architect's fees on these items	748.23
	$9,985.65

The grant, if accepted, will pay 90% of this cost, or $8,987.09. The City's matching share would be 10%, or $998.56 which can be paid out or Rvenue Sharing Funds.

City Administration recommends that you accept this grant and authorize the Mayor to execute the grant contract with Region "M".

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

Council next gave consideration to Taxicab matters (certificates or franchises).

Captain Paul Warner of the Fayetteville Police Department and the City Taxicab Officer presented this matter and stated that 150 franchises are authorized by the City Council by provision of the code. He stated that 13 franchises have been surrendered and are available now. These 13 franchises or certificates are be reason of:

Juanita Cashwell - Terminal Taxi - 10 certificates - retiring
Willie Melvin - Carolina Taxi - 2 certificates - deceased
Hubert Cummings - Terminal Taxi - 1 certificate - deceased

His recommendation for distribution of these 13 certificates was as follows:

The bulk of permits returned to the City are the 10 permits turned in by Mrs. Juanita Cashwell. This has or could cut Terminal Taxi Fleet down to only 5 taxicabs. Therefore, I recommend for Council's consideration to award 10 of these permits to David A. Walker. Mr. Walker has stated in his application that he plans to continue to operate as Terminal Taxi.

Of the 3 remaining franchises I would recommend for Council's consideration that 1 be awarded to William G. Baxley, 1 be awarded to Roy D. Purdie and 1 be awarded to Joe Marshall.

Council reconized Attorney George Hemden, Jr., representing Mr. Charles Eastman, applicant. He requested consideration for a franchise.

Mr. Walter Brown, an applicant for a franchise, was recognized and requested consideration.

Following some discussion, Mrs. Evans offered motion to award 10 to David Walker, 1 to Bill Baxley, 1 to Joe Marshall, 1 to Charlie Eastman and 1 to Walter Brown.

Attorney Rudy Singleton was recognized for Mr. Bill Baxley, for an additional franchise.

Sam Gerald, a taxicab driver, was recognized and stated he has two franchises and wants a third.

Roy Purdy was recognized and requested consideration.

Joe Marshall was recognized and requested an additional 4 franchises.

Following this, the City Attorney advised Council that they cannot, due to code provision, award more than 13 franchises at this time.

Mrs. Evans then amended her motion to delete one franchise from Walker and reduce it from 10 to 9.

Attorney Richard Wiggins was recognized representing Juanita Cashwell and David Walker of Terminal Taxi for the 10 franchises recommended by the taxicab officer.

Mrs. Evans then withdrew her motion and Mr. Johnson withdrew his second to her motion.

Mr. McBryde then offered motion that 10 franchises be awarded to David A. Walker, 1 to William Baxley, 1 to Joe Marshall and 1 to Charlie Eastman. Motion was seconded by Mr. Dawkins and carried unanimously.

There then followed some discussion of the provision in the City Code of the taxicab ordinance; and Captain Warner was requested by Council to study the ordinance and come back with a recommendation.

Council next gave consideration to taxicab permit matters. The City Manager presented this matter and stated the following named are recommended for taxicab driverpermits and are recommended by himself, Chief Dixon and Captain Warner:

Don P. Rowe, Bill Bates Moorefield, Jessie Lee Ward, Steven McCoy Green, David L. Gibson, Donald Ray Rouse, Ronald Emil Evans and Albert Percivelle Perry.

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

Mrs. Evans requested background information on future applicants for taxicab driver permits. Captain Warner noted the request.

Mayor Finch informed Council that action was taken at the August 25th meeting on the next item on the agenda, which was an appointment to the Education Development Advisory Council.

No delegations responded to Mayor Finch's invitation to be heard.

City Manager's Reports

The City Manager reported that he was in receipt of a request from the Fayetteville YMCA to hold its fall road run on Sunday, October 19th, with a two-mile run set to start at 2:30 pm and a ten-mile run at 3:00 pm. Both runs are scheduled to start and finish at the YMCA on Fort Bragg Road. The City Manager recommended approval.

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

The City Manager next presented a request for the hire of police officers.

He stated the following named have been certified by the Civil Service Commission for hire as police officers: Isaac N. Laudenslager, Daniel K. Dixon and David J. Sucheski.

He recommended approval.

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

The City Manager next presented a status report on the consolidation of the City's Animal Control Activity with the County's Animal Control Activity.

The City Manager informed Council that he had heard from the County Commissioners on the matter and that the staffs are presently working together. He stated the Liaison Committee had discussed the matter and recommended that the consolidation take place. Mr. Thomas presented cost figures of salaries for 12 months beginning October 1st for the present City Animal Control Staff, consisting of Sgt. Henry Vann, Eugene Wallace, Steve Robinson and Bob McArthur. He stated the present City salary figures total is $42,612. The County figure after salary adjustment would be $46,399. He stated the gross cost to the city would be $31,750 for 12 months after the dog tags revenue is deducted. He stated the County is requesting the City to pay them $60,000 for the operation. With the dog tags revenue the net cost to the city would be $33,000.

Concerning the possibility of injury to anyone regarding this consolidation, Sgt. Vann, who is a 27-year veteran with the Police Department, is presently a member of the Law Enforcement Officers Benefit Association. Should Sgt. Vann transfer to the County, he would no longer be a full-time police officer and would have to join the local government employees retirement system, which may not be to his benefit, since one provision of the LEOB provides for earlier retirement. He stated that Sgt. Vann feels he would be hurt by the transfer. Mr. Thomas stated that calculations are being made concerning this by the Personnel Department, but that the information is not yet ready to be presented to Council; and for this reason, they may wish to defer any action on this matter until such information is received.

Therewas then a general discussion of the comparative salaries between the city personnel and the county personnel; and Mrs. Carol Parker, City Personnel Director, stated that the County counterpart of Sgt. Vann received considerable more in salary. There was also discussion of his present salary by Councilman Johnson and an expression by him to do as much as possible for Sgt. Vann. The City Manager stated that he is at present drawing maximum longevity for his 27 years of service as a fringe benefit.

Council then decided to defer any action on this matter for two weeks until the calculation figures are received.

Matters of Interest to the Council

Mr. Williams stated that upon the return of Councilman Hurley, the Policy Committee would meet possibly on Tuesday, September 16th.

Reverend Johnson suggested that Council set an information meeting with PWC to discuss rate increases and for general information concerning their operation. Mr. Thomas was requested to discuss this with PWC.

Mr. Williams suggested the formation of a Budget Advisory Commission composed of community individuals who are financial specialists to assist City Council in the preparation of the annual budget. He requested Council to give thought to this suggestion.

Councilman McBryde asked about the Haymount plan and when Council is going to act on it.

Mrs. Evans suggested that City Council should start thinking again seriously about what to do with the old Prince Charles Hotel.

City Attorney Cogswell suggested to Council that a noise control ordinance is needed for the City. He stated he had discussed this with Lathan Williams and proposed further discussion with the EPA. He stated the County has adopted such an Ordinance and that he has a copy of it and hopes to present a draft at the next meeting.

Mrs. Finch stated she had received a request from the Community Action Program for two appointments to their body to represent the City Council. One appointment to be by the Mayor and the other to be by the Mayor pro tem. Mayor Finch stated she, for her own appointment, had asked Rev. Johnson to serve and he had accepted. The Mayor pro tem's appointment would be forthcoming.

Thereafter, all matters of business having been completed, this meeting was adjourned at 10:30 o'clock pm upon motion made and duly seconded.

Maurice W. Downs
City Clerk

MWD:jro

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
SEPTEMBER 22, 1980
7:00 PM

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. Robert Cogswell, City Attorney
Mr. Tim Wood, Assistant Manager, PWC

Mayor Finch called the meeting to order and the invocation was offered by the Reverend William A. Farrar, Minister of Calvary United Methodist Church. 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 proceedings. Mayor Finch also recognized from the Fayetteville Junior League, Mrs. Francis Davis, Sue Eaton and Joyce Laughlin.

Mayor Finch informed Council that three items had been added to the agenda this evening as follows: Item 3G, a public hearing on an amendment to the City Code; Item 22A, an appointment to the PWC Retirement Plan Board; and Item 20C, under City Manager reports, consideration of implementation of FICA II. Mr. McBryde offered motion for approval of the foregoing items to be added to the agenda, seconded by Mr. Dawkins and carried unanimously.

The first item of business was the approval of minutes of the September 8th meeting; and upon motion by Mr. Williams, seconded by Mr. Johnson and carried unanimously, said minutes were approved as submitted by the Clerk.

Public Hearings

A Public Hearing was held as continued from the September 8th meeting on the consideration of revision to transit route #4 - elimination of service to Hickory Hills (this item continued in order that the CCCCOA, Inc., could be contacted relative to the transporation needs of Hickory Hills residents). Mr. John Smith, Assistant City Manager, presented this matter and stated that a letter had been received from Mr. Clifton Lecornu stating that a proposal would be presented to CCCCOA for their consideration on September 19th. There will include a plan to initiate transportation services to the residents on September 26, 1980. The proposed plan would offer the service at least one day a week, probably each Friday. Mr. Smith stated that it had been reported to him that there was not a quota at the meeting of the 19th; and that they proposed to meet again on Wednesday, September 24th on the matter. He stated it would be recommended for approval, however.

Mrs. Evans suggested that City fund the Coordinating Council two days a week. Mr. Dawkins suggested that Council wait for the Coordinating Council action on Wednesday.

Mrs. Evans then offered motion to continue this matter to the next regular meeting on October 13th pending Coordinating Council's action. Motion seconded by Mr. Dawkins.

Mr. Johnson then offered an amendment that we make two trips per day until the foregoing information is received. The amendment was accepted. Mayor Finch called for a vote on the motion and it carried unanimously.

Council next gave reconsideration to the 1980-81 Transit Capital Grant under UMTA Section 5. (This matter continued from the June 23rd meeting.) Mr. Roger Stancil, Administrative Assistant to the City Manager, presented this matter and stated that this grant was for capital assistance for the construction and design of a transit mall for the central business district of Fayetteville. The proposed funding was in the amount of $3,288,000.

Mayor Finch asked if anyone wished to be recognized in favor of this proposal.

Mr. John Monaghan, Executive Director of the Fayetteville Revitilization Commission, was recognized in behalf of the grant and urged Council's passage of it for the benefit of downtown Fayetteville.

Mr. Clinton Harris was recognized in opposition stating that in his opinion the City could not qualify in view of its actions concerning bus service to the Hickory Hills residents.

Following brief discussion, Mr. McBryde offered motion for adoption of the authorizing resolution, seconded by Mr. Williams and carried unanimously.

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORATION UNITED STATES OF AMERICA FOR A GRANT UNDER THE URBAN MASS TRANSPORATION ACT OF 1964. RESOLUTION NO. R1980-41.

A copy of the foregoing resolution is on file in the Clerk's Office in Resolutions book R1980.

A Public Hearing had been published for this date and hour on the rezoning from R6 Residential District and R5A Residential District to M2 Heavy Industrial District or to a more restrictive zoning classification of an area located on the south side of Pelt Drive between Providence Street and Carlyle Street. Planning Board recommended denial of the M2 zoning and approval of C1P zoning.

Attorney Gardner Altman was recognized for the petitioner and property owner Mr. Harold McLamb for the M2 zoning. Mr. Altman presented letters from businesses and residents in the neighborhood not in opposition to the rezoning.

There was no opposition present.

Mrs. Evans offered motion to follow the recommendation of the Planning Board. The motion was lost for lack of a second.

Following some discussion, Mr. Williams offered motion to rezone the area to M2. Motion was seconded by Mr. Hurley.

Following some further discussion, Mr. Dawkins offered a substitute motion that this matter go back to the Planning Staff for a recommendation for C1P and M2 zoning. Motion seconded by Mr. Johnson.

Mayor Finch then called for the vote on the substitute motion and it was as follows: For the motion - Councilmembers Evans, Dawkins and Johnson. Against the motion - Councilmembers Hurley, McBryde and Williams. Mayor Finch declared a tied vote, cast her vote against the substitute motion and declared it lost.

Mayor Finch then called for a vote on the main motion and it was as follows: For the motion - Councilmembers Hurley, McBryde and Williams. Against the motion - Councilmembers Evans, Dawkins and Johnson. Mayor Finch then declared a tied vote, cast her vote against the motion and declared it lost.

Following some further discussion, Mr. Williams then offered motion that the larger southwestern area of the tract be rezoned M2 and that the smaller portion fronting on Providence Street, approximately 190 feet in depth and the depth of the present R6, be rezoned R6; and that a new legal description be drawn of the tract showing the zoning. Motion seconded by Mr. McBryde.

Mayor Finch recognized Mr. Lory Williams, an area property owner who arrived late to the meeting, who registered his opposition to the rezoning.

Following some further discussion, Mayor Finch called for a vote on the motion to rezone and it was as follows: For the motion - Councilmembers Hurley, McBryde, Dawkins, Johnson and Williams. Against the motion - Councilwoman Evans.

The new legal description appears below:

Tract 1 - Rezoning R5A to M2 - BEING all of lots 166 through 214 inclusive as shown on a plat recorded in Plat Book 10, Page 25, Cumberland County Registry.

Tract 2 - Rezoning R5A to R6 - BEING all of lots 85 through 87 inclusive and lots 105 through 107 inclusive as shown on a plat recorded in Plat Book 10, Page 25, Cumberland County Registry.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE THAT THE LARGER AREA (SOUTHWESTERN PORTION) OF THE TRACT LOCATED ON THE SOUTH SIDE OF PELT DRIVE BETWEEN PROVIDENCE STREET AND CARLYLE STREET BE REZONED M2 HEAVY INDUSTRIAL DISTRICT AND THE SMALLER TRACT FRONTING ON PROVIDENCE STREET APPROXIMATELY 190 FEET IN DEPTH BE REZONED R6 RESIDENTIAL DISTRICT. ORDINANCE NO. NS1980-45.

A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book NS1980.

A public hearing had been published for this date and hour on the initial zoning to R10 Residential District or to a more restrictive classification of an area located at 3406 Boone Trail. Planner Mitchell stated that this was a recently annexed area and Planning Board recommended approval of initial zoning R10.

There were neither proponents nor opponents present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO ZONE INITIALLY R10 RESIDENTIAL DISTRICT, AN AREA LOCATED AT 3406 BOONE TRAIL. ORDINANCE NO. NS1980-46.

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 City Clerk's Office in Ordinance Book NS1980.

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 Ramsey Street and Longview Dr. Planner Mitchell stated that this was a newly annexed area and that Planning Board recommended denial of C3 and approval of C1P zoning.

Attorney Robert Butler was recognized for Port Oil Company for C1 zoning for this tract.

There was no opposition present.

Following brief discussion Mrs. Evans offered motion to follow the recommendation of the Planning Board and zone initially C1P, seconded by Mr. Hurely and carried unanimously.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE CIP SHOPPING CENTER DISTRICT, AN AREA LOCATED TO THE NORTHEAST CORNER OF RAMSEY STREET AND LONGVIEW DRIVE. ORDINANCE NO. NS1980-47.

A copy of the foregoing Ordinance is on file in the clerk's office in Ordinance Book NS1980.

A public hearing had been published for this date and hour on the consideration of a final resolution to pave Freeman Street from Brainerd Avenue to Kirkland Drive pursuant to petition.

Mayor Finch stated the City Clerk had certified in writing that all property owners subject to assessment had been notified by first class mail. The City Engineer presented this matter and stated that on August 13th, the Engineering Department had received a petition signed by four of the five property owners requesting the paving of Freeman Street. The petition was valid; and if the street is approved for paving it is hoped to be added to the city's present contract #230.

There were neither proponents nor opponents present.

Mr. Williams then offered motion for approval of the paving by the adoption of the following resolution, seconded by Mr. Johnson and carried unanimously.

FINAL RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION OF FREEMAN STREET FROM KIRKLAND DRIVE TO BRAINERD AVENUE. RESOLUTION NO. R1980-42.

A copy of the foregoing resolution is on file in the Clerk's Office in Resolutions Book R1980.

This completed the public hearings.

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

For October 27, 1980:

A. Consideration of the rezoning from R5 Residential District to M2 Heavy Industrial District or to a more restrictive zoning classification of an area located at 141 and 145 Blount Street.

B. Consideration of the rezoning from R6 Residential District to M2 Heavy Industrial District or to a more restrictive zoning classification of an area located at 1114 North Street.

C. 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 206 Highland Avenue and 1203 Arsenal Avenue.

D. Consideration of the initial zoning to R10 Residential District or to a more restrictive zoning classification of an area located on the East side of Boone Trail North of Sandhill Drive.

E. Consideration of the initial zoning to R6 Residential District or to a more restrictive zoning classification of an area located on each side of Delcross Street at its intersection with Trade Street.

F. Consideration of Preliminary Resolution to pave Cunningham Street from existing pavement to the Southwestern corner of lot 53 Plat Book 10, Page 15 and Eden Cross from the Western boundary of Matthews Subdivision to the Eastern boundary of Matthews Subdivision.

PRELIMINARY RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION OF CUNNINGHAM STREET AND EDEN CROSS. RESOLUTION NO. R1980-43.

A copy of the foregoing Resolution is on file in the Clerk's Office in Resolutions Book R1980.

For October 13, 1980:

A. Consideration of an amendment to Section 27-15(e) of the City Code. (Sidewalks)

Planning Board Matters

Council next gave reconsideration to Morgan-Wood Townhouse group development preliminary and final subdivision review located in the Northeast quadrant of Morganton Road and Woodrow Street intersection. (This matter continued from the September 8th meeting). Planner Mitchell stated the Planning Board recommended conditional approval per the original memorandum.

Following brief discussion Mrs. Evans offered motion that in view of the new sidewalk policy as proposed by the policy committee that items 7 and 8 (sidewalks) be eliminated from the conditions and approval given to the foregoing subdivision review. Motion seconded by Mr. McBryde and carried unanimously.

This completed Planning Board Matters.

Public Works Commission Matters

Assistant Tim Wood presented the PWC item.

PWC recommended approval of an application by Bradford-Loyd Investments, Inc., for 2-inch water and 4-inch sanitary sewer connections to existing mains to serve a commercial building on Raeford Road, outside the City.

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

This completed the Public Works Commission Matters and Mr. Wood was excused from the meeting.

Council next reconsidered a request from the Groton Heirs to realign Groton Street. (This matter continued from the September 8th meeting in order to give the City Engineer an opportunity to return to the Council with alternate plans concerning the cul-de-sac.)

The City Engineer presented this matter and reviewed it for Council's benefit. He then presented a plan for the development of a turn-a-round to preserve the large tree inside the cul-de-sac. He also reviewed for Council's benefit his original presentation showing how the Groton Heirs lot, located on the west side of the cul-de-sac, could be utilized for construction purposes if desired.

Mr. McBryde then offered motion, seconded by Mrs. Evans to follow the foregoing recommendation of the City Engineer to develop a turn-a-round to preserve the tree in the cul-de-sac.

Discussion then followed; and the City Engineer also presented an alternate turn-a-round plan to construct a driveway into the last lot to permit city vehicles to back into the driveway and turn around.

Following some further discussion, Mr. Williams called the question. Mayor Finch then took a vote on calling the question and a majority was in favor.

Mayor Finch called for a vote on the motion and it was as follows: For the motion - Councilmembers Evans, McBryde and Williams. Against the motion - Councilmembers Hurley, Dawkins and Johnson. Mayor Finch declared a tied vote and cast her vote in favor of the motion and declared it carried.

Council next reconsidered, on second reading, taxi matters (franchises). This matter continued from the September 8th meeting.

At the September 8th meeting Mr. McBryde offered motion that 10 franchises be awarded to David A. Walker, 1 to William Baxley, 1 to Joe Marshall and 1 to Charlie Eastman. Motion was seconded by Mr. Dawkins and carried unanimously. The action to award the foregoing franchises was then approved on second reading.

Council next gave consideration to the approval of a resolution authorizing the consolidation of City and County Animal Control Activities and directing execution of a contract for an interlocal undertaking with with Cumberland County.

The City Manager presented this matter and informed Council that all problems concerning this colsolidation had been resolved. Also, a thorough review had been given to Sgt. Henry Vann's situation concerning his retirement and salary and benefits; and this problem, too, had been resolved to Sgt. Vann's fullest benefit. The City Manager stated that the $60,000 cost to be paid to the County by the City could be paid in quarterly increments and that a budget amendment would be presented at the next meeting to accomplish this.

Following brief discussion, Mr. Williams offered motion to adopt the resolution accomplishing the consolidation and approving the interlocal undertaking and that the Mayor and Clerk be and they hereby are authorized as directed to sign the resolution and the interlocal agreement for the City. Motion seconded by Mr. Dawkins and carried unanimously.

RESOLUTION AUTHORIZING CONSOLIDATION OF CITY AND COUNTY ANIMAL CONTROL ACTIVITY DIRECTING EXECUTION OF CONTRACT FOR INTERLOCAL UNDERTAKING WITH CUMBERLAND COUNTY. RESOLUTION NO. R1980-44.

A copy of the foregoing resolution is on file in the Clerk's Office in Resolutions Book R1980.

Council next gave reconsideration to a request for an emergency grant for operation Sickle Cell, Inc.

Councilman Johnson requested permission to abstain from voting on this matter; and the request was approved.

Councilman Hurley introduced this request on behalf of Rev. Johnson, who had requested Council's reconsideration due to his concern for the funding for this activity.

Following some discussion of the request Mr. Dawkins suggested that Council consider an appropriation for medical purposes only.

Mrs. Evans suggested to refer this matter to the City's Policy Committee for consideration.

Mr. Williams, Chairman of the Policy Committee, suggested that it be considered at an information meeting of the City Council.

Following some further discussion, Mr. Hurley offered motion that we give a one-time gift of $2,000, which expresses a gift from the people of Fayetteville to Operation Sickle Cell, Inc., for medical reasons only. Motion seconded by Mrs. Evans and carried, Rev. Johnson abstaining to vote.

Council next gave consideration to bids received for 500 each galvanized tubing sign posts with pipe caps and mounting hardware for the City Transit Department.

Mr. Al Jordan, City Purchasing Agent, presented this matter and stated that the low bid of $5,044 submitted by Acme Fence Company be accepted.

Mr. Hurley suggested a possible consideration of this item by the Appearance Commission due to the proliferation of such signs and sign posts in the City. This was being done, Council was informed.

Mr. Williams then offered motion to follow the foregoing recommendation of the purchasing agent, seconded by Mr. McBryde and carried unanimously.

Council next gave consideration to bids for a comfort station for the Recreation and Parks Department.

The Purchasing Agent presented this matter and recommended that the low bid of Super Secur manufacturing company in the amount of $6,700 be accepted.

Rev. Johnson then offered motion for approval of the foregoing recommendation,

seconded by Mr. McBryde and carried unanimously.

Council next gave consideration to bids for grading, drainage and seeding of the Doc Bennett Road Landfill.

The City Engineer presented this matter and reiterated the City Manager's comments in his memo to the Mayor and Council of September 3rd concerning state requirements for closing the sanitary landfill. This landfill was operated by the City and was located near the airport. Because of its proximity to the airport, the FAA directed that the landfill be closed. This was accomplished in August 1978; and the City began utilizing the County landfill. The State has since informed the City that it has not met all of the requirements under the North Carolina solid waste management rules in closing the landfill; and it has been determined that it will be necessary to contract out the project in order to meet all the state's requirements. The estimated cost is $50,000 for the grading, drainage and seeding; and it will be necessary to use contingency funds to accomplish this. The City Engineer recommended awarding the contract to the low bidder, McDonald Grading Company, for their bid of $52,300. This bid is within the City's estimated amount for final closing of the landfill. The contract is based on estimated quantities; therefore, the final construction cost may vary from the total bid. It is further recommended that $60,000 (15% over the bid amount for contingencies) be reserved for this closing.

Mr. McBryde offered motion, seconded by Mr. Williams and carried unanimously, to approve the foregoing bidder as recommended.

Council next gave consideration to bids for the renovation of the Tokay Recreation Center.

The City Engineer presented this matter and stated the following low bidders are recommended:

General Contractor - Wayman Bullard Construction Company - $26,300.
Heating and Air Conditioning Contractor - Refrigeration and Heating Company, Inc. - $4,790.
Plumbing Contractor - Haire Plumbing Company - $3,457.
Electrical Contractor - Clark Brothers Electric Company - $4,100.

Mr. Dawkins moved for approval of the foregoing bidders as recommended by the City Engineer and Recreation Department, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to the adoption of a land sales procedure.

The City Attorney presented this matter and stated that Community Development would like to have the following procedure adopted by the City Council. This would cover the sale of property that they have acquired but no longer need. HUD has also reviewed this procedure, he stated, and found it to be acceptable. He recommended approval.

The procedure is as follows:

1. Develop and record subdivision plat - City Engineering
2. Re-use values appraised - Independent Appraiser
3. Record declaration of restrictions - Community Development office
4. Establish values - Fayetteville Redevelopment Commission
5. Establish values - City Council
6. Sales promotion - Community Development office
7. Resolution to sell property - City Council
8. Advertise intent to sell property - City Council
9. Bid opening - Fayetteville Redevelopment Commission
10. Bid acceptance - City Council
11. Department of Housing & Urban Development notified of redeveloper - Community Development office

11a. Public disclosure ad run - Community Development Staff

12. Deed prepared - Fayetteville Redevelopment Commission attorney
13. Funds received and routed to program income - Community Development office
14. Record construction progress - Community Development office
15. Issue certificate of completion - Community Development office

Mrs. Evans then offered motion, seconded by Mr. Hurley and carried unanimously, to follow the recommendation of the City Attorney and approve the foregoing land sales procedure.

Council next gave consideration to an ordinance amending Chapter 17 "Licenses" to create a new article IV "Second Hand Precious Metal Businesses" of the Fayetteville City Code.

The City Attorney presented this matter and stated that the proposed ordinance regulates the second-hand gold and silver dealers in the City. It is in most respects identical to the one the County adopted with some minor modifications. These being, that pawn shops will be covered, also a provision that gives applicants 10 days to comply with the bond provisions which is to prevent someone from beginning a business immediately after the application if approved and delaying getting the bond to the Clerk. Also, the fee is different from the County's fee - said fee being $250. Also, the standard for revocation is rather restrictive due to the adult entertainment regulatory licensing provisions. Also, Section 17-60 regarding implementation is not contained in the County Ordinance. This provision is included in order that current existing businesses be given ample time to comply - 20 days is provided for this, he concluded.

Discussion then followed and it was suggested that Section 17-56 - Records of Transactions, sub-paragraph b. - be amended to acquire only one form of identification rather than two.

Following some further discussion, Mr. Hurley offered motion for adoption of the Ordinance as amended Section 17-56 (b). Motion seconded by Mr. Williams and carried unanimously.

AN ORDINANCE AMENDING CHAPTER 17 "LICENSES" CREATE A NEW ARTICLE IV "SECOND HAND PRECIOUS METAL BUSINESSES" OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. S1980-10.

A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book S1980.

Council next gave consideration to a Resolution authorizing, adopting, approving, accepting and ratifying the execution of amendment number 1 to grant agreement for project 6-37-0021-07, Fayetteville Municipal Airport, between the City of Fayetteville and the Federal Aviation Administration.

The City Attorney presented this matter and stated that the amendment covered the installation of two water fountains to meet handicapped requirements at the airport terminal; and the grant agreement is increased by $622 from $376,200 to $376,822. He stated the Airport Commission recommends approval by adoption of the resolution.

Mr. Hurley offered motion, seconded by Mrs. Evans and carried unanimously for adoption of the resolution.

RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING AND RATIFYING THE EXECUTION OF AMENDMENT NO. 1 TO GRANT AGREEMENT FOR PROJECT NO. 6-37-0021-07, WITHIN THE UNITED STATES OF AMERICA AND THE CITY OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. R1980-45.

A copy of the foregoing Resolution is on file in the Clerk's Office in Resolutions Book R1980.

Council next gave consideration to authorization for the Mayor to sign a deed for the sale of property at 1030 Newbern Avenue.

The City Attorney presented this matter and stated the deed was for lots 38 and 39, Bullard Property. He recommended approval.

Mr. Dawkins offered motion, seconded by Mr. McBryde, that the Mayor be and she here is authorized and directed to sign the deed in behalf of the City.

Council next gave consideration for approval to authorize Mr. Douglas Canders to represent Officer Larry O. Williams in Davis v. City of Fayetteville et. al.

The City Attorney presented this matter and recommended approval.

Mr. Williams offered motion, seconded by Mrs. Evans and carried unanimously, that approval be and hereby is given to the foregoing matter as recommended.

Delegations

Council recognized Mr. Clinton Harris, a private citizen, who offered comments on the voting this evening on the rezonings and on Groton Street, and of the action taken by Council this evening on the Morgan-Wood sidewalk omission. Mr. Harris stated he was also critical of Council's action on the taxi franchises in that it would result in pyramiding.

City Manager Reports

The City Manager informed Council that he was in receipt of a letter from operation Sickle Cell, Inc., requesting approval for that organization to have a

walk-a-thon on October 4, 1980, beginning at Fayetteville State University at 8:00 am proceeding to Market Square and returning to the College. He stated this had been coordinated with the Police Department. He recommended approval.

Rev. Johnson requested permission to abstain from voting.

Mr. Dawkins offered motion for approval of the foregoing request, seconded by Mr. McBryde and carried, Rev. Johnson abstaining to vote.

Council next gave consideration of covering parking meters during the International Folk Festival, the weekend of September 27th.

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

Mayor Finch encouraged all Councilmembers and all citizens of the City of Fayetteville to get involved in the International Folk Festival and give it their support.

The City Manager then recommended that Council implement FICA II, the program whereby the City can realize considerable savings by changing the method of paying FICA taxes to the Federal Government. He recommended adoption and implementation to be effective October 1, 1980.

Mrs. Evans offered motion to approve the foregoing request of the City Manager, seconded by Mr. Williams and carried unanimously.

The City Manager informed Council that the Liaison Committee met on Friday and voted unanimously to bring back to the City and County the approval of the "Clean Community System" part of 'Keep America Beautiful' program. Mayor Finch stated that in as much as this item was not on the agenda, Council should vote on whether or not to hear it. Council voted to hear the matter.

Council recognized Mr. Mike Currin, Chairman of the Fayetteville Appearance Commission, who presented this item and stated the purpose of the program was to promote a beautification of communities through a comprehensive clean-up program. He stated there would be a one-time cost of $2,500 for certification. A $1,500 cost for workshop and a $6,500 cost for administration.

There was considerable discussion concerning this matter and the consideration of a Resolution of approval. The City Attorney informed Council that he had not seen the resolution nor had time to study it prior to the beginning of this meeting this evening. There was discussion as to whether or not the Appearance Commission had the authority to endorse such a program for the city of Fayetteville.

Following considerable discussion, Mr. Currin requested deferment of action on this matter for the time being and until such time as the City Attorney could review the resolution involved and the City Council could study Liaison Committee's recommendations.

Matters of Interest to Council

Mr. Williams requested the Planning Department to implement as soon as possible the placement of signs on property proposed for rezoning.

Mr. Williams also asked the City Engineer to check the City property that has not been maintained behind King Shopping Center.

Mr. Dawkins suggested that City Council formulate and implement a clean-up program for the streets, curbs and gutters in the City. The City Engineer was requested to check this.

Appointments

Mayor Finch stated that she had received a letter from PWC Manager, Ray Muench, who informed her that Mr. Neill Fleishman, a member of the PWC Retirement Plan Board, had resigned from the Board. Mr. Fleishman was appointed in August 1977 for a five-year term ending June 30, 1982, to meet the requirement of the PWC retirement plan of having one board member who is an attorney. Mayor Finch stated Mr. Muench would be grateful if the City Council would appoint another attorney to fill Mr. Fleishman's unexpired term of office. Mayor Finch said she would would accept nominations at this time; and Councilman Hurley nominated Mr. ~~Arthur~~ Melvin to fill this vacancy. Mayor Finch stated this nomination would be acted on at the next regular meeting of the Council.

Sonver

Thereafter all matters of business having been completed, the meeting was adjourned at 10:20 pm upon motion made and duly seconded.

Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
OCTOBER 13, 1980

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. Robert C. Cogswell, Jr., City Attorney

Mayor Finch called the meeting to order and the invocation was offered by Councilman Rev. Aaron Johnson. 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. Mayor Finch gave special recognition to Lee Boughman, President of the Youth Council, for his receiving the Governor's Award last week for outstanding community volunteer service. Mayor Finch also recognized Jimmie Scott, Mrs. Louise Saunders and the Seventh Day Adventist Church for receiving awards for outstanding community volunteer service.

The first order of business was the approval of minutes of the regular meeting of September 22nd; and upon motion by Mr. Williams, seconded by Rev. Johnson and carried unanimously, said minutes were approved as submitted by the Clerk.

Public Hearings

A public hearing had been published for this date and hour on the consideration of annexation of property on both sides of Powell Street to include lots 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Block 9; lots 5-12 inclusive, Block 10; lots 2, 4, 6, 8 and 10, Block 13; and lots 1-13 inclusive; Block 14, all of Platbook 10, Page 32, Cumberland County Registry.

Planner Mitchell presented this matter and stated the Annexation Technical Review Committee recommended approval.

There were neither proponents nor opponents present.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE - POWELL STREET/GILLESPIE STREET AREA. ANNEXATION ORDINANCE NO. 80-10-234.

Mr. McBryde introduced the foregoing Ordinance and moved its adoption. The motion was seconded by Mr. Dawkins.

Following brief discussion, Mayor Finch called for the vote and it was carried unanimously.

The next item of business was the consideration of an amendment to Section 27-15(e) "Subdivisions" of the Fayetteville City Code.

Mr. Cogswell presented this matter and stated that adoption of the Ordinance would require sidewalks for both sides of all streets in any subdivision located within the jurisdiction of the City. These sidewalks shall be constructed of concrete by the subdivider and meet specifications of the City Engineer in accordance with good engineering practice.

Mr. Clinton Harris was recognized in favor of the proposed Ordinance.

Mrs. L. M. Strawn, Don Broadwell, Walter Morman and others were recognized in opposition to the proposed Ordinance.

Following some discussion, Mr. Hurley offered motion to call for a public hearing on the sidewalk policy issue. The motion was seconded by Mr. Dawkins.

Mr. Williams commented on the wording of the Ordinance amendment and the cost of sidewalks.

Mayor Finch stated Mr. Hurley's motion would be acceptable but first action should be taken on the presented item.

Mr. Hurley then offered motion for Item 2B (sidewalks) to be continued and for a public hearing to be set on the entire sidewalk issue. The motion received no second.

Mayor Finch then suggested to Mr. Hurley that he withdraw his original motion and Council's action of the matter begin again.

Mr. Hurley then withdrew his original motion and Mr. Dawkins withdrew his second.

Following brief discussion, Mr. Williams offered motion to continue this matter for 30 days until the November 10th meeting at which time it will be reopened for public input. The motion was seconded by Rev. Johnson.

Following brief discussion Mayor Finch called for the vote and it was carried unanimously.

This completed the public hearings.

Public Hearings to be Set

Upon motion by Mr. Williams, seconded by Rev. Johnson and carried unanimously, the following public hearings were set as follows:

For November 10, 1980:

A. Consideration of the initial zoning to R6 Residential District or to a more restrictive zoning classification of an area located on each side of Powell Street north of Cude Street.

For October 27, 1980:

B. Consideration of an offer to purchase City property - vacant lot at 717 Italy Street.

Planning Board Matters

The next item of business was the consideration of George King subdivision preliminary and final review located on the east side of Rosehill Road and south of U.S. 401 Bypass.

Planner Mitchell presented this matter and stated the Planning Board recommended conditional approval.

Following brief discussion, Mrs. Evans offered motion to follow the recommendation of the Planning Board. The motion was seconded by Mr. Williams.

Following more discussion Mayor Finch called for the vote and it was carried unanimously.

The next item of business was the consideration of Port Oil Company self-service station C(1)P review located on the east side of Raleigh Road (U.S. 401 North) and north of Longview Drive.

Planner Mitchell presented this matter and stated the Planning Board recommended conditional approval.

Mr. Williams then offered motion to follow the recommendation of the Planning Board. The motion was seconded by Mr. McBryde.

Mr. Butler, representing Port Oil Company, was recognized in opposition to Item 7 (curbing) of the conditional approval.

Mr. Mitchell stated the curbing was needed as a safety feature to keep the cars off the sidewalk.

Mr. Bennett, City Engineer, stated it would be alright to have a curb and gutter instead of 6" x 18" curbing.

Mr. McBryde asked Mr. Butler if that was alright and he agreed.

Mr. McBryde then offered an amendment to the motion to accept the recommendation of the Planning Board with the exception of changing condition no. 6 to read curb and gutter and/or curbing.

Mr. Williams accepted the amendment.

Mayor Finch called for the vote and it was carried unanimously.

The next item on the agenda was the consideration of the Rural Transportation Development Plan.

Mr. Larry Carter presented this matter for endorsement by the Council in conceptual form.

Following brief discussion Mr. Dawkins offered motion to approve the plan conceptually, seconded by Mr. Williams and carried unanimously.

The next item on the agenda was consideration of a Resolution adopting the Haymount Area 8 Plan.

There was much discussion as to why this item was not set as a public hearing.

Mr. McBryde suggested this item be acted upon as a public hearing and let the people involved be recognized by Council.

Following some further discussion, Mr. Williams offered motion for consideration of the Resolution adopting the Haymount Area 8 Plan and the next item on the agenda, the Resolution adopting the 301 Eastern Boulevard Corridor Area Plan to be set for a public hearing on October 27th, seconded by Mr. Dawkins and carried unanimously.

The City Attorney was directed to advertise this public hearing in the newspaper in the commercial advertising section.

This concluded the Planning Board matters.

Public Works Commission Matters

Mr. Ray Muench, PWC Manager, presented these matters.

The first PWC item considered by Council was the consideration of an application by Margaret Matthews and Josephine M. Jarman for water main extension along Dallas Street, outside City, to serve residences at 200 and 210 Dallas Street. (Cost of extension and service laterals is approximately $2,000, which will be paid by applicants who have petitioned for annexation and will also execute annexation agreement.

The Public Works Commission recommended approval.

Following brief discussion, Mrs. Evans offered motion to follow the recommendation of the Public Works Commission, seconded by Mr. McBryde and carried unanimously.

The next PWC item on the agenda was consideration of bids received September 23, 1980, for the purchase of 356 pine utility poles of various sizes.

Mr. Muench presented this matter and stated the following low bids were recommended:

A. 206 30' Class 5 Creosote Treated Pine Poles -
The Burke-Parsons-Bowlby Corporation - $56.75 each

B. 120 40' Class 5 Penta Treated Pine Poles -
Koppers Company, Inc. - $93.85 each

C. 30 45' Class 4 Penta Treated Pine Poles -
Koppers Company, Inc. - $126.70 each

Mr. Williams offered motion to accept the low bids as presented, seconded by Mr. McBryde and carried unanimously.

Council next gave consideration of bids received September 30, 1980, for the purchase of six group-operated disconnect switches.

Mr. Muench presented this matter and stated the firm bid by Westinghouse Electric Supply Company of Fayetteville is recommended by PWC.

Following brief discussion, Mr. Hurley offered motion to accept the firm bid of $15,660 from Westinghouse Electric Supply Company, seconded by Mr. Dawkins and carried unanimously.

The last PWC item considered by Council was the consideration of bids received October 7, 1980, for the purchase of two intermediate 4-door station wagons, with trade.

Mr. Muench presented this item and stated the low bid of $13,500 by Patrick Ford is recommended by PWC.

Mr. Williams then offered motion to accept the low bid by Patrick Ford. The motion was seconded by Mr. Dawkins.

Following brief discussion, Mayor Finch called for the vote and it was carried unanimously.

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

Council next considered a revision to Transit Route No. 4 - elimination of service to Hickory Hills. This item was continued from the September 22nd regular meeting.

John Smith, Assistant City Manager, presented this matter. He stated the Cumberland County Coordinating Council on Older Adults, is planning to provide transportation service on Tuesdays and Thursdays in order that these residents not be "stranded" or cut off from necessary services. He further stated the Cumberland County Community Action Agency is also providing service to Hickory Hills on Fridays. These two agencies are better suited to provide this type of special service than FAST which is a fixed route mass transit system. He stated, it is, therefore, recommended FAST service to terminted effective October 14, 1980, which will be the first day of service by CCCCOA.

Mr. McBryde then offered motion to follow the recommendation of the Assistant City Manager, seconded by Mr. Williams.

Mrs. Evans stated she had talked with at least 10 residents of the Hickory Hills development and they are much more satisfied with the new door-to-door service.

Mayor Finch then called for the vote and it was carried unanimously.

The next item on the agenda was the consideration of recommendations from the Policy Committee regaring Sidewalk Policy.

Mr. Williams offered motion for this item to be included in the action taken by Council on Item 2B, consideration of an amendment to Section 27-15(e) "Subdivisions" of the Fayetteville City Code. The motion was seconded by Mr. McBryde and carried unanimously.

The next item was the consideration of a resolution to have the City Manager authorized to execute agreements related to the 1980-81 Transit Operating Grant Award for the City of Fayetteville.

Roger Stancil presented this item and stated that for the first time we'll be able to draw down transit operating funds as we expend them rather than waiting.

RESOLUTION APPLYING FOR 1980-1981 TRANSIT OPERATING FUNDS IN THE AMOUNT OF $405,963. RESOLUTION NO. R1980-46

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

The next item was the consideration of a resoltuion to have the City Manager authorized to execute agreements related to the Transit Capital Grant Amendment for the City of Fayetteville.

Roger Stancil presented this matter and stated the matching 10 percent from the City is included in the Transit Capital Budget.

RESOLUTION APPLYING FOR TRANSIT CAPITAL GRANT FUNDS IN THE AMOUNT OF $125,000. RESOLUTION NO. R1980-47.

Mr. Dawkins introduced the foregoing Resolution and moved its adoption, seconded by Rev. Johnson and carried unanimously.

Copies of the foregoing Resolutions are on file in the Clerk's Office in Resolutions Book R1980.

The next item of business was the consideration of bids received for three (3) motorcycles for the Fayetteville Police Department.

Al Jordan, Purchasing Agent, presented this matter and stated the low bid of $12,900 by Meridian Motorcycle Co., Inc. was recommended.

Mrs. Evans offered motion to follow the recommendation of the Purchasing Agent, seconded by Mr. Williams and carried unanimously.

The next item of business was the consideration of bids received for furnishing a side loading compactor mounted on a one-ton truck for the Recreation and Parks Department.

Al Jordan presented this matter and stated the low bid of $12,704 by Mickey Truck Bodies, Inc., was recommended.

Mr. Williams offered motion to accept the low bid as recommended, seconded by Mr. Hurley and carried unanimously.

The next item on the agenda was the consideration of bids received for furnishing a vacuum street sweeper.

Mr. Jordan presented this item and stated the extremely low bidder, Western Carolina Tractor Co., bid a sweeper that makes no pretext of complying with specifications. The low bidder who bid a sweeper in keeping with needs of the City and with an acceptable delivery schedule was North Carolina Equipment Company in the amount of $78,000. He, therefore, recommended this bid.

Mr. Hurley offered motion to follow the recommendation of the Purchasing Agent, seconded by Mr. Williams and carried unanimously.

The next item on the agenda was the consideration of bids received for furnishing two (2) each Sand/Salt Spreaders and two (2) each snow plows.

Al Jordan presented this matter and recommended the low bids of $2,948.00 by North Carolina Equipment Co. for the two Sand/Salt spreaders; and $3,985.34 by A. E. Finley Inc., for the 2 snow plows.

Following brief discussion, Mrs. Evans offered motion to follow the recommendation of the Purchasing Agent, seconded by Mr. Williams and carried unanimously.

The next item considered by Council was of a recommendation that the Park Rangers be equipped with mace for self-defense.

The City Manager presented this matter and stated the City Attorney had written to the Attorney General and received an opinion that the Park Rangers could legally carry mace or tear gas under the exceptions found in G.S. 14-401.6(2) or (7).

Mrs. Evans offered motion to approve the use of mace for the Park Rangers, seconded by Mr. McBryde and carried unanimously.

The next item on the agenda was the consideration of a request by the Airport Commission to increase the starting salary for the position of the Assistant Airport Manager.

Mr. Cyrus Earnhardt presented this matter and he stated they are unable to find a qualified person to fill the position at the present $12,000; however, they have found various persons who will accept the position at $16,200 a year.

Following brief discussion, Mr. Dawkins offered motion to raise the starting salary of the Assistant Airport Manager to $16,200 a year, seconded by Mr. Hurley and carried unanimously.

The next item considered by Council was the consideration of a Resolution to endorse the Keep America Beautiful, Inc., "Clean Community Systems".

Michael F. Currin, Chairman of the Appearance Commission, presented this matter and stated that cities that have used this program have seen a marked improvement in the litter problem. They have had as much as an 80 percent reduction in the litter in those areas.

Mr. McBryde offered motion to adopt the Resolution of endorsement, seconded by Mr. Williams and carried unanimously.

RESOLUTION ENDORSEMENT OF THE KAP CLEAN COMMUNITY SYSTEM BY THE CITY OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. R1980-48.

A copy of the foregoing Resolution is on file in the Clerk's Office in Resolutions Book R1980.

The next item on the agenda was the consideration of Budget Amendment Change No. 5.

The City Manager presented this matter and requested approval of the budget change for the following changes:

1. To reduce Police Department Appropriation for Animal Control costs and transfer to Cumberland County Government

2. To transfer $10,550 for the repair of water pump in S. E. Fayetteville

3. To transfer $60,000 from contingency for the grading, drainage and seeding of Doc Bennett Road Landfill

4. To appropriate $2,000 to Operation Sickle Cell from contingencies and to appropriate $45,000 to Cumberland County for Animal Control.

5. To appropriate $9,986 for energy equipment for the Senior Services Center.

Mrs. Evans offered motion to adopt budget change 5, seconded by Mr. McBryde and carried unanimously.

The next item of business was the consideration of Budget Amendment Change 6.

The City Manager presented this matter and requested approval of the budget change for the following reasons:

1. To increase I.D. Bureau Appropriation for the addition of three (3) crime investigators for ten (10) months

2. To provide an appropriation for the payment of County charges for disposal of leaves, trees, limbs, etc., at the landfill site

3. To transfer funds from Council Contingencies for the above listed appropriations.

Rev. Johnson offered motion to adopt change no. 6, seconded by Mr. Dawkins and carried unanimously.

The next item of business was the consideration of approval for the Mayor to sign an order to the City Tax Collector (Mr. A. B. Johnson) to collect City taxes.

Mr. Dawkins offered motion for the Mayor to sign the order for the Mr. Johnson to collect City Taxes, seconded by Mr. McBryde and carried unanimously.

The next item of business was the consideration of selling City-owned property located in the vicinity of Milan Yard.

The City Manager presented this matter and stated an inquiry had been received from a possible new industrial activity for the Fayetteville area as to whether or not the City would sell the old landfill site assuming the price was right. The corporation needs a positive statement to the effect that the City would be willing to sell in order to secure financial resources for the undertaking.

There was lengthy discussion.

Rev. Johnson then offered motion for the City to sell the property to anyone interested if the price is right, seconded by Mr. Dawkins.

Following further discussion, Mayor Finch called for the vote and it was as follows: For the motion: Councilmembers Dawkins, Johnson and McBryde. Against the motion: Councilmembers Hurley, Evans and Williams. The Mayor declared the vote tied, cast her vote for the motion and it carried.

The next item of business was the consideration of a request to close a portion of McNeillCircle.

Bob Bennett, City Engineer, presented this matter. He stated the Engineering Department recommends against the closing of this section of McNeill Circle for the following reasons:

1. The possible need of the street for the future development of the abutting property on the west side opposite Mr. Prescott's property.

2. The Fayetteville Board of Education owns the property immediately to the south of the dead end of the street. Future development of this property may have a need for McNeill Circle as a street access.

Mr. Robert Prescott of 2535 McNeill Circle was recognized by Council to speak on the matter. He stated the property was not kept maintained; therefore, it is an eyesore. He further stated that if the city intended to abandon the property, he would like to talk it over with the City, as it would make a nice garden area.

Following some discussion, Mr. Dawkins offered motion to follow the recommendation of the City Engineer, seconded by Mrs. Evans and carried unanimously.

The next item on the agenda was the consideration of request to pave Willis Street.

The City Engineer presented this matter and stated the street has never been opened or accepted by the City, nor is there an official dedication of the street. It is the department's opinion that the street should be improved by the developers as any of the new streets in a subdivision type development is required to do, per the Fayetteville Subdivision Ordinance. He asked the Council to please review this situation so the petitioners may be given an official answer.

Following brief discussion, Mrs. Evans offered motion to continue this matter until the next regular meeting of October 27th, seconded by Mr. Williams and carried unanimously.

Council next considered an Ordinance amending Section 20-106 of the City Code, Traffic Schedule No. 11, "Parking Prohibited" - Quincy Street.

The City Engineer presented this matter and stated they have received complaints and suggestions from the Traffic Division of the Police Department about congestion along Quincy Street, which occurs predominantly during school hours. A thorough review of this problem had been made and the Engineering Deparment recommended parking be prohibited on the north side of Quincy Street.

Donald Dixon, Principal of Ramsey Street School, was recognized in favor of the prohibited parking.

Mr. Williams stated the parking of the buses on the street is illegal; and if the buses parked elsewhere, there would be no need for the no parking. He also suggested a ramp off the street for loading and unloading buses.

Dr. Norlene Williams, of an office on the corner or of Ramsey Street and Quincy Street, was recognized in opposition to the next item on the agenda, "One-way Streets" - Quincy Street. She said if Quincy Street was made a one-way street during school hours, her patients would have to go all the way around the block to get to her office.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 10-106 OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 11 - "PARKING PROHIBITED" (QUINCY STREET) ORDINANCE NO. NS1980-48.

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

A copy of the foregoing Ordinance is on file in the Clerk's Office in Ordinance Book NS1980.

The next item on the agenda was the consideration of an Ordinance amending Section 20-106 of the City Code, Traffic Schedule No. 7 "One-way Streets" - Quincy St.

There was no action taken on this item in view of the foregoing action.

The next item on the agenda was the consideration of an ordinance amending Section 20-106 of the City Code, Traffic Schedule No. 17 "Restricted Parking" - West Rowan Street.

The City Attorney presented this matter. He stated this came about from a request by the people who use the Lions Civic Center. Adoption of this Ordinance would make it clear that parking in the upper and lower lots are for the Rowan Street Park and the Lions Civic Center only. The President of the Lions Club had contacted the City Attorney and advised that the club had no opposition.

Mr. Dawkins offered motion to follow the recommendation of the City Attorney to adopt the Ordinance, seconded by Mr. McBryde and carried unanimously.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 10-106 OF THE CITY CODE, TRAFFIC SCHEDULE NO. 17, "RESTRICTED PARKING" NS1980-49.

A copy of the foregoing Ordinance is on file in the Clerk's Office in Ordinance Book NS1980.

The next item of business was the consideration of an Ordinance amending Section 20-106 of the city code, Traffic Schedule No. 11, "Parking Prohibited" - West Rowan Street.

Following brief discussion, Mr. McBryde offered motion to adopt the Ordinance as presented, seconded by Mr. Dawkins and carried, Rev. Johnson voting no.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 10-106 OF THE CITY CODE, TRAFFIC SCHEDULE NO. 11, "PARKING PROHIBITED" - WEST ROWAN STREET. ORDINANCE NO. NS1980-50.

A copy of the foregoing Ordinance is on file in the Clerk's Office in Ordinance Book NS1980.

The next item considered by Council was of an Ordinance amending Chapter 17, "Licenses" of the Fayetteville City Code.

Mr. Cogswell presented this matter and stated the reason for the changes in the ordinance are because of the number of different types of businesses involved in the selling of second-hand precious metals.

Mr. Williams then offered motion to follow the recommendation of the City Attorney to adopt the Ordinance, seconded by Mr. Dawkins and carried unanimously.

AN ORDINANCE AMENDING CHAPTER 17, "LICENSES", TO CREATE A NEW ARTICLE IV, "SECOND-HAND PRECIOUS METALS BUSINESSES" OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. S1980-11.

A copy of the foregoing Ordinance is on file in the Clerk's Office in Ordinance Book S1980.

The next item of business was the consideration of an Ordinance amending Chapter 21 "Offenses and Miscellaneous Provisions" of the City Code of the City of Fayetteville, North Carolina.

Mr. Cogswell presented this matter and stated the new noise Ordinance would completely replace the current provisions concerning noise in the City Code. The Ordinance categorized noise emitting activities. Each of these activities has a different level of noise in terms of decibel readings that is permitted. Once these levels are exceeded, a violation occurs.

Council then recognized representatives of the Environmental Protection Agency office in Atlanta who were present to answer any questions concerning the decibel levels and noise meters that will be used by the Police Department. They gave a demonstration of the use of the noise meter.

Following some discussion, Mrs. Evans offered motion to adopt the Ordinance as presented, seconded by Mr. McBryde and carried unanimously.

AN ORDINANCE AMENDING CHAPTER 21, "OFFENSES AND MISCELLANEOUS PROVISIONS" OF THE CITY CODE OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1980-12.

A copy of the foregoing Ordinance is on file in the Clerk's Office in Ordinance Book S1980.

The next item of business was the consideration of Council to take necessary action to correct conditions at the following addresses for substandard structures.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 725 ATHENS AVE., OWNED BY JAMES BABB. ORDINANCE NO. NS1980-51.

The owner, James Babb, was recognized in opposition to the Ordinance.

Following brief discussion, Mr. Dawkins introduced the foregoing Ordinance and moved its adoption, seconded by Mr. Hurley and carried unanimously.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 232 MCARTHUR STREET, OWNED BY RUEL, WILLIAM AND THOMAS WRIGHT - "ANNIE WRIGHT HEIRS". ORDINANCE NO. NS1980-52.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 416 PELT DRIVE, OWNED BY "W. L. JACKSON HEIRS". ORDINANCE NO. NS1980-53.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 603 MECHANIC STREET, OWNED BY A. E. COOK. ORDINANCE NO. NS1980-54.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 139 WAYDE STREET, OWNED BY ESTHER P. CARR. ORDINANCE NO. NS1980-55.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 926 CARVER STREET, OWNED BY MR. & MRS. JOHNNIE JONES. ORDINANCE NO. NS1980-56.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 619 HUBBARD STREET, APARTMENTS A & B, OWNED BY PHILLIPS INVESTEMENT, INC. ORDINANCE NO. NS1980-57.

Mr. Williams introduced the foregoing Ordinances and moved their adoption, seconded by Mr. Dawkins and carried unanimously.

Mr. Dawkins then stated there was a possibility that one of the members who voted in the affirmative on Item 20 (Consideration of selling City-owned property located in the vicinity of Milan Yard) may have had a conflict of interest. He then offered motion for the reconsideration of the matter, seconded by Mr. McBryde

and carried unanimously. Then Mr. McBryde offered motion to continue Item 20 until the October 27th meeting, seconded by Mr. Dawkins and carried unanimously.

The next item on the agenda was the consideration of taxi driver permits.

The City Manager presented this matter and stated the following were recommended by the Taxicab inspector and the Chief of Police: Ronnie G. Glover, Ben Skimmiehorn, Alice Shortt Graham, Richard Lee Harvey, Robert Lynn Martin, Wanda Baker, Vernon Lee Smith, Paul E. Fussell and Gary Donavon Hall.

Following some discussion about the records of the applicants, there was no action taken on this matter.

Appointments

The first appointment item was the election of a nominee previously made (Oliver W. Melvin) to the PWC Retirement Plan.

Mr. Williams offered motion for the election of Oliver W. Melvin to the PWC Retirement Plan, seconded by Rev. Johnson and carried unanimously.

The next item was nominations to fill three vacancies on the Joint Fayetteville-Cumberland County Senior Citizens Advisory Commission.

Mrs. Evans nominated Dr. William Bell and Mrs. Louise Saunders. Mr. Dawkins nominated Mr. Thad Cherry. Rev. Johnson nominated Mr. E. E. Miller.

The next item was nominations to fill three vacancies on the Recreation and Parks Advisory Commission.

Mr. McBryde nominated Mr. Fred Deem. Mr. Williams nominated Mr. Michael Uzell. Mr. Hurley nominated Mr. Tom Daniel and Mr. Thomas Bacote. Mr. Dawkins nominated Mr. Milton Mazarick.

The next appointment item was for nominations to fill one appointment to the Appearance Commission to fill the unexpired term of Mrs. Frank Shaw.

Mr. McBryde nominated Kay Kinlaw.

Delegations

Mr. Clinton Harris was recognized with comments on sidewalks and the Quincy Street matter.

City Manager Reports

Mr. Thomas presented these matters.

First was a request from the Reid Ross Senior High School to hold a Homecoming Calvacade on Friday, October 24, 1980.

Mr. McBryde offered motion to grant the request, seconded by Mr. Dawkins and carried unanimously.

Next Mr. Thomas informed Council of the resignation of Mr. Frederick J. Curley from the Fayetteville Fire Department.

The City Manager next presented a request from Daniel K. Dixon, Chief of Police, for approval for promotion to the rank of Sergeant, J. D. Harrell and E. G. McCoy.

Mrs. Evans offered motion to grant the request by the Chief of Police, seconded by Mr. McBryde and carried unanimously.

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Mr. Thomas then announced his resignation from the City Manager position effective December 31, 1980. He also requested Council's having a meeting with the Personnel Director as soon as possible to discuss the filling of this vacancy.

Following brief discussion, Mr. Williams offered motion to direct the Personnel Director to being the application process for the filling of this position.

Matters of Interest to Council

Mr. Williams commented on the need for the culverts to be cleaned out by the Bonanza on McPherson Church Road. He also stated there is a need for more coat hangers on the coatrack in the Council Room. He further stated that cars are parking on the sidewalk on Fort Bragg Road from Lanier Drug Store to the Catholic Church; therefore, the sidewalk cannot be used as one.

Rev. Johnson stated the Streets and Roads Committee meeting that was scheduled for Thursday will have to be postponed because some of the persons they wanted to attend will not be able to be there.

Rev. Johnson also made a request of the Council for a meeting with the Chief of Police and possibly the District Attorney to discuss the problem of crime in the City.

Mr. Dawkins stated the County Commissioners asked the Mayor and Mayor Pro Tem to each make an appointement to the Cumberland County Action Program. Mayor Finch previously appointed Rev. Aaron Johnson. Mr. Dawkins nominated Mrs. Earleen Iuliucci.

Rev. Johnson requestedthe offensive words which are painted on the city-owned wall on the corner of Langdon and Murchison Roads to be painted over.

Mr. McBryde stated his concern about employees driving city-owned cars home. He had asked John Smith, Assistant City Manager, to check on this; and he found there area a total of 44 vehicles going home every night.

Mr. Hurley stated, on behalf of the Council, they will be with Mayor Finch in Spirit, when she is elected the first lady President of the League of Municipalities.

Mr. Williams inquired about the Step II Program of the Fire Department.

Mr. McBryde stated he thought the Fire Department was going to have the criteria on the program by October 1st.

Mayor Finch stated that citizens who are adjacent to areas which receive rezoning do not always understand that a rezoning will permit a number of uses of the property from the person who requested the rezoning. She also stated she would like to propose some way of having information at the Planning Board meetings to let these people who are affected by the rezoning understand there is more than one use permitted in a rezoning.

Thereafter all matters of business having been completed, the meeting was adjourned at 11:10 pm upom motion made and duly seconded.

Janet Olson

Janet Olson
Acting City Clerk

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Next was a request from the Manna Church on Hay Street to conduct an outdoor service on Saturday, November 1, 1980.

Mr. Hurley offered motion to grant the request, seconded by Mr. Williams and carried unanimously.

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
OCTOBER 27, 1980
7:00 PM

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. Robert C. Cogswell, Jr., City Attorney

Mayor Finch called the meeting to order and called on Mayor Pro Tem, J. L. Dawkins who offered the invocation.

Following the invocation Mayor Finch stated that the Pledge of Allegiance would be given by Cub Scouts Jeff Gardner and Nathan Wheately of Cub Scout Pack 767, sponsored by Jesus Christ of Latter Day Saints Church - Cub Master, Kurt Wyland, all present in the audience this evening.

Following the Pledge of Allegience, Mayor Finch recognized Fayetteville Youth Council representatives Wilson Hux, Beth Bradford and Sterling McDiarmid present in the audience to observe Council proceedings.

Mayor Finch thanked the Cub Pack and the Youth representatives for attending the meeting this evening.

Mayor Finch stated the City Attorney requested an executive session after the regular meeting this evening on a litigation matter.

Mr. Dawkins requested that he be allowed to abstain from discussion of voting on item 2C, a rezoning matter, on the agenda this evening and permission was granted.

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

Public Hearings

A public hearing had been published for this date and hour on the consideration of a resolution adopting the Haymount Area 8 Plan. This item was presented by Mrs. Doreen Loyd of the Planning Staff.

Mrs. Loyd stated that this plan and the 301 Eastern Boulevard Area Plan, next on the agenda this evening, were for the purpose of conducting a detailed study of these areas in terms of existing and projected population growth and housing needs and the identification with solutions of problem areas. All factors which contribute to the updating of the land use plan map. They also enable the staff to work closely with the residents of the area soliciting their input regarding their desired future growth for the areas. The plans have been adopted by the Planning Board on March 6th and September 4th, 1979 respectively. The two plans were submitted to the City Council at an information meeting on January 21, 1980, where they were explained and reviewed. Mrs. Loyd displayed projections of the Area 8 Plan mentioning that revitilization on its own was proposed. She stated that several buildings in the area had been designated historic structures. She stated the plan proposes enforcement of the minimum housing code, paving and drainage, and streets construction. The plan would extend Park Street from Oakridge to Raeford Road and create new zoning districts, site plans and land used map. Commercial areas would be separate.

She stated the Haymount Area 8 Plan was bounded by Bragg Boulevard on the north, Robeson Street on the east, Branson Street and Westmount Drive on the south and west. The Mayor stated that since it was a public hearing she would now hear those in favor.

Mrs. Sue Bandy, President of Haymount Preservation, was recognized in behalf. She extended thanks to all who were responsible for the formulation of these plans. She requested that two high density areas be changed to medium density on the north side of the area and use the remainder for quality housing.

Mr. Elmo Zumwalt was recognized in favor also of high density to medium density and suggested townhouse development.

Mr. Walter Morman, a consulting engineer, was recognized in favor and requested the adoption of the plan as presented, but change the group standard policy plan approval.

Mrs. Josephine Deem, an area resident, was recognized in favor of adoption of the plan with amendments.

Mr. Tommie McCoy, a local resident, was recognized in favor.

Col. Jim Lawless, a local resident, was recognized in favor of modification of quadrant 2 to reduce the density.

There was no opposition present.

Following some discussion, Mrs. Evans moved to approve the resolution adopting Haymount Area Plan and change the density from high to medium in quadrant 2, seconded by Mr. Johnson.

Following some further discussion Mr. Williams offered substitute motion to adopt the plan as presented, seconded by Mr. Hurley.

Mayor Finch called for the vote on the substitute motion and it was as follows: For the motion: Councilmembers Hurley and Williams. Against the motion: Councilmembers Evans, McBryde, Dawkins and Johnson. Mayor Finch declared the substitute motion lost and called for a vote on the original motion and it carried unanimously.

RESOLUTION ADOPTING HAYMOUNT AREA 8 PLAN. RESOLUTION NO. R1980-49.

Mayor Finch again recognized Mrs. Sue Bandy on a request that Items 2 and 3 page 3-15 of the plan to amend existing zoning ordinance requesting site plans review on all new non-residential development and conversions, and amend existing zoning ordinances and subdivision regulations to require review on all group development to be implemented.

Mr. McBryde offered motion, seconded by Mr. Williams and carried unanimously, to refer the foregoing to the Planning Board for further review as requested by Mrs. Bandy.

Council next gave consideration of a Resolution adopting the 301 Eastern Boulevard Corridor Area Plan.

Mrs. Loyd also presented this matter and stated that purpose was the same as given for Area 8. It also considers housing and sewer and water extensions as well as a rerouting of the SCL Railroad off Russell Street.

Rev. Johnson suggested that this public hearing be deferred until the next regular meeting and that residents of the area be invited to be present.

There were no proponents present.

Mayor Finch recognized Mr. Matthew Smith, an area property owner, who stated that some people in the area were not aware of the plan. He stated he was in favor of the concept of the plan and in favor of medium density for the area. He cited the affect of the opening of the new I-95 increasing the traffic in the area. He stated he was in favor of tax incentives but takes exception to the "strip" zoning.

Following this, Mrs. Loyd stated this area lies along the west bank of the Cape Fear River and bounded by Cross Creek on the north, Cape Fear River on the east, WilkesRoad on the south and Gillespie Street, Campbell Avenue and Cool Spring Street on the west.

Following some discussion, Mr. Johnson offered motion to continue this public hearing to November 10th, seconded by Mr. Williams and carried unanimously.

A public hearing had been published for this date and hour on the rezoning from R5 Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located at 206 Highland Avenue and 1203 Arsenal Avenue. Planner Mitchell stated the Planning Board recommended denial of this rezoning to C1 and stated that he was in receipt of a letter from the applicant requesting Council to consider P2 rezoning.

Council recognized Attorney Heman Clark for the petitioner, Dr. Albert Stewart, and requested P2 zoning.

Mrs. Katherine Whaley, Arsenal Avenue resident, was recognized in opposition to rezoning.

Mrs. Sue Bandy was recognized in opposition. Dr. Richard Sommers representing Highland Presbyterian Church was recognized in opposition. Mr. Clinton Harris, a local citizen was recognized in opposition.

The City Clerk informed the Mayor and Council that a protest petition had been submitted in opposition to this rezoning and said petition was valid under the pro-

visions of NCGS 160A-385 and Section 32-70 of the City Code.

Following some discussion, Mr. Williams offered motion, seconded by Mr. McBryde, to follow the recommendation of the Planning Board and deny this rezoning. The motion carried, Councilmembers Williams, Johnson, McBryde, Evans and Hurley voting for the motion and Mr. Dawkins abstaining.

A public hearing had been published for this date and hour on the rezoning from R6 Residential District to M2 Heavy Industrial District or to a more restrictive zoning classification of an area located at 1114 North Street. Planning Board recommended denial.

Mr. Otis Blackman, the petitioner, was recognized and requested the rezoning.

Mr. Clinton Harris, a local resident, was recognized in opposition and Mr. James McLaughlin, an area property owner, was recognized in opposition.

Following some discussion, Mr. McBryde offered motion, seconded by Mr. Williams, to follow the recommendation of the Planning Board and deny this rezoning. The motion carried as follows: For the motion: Councilmembers Williams, Dawkins, McBryde and Evans. Against the motion: Councilmembers Hurley and Johnson.

A public hearing had been published for this date and hour on the rezoning from R5 residential district to M2 heavy industrial district or to a more restrictive zoning classification of an area located at 141 and 145 Blount Street. Planning Board recommended approval.

Attorney Joe McLeod was recognized representing the peitioner for the rezoning.

Mr. Clinton Harris was recognized in opposition.

Following brief discussion, Mr. Williams offered motion to follow the recommendation of the Planning Board and approve the rezoning by the adoption of the following ordinance. Motion seconded by Mr. McBryde and carried unanimously.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R5 RESIDENTIAL DISTRICT TO M2 HEAVY INDUSTRIAL DISTRICT AN AREA LOCATED AT 141 AND 145 BLOUNT STREET. ORDINANCE NO. NS1980-58.

A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book NS1980.

A public hearing had been published for this date and hour on the initial zoning to R10 Residential District or to a more restrictive zoning classification of an area located on the east side of Boone Trail north of Sandhill Drive. Planner Mitchell stated this was a recently annexed area and Planning Board recommended approval of this zoning.

There were neither proponents nor opponents present.

Following brief discussion, Mr. McBryde offered motion for approval of the foregoing zoning by the adoption of the following ordinance, seconded by Mr. Williams and carried unanimously.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO ZONE INITIALLY TO R10 RESIDENTIAL DISTRICT AN AREA LOCATED ON THE EAST SIDE OF BOONE TRAIL NORTH OF SANDHILL DRIVE. ORDINANCE NO. NS1980-59.

A copy of the foregoing ordinance is on file in the clerk's office in Ordinance Book NS1980.

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 east side of Delcross Street at its intersection with Trade Street.

Planner Mitchell stated this was a recent annexation and Planning Board recommended approval of R6 zoning.

There were neither proponents nor opponents present.

Mr. McBryde offered motion for approval of the foregoing initial zoning by the adoption of an ordinance, seconded by Mr. Williams and carried unanimously.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE TO R6 RESIDENTIAL DISTRICT AN AREA LOCATED ON EACH SIDE OF DELCROSS STREET AT ITS INTERSECTION WITH TRADE STREET. ORDINANCE NO. NS1980-60.

A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book NS1980.

Council next gave consideration to a final resolution to pave Cunningham Street from existing pavement to the southwestern corner of Lot 53 Platbook 10, Page 15 and Eden Cross from the Western boundary of Matthews Subdivision to the eastern boundary of Matthews Subdivision.

The City Clerk certified in writing that all property owners affected by this paving had been mailed notices of this public hearing.

The City Engineer presented this matter and stated that this action was the result of the submission of a petition for paving. Several property owners had complained about the general condition of these streets and a majority of them had signed a petition asking for the paving. He recommended approval as a part of the ongoing city-paving program.

Mr. Ed Hughes and Mrs. Ann Brown, area property owners, were recognized in favor of the paving. There were no opponents present.

Following brief discussion, Mr. Williams offered motion for approval of this paving by the adoption of the final resolution, seconded by Mr. McBryde and carried unanimously.

FINAL RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION OF CUNNINGHAM STREET AND EDEN CROSS STREET. RESOLUTION NO. R1980-50.

A copy of the foregoing ordinance is on file in the Clerk's Office in Resolutions Book R1980.

Council next gave consideration to an offer to purchase City property - a vacant lot at 717 Italy Street. The City Attorney presented this matter and stated that an offer had been made to purchase this property by Mr. and Mrs. E. J. McNatt. This is a vacant lot on the west side of Italy Street. The City Engineer stated the City had no need to retain the lot since it was purchased by Community Development in conjunction with Italy Street paving because of the house was in the street right-of-way. The house has since been demolished. The City Attorney recommended that the City not accept the offer since it was too low. There were neither proponents nor opponents present.

Following brief discussion, Mr. McBryde offered motion that the City not accept the offer to buy, seconded by Mrs. Evans and carried, Councilmembers Hurley and Williams voting against.

Following this action, Mrs. Evans suggested that the City place a for sale sign on the property to obtain other offers to purchase.

Council next considered the setting of public hearings.

Mr. Dawkins offered motion, seconded by Mr. Williams and carried unanimously, that a public hearing be set for November 24, 1980, on the paving of Murray Hill Road from McPherson Church Road to Jura Drive, by the adoption of the following resolution.

PRELIMINARY RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION OF MURRAY HILL ROAD. RESOLUTION NO. R1980-51.

A copy of the foregoing resolution is on file in the Clerk's Office in Resolutions Book R1980.

Upon motion by Mr. Dawkins, seconded by Mr. McBryde and carried unanimously, public hearings were set on the following items for November 24, 1980:

Consideration of the rezoning from R5 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification an area located at 438 and 440 Ray Avenue.

Consideration of the rezoning from C1 Local Business District to R6 Residential District or to a more restrictive zoning classification than presently zoned an area located on the northeast corner of Trade Street and Progress Street.

Consideration of an amendment to repeal and recreate Section 32-22(13) of the Fayetteville Zoning Ordinance to allow real estate offices as a home occupation in residential districts.

Planning Board Matters

Upon motion by Mr. Williams, seconded by Mr. McBryde and carried uanimously,

conditional approval as recommended by the Planning Board was given Hubbard Mall, C(1)P Review located in the northern quadrant of Southern Avenue and Owen Drive intersection.

Upon motion by Mr. Williams, seconded by Mrs. Evans and carried unanimously, conditional approval as recommended by the Planning Board was given Pierce Subdivision Extension Preliminary and Final Review located on the west side of Willis Street and north of Topeka Street.

This completed Planning Board matters.

Public Works Commission Matters

Assistant Manager Tim Wood presented the PWC matters.

The first item was bids for purchase of 23 electric distribution transformers.

Mr. Wood stated that PWC had received bids on October 14th for 23 electric distribution transformers. The bids and the bids recommended were as follows:
For one 300 KVA transformer - Westinghouse Electric Supply Company - $4,674.00.
For two 300 KVA transformers - Southeastern Transformer Company - $4,744.00.
For twenty 50 KVA transformers - Hesco, Inc. - $645.00.

These were unit bids, Mr. Wood explained.

Upon motion by Mr. Williams, seconded by Mr. McBryde and carried unanimously, the foregoing bids were approved as recommended.

The next PWC item was an application by George Thomas Lyons, Jr., for one 1-inch water connection to existing main to serve residence on Farmer Road (off Andrews Road), outside City. PWC recommended approval.

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

The final PWC item was request for an authorization to advertise notice of an exchange of property between the City of Fayetteville and D.A. Gillis located on Reilly Road, pursuant to N.C.G.S. 160 A-271.

The City Attorney presented this matter and stated this was an even swap of property between PWC and Mr. Gillis; and that State law required that a notice of exchange of property be published and this matter considered at a regular Council meeting. That meeting was recommended for November 10, 1980.

Mr. Hurley offered motion, seconded by Mr. Dawkins, that PWC be and they hereby are authorized to advertise this notice of exchange of property as requested. Motion carried unanimously.

Council next gave reconsideration of selling city-owned property located in the vicinity of Milan Yard. (This is the location of a former sanitary landfill and this matter was continued from the October 13th meeting).

The City Attorney presented this matter and stated the purchaser wanted an indication from the City Council if City Council would sell this property. The City Attorney recommended that City Council consider receiving an offer from the purchaser rather than indicating its intention to sell.

There was some discussion.

Council then recognized Mr. "Chip" Vinson, representing the corporation interested in purchasing the property, who said a federal loan was pending on this matter and requested a letter from the City that it would be willing to sell 10 acres of the 67-acre tract adjoining the landfill site.

Following some discussion, Council took no action on the matter, but Mr. Vinson was referred to the City Attorney to work out the details.

Council next gave reconsideration of action taken at the October 13th regular meeting concerning the adoption of an ordinance ordering the demolition of substandard property located at 603 Mechanic Street.

The City Attorney presented this matter and stated that he had received a letter from the owner of the property, Mr. A. E. Cook, that Council reconsider its decision on this structure and stated that he had estimates made for the repairs necessary to bring the structure up to city standards and that he intended to proceed with the renovation in the very near future and requested that he be given a period of 6 months to get it substantially completed. The City Attorney stated that neither himself nor Mr. Albritton had any objection to the request and recommended that Council reconsider its action by rescinding the ordinance under the conditions that the matter be reconsidered at Council's meeting of April 27, 1981, that a building permit be obtained within 10 days and any other conditions Council

may seek to impose.

Following brief discussion, Mrs. Evans offered motion to grant the 6-month extension as requested and to rescind the demolition ordinance (Ordinance No. 1980-54) as requested. Motion seconded by Mr. Johnson and carried unanimously.

Council next gave reconsideration to a request to pave Willis Street. (This matter continued from the October 13th meeting.) The matter was deferred in order to allow time to check as to whether this was a dedicated city street.

The City Attorney presented this matter and stated that an investigation had been made by his office as well as the Planning Department Office. He stated that Willis Street does not exist as a dedicated city street after a thorough record search in the County Courthouse; and Planner Mitchell stated that the Alvin R. Pierce property at the east end of Topeka Street contains the only references to Willis Street. After an inspection by the Planning Department on October 16th, it was noted that the developer had not complied with Section 27-5 and 27-15 (b) of the City Subdivision Ordinance, and that all streets were not graded to City Engineering specs nor were the proper certificates of dedication or improvements affixed to the plat. Additionally, the "Pierce Subdivision" preliminary plat which would extend Willis Street to the north was approved but never recorded.

Following some further discussion, Mr. Williams offered motion to deny the foregoing request on the grounds that Willis Street is not a dedicated city street, seconded by Mr. McBryde and carried unanimously.

Council next gave consideration to a request for the setting of an informal public hearing to consider N.C.D.O.T.'s request for making Elliotte Street one-way southwardly between Matthews Street and Murchison Road.

The City Engineer presented this matter and stated that he was in receipt of a letter from the Secretary of Transportation to Lieutenant Governor, Jimmy Green, dated September 18, 1980, describing traffic problems at the Elliotte Street - Murchison Road intersection.

He recommended that the City make Elliotte Street one-way southwardly from Matthews Street to Murchison Road. Since the City Council and the residents along this section of Elliotte Street will be concerned about the proposal, he suggested an informal type public hearing be set for November 10th; and in the meantime the Engineering Department would distribute full information about this proposal to the residents abutting this section of Elliotte Street.

Following some discussion, Mrs. Evans offered motion to follow the foregoing recommendation of the City Engineer and call for a public hearing on November 10th, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to bids for the construction of the Bow Street parking lot. The City Engineer presented this matter and stated that bids were received recently for the construction of the Bow Street parking lot. Low bids were as follows: General Contractor - Cumberland Paving Company - $56.944.75; Electrical - Watson Electric Company - $7.963.00; Plumbing Contractor - Haire Plumbing Company - $9,800.00. He stated the general contract is for grading, curbs and gutters and paving. The electrical contract is for installing underground conduit and pedestal mounted lighting. The plumbing contract is for extending the downspounts of several abutting buildings into the parking lot drainage system. A later contract will be presented for brick pavers and other landscape features. He recommended approval of the low bidders.

Following brief discussion Mr. Johnson offered motion to follow the foregoing recommendation of the City Engineer and accept the low bids, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to a presentation by a representative of the Fayetteville Historical Foundation as to the design standards adopted by the private sector in the vicinity of Bow Street parking lot.

Council recognized Dr. Charles Speegle, President of the Foundation, who also introduced Mr. Reggie Barton, Secretary of the Foundation, and Mr. John Rose, Architect.

Dr. Speegle expressed thanks to the Council for their action tonight in approving the foregoing Bow Street parking lot bids. He stated that restoration had already started on Liberty Row, the area directly behind City Hall and fronting along Person Street. He stated that 60 percent of the buildings were now committed. He stated the Foundation will purchase another building on the other side of the warehouse and they are prepared to refurbish the private parking lot beside the warehouse. Mr. John Rose also made a presentation displaying projections as to how the Liberty Row area would look upon completion. He requested adoption of the standards of the parking lot subject to the Appearance Commission approval.

Following some discussion, Mr. Williams offered motion that Council adopt the design standards package for street furnishings for the Bow Street parking lot

subject to the Appearance Commission's approval. Motion seconded by Mr. McBryde.

Following some further discussion, Mr. Johnson offered substitute motion that this matter be referred to the Appearance Commission then back to City Council, seconded by Mrs. Evans and carried unanimously.

Council next gave consideration to bids received for furnishing one collator/sorter for the city print shop.

City Purchasing Agent, Al Jordan, presented this matter and recommended that the low bid of Gray & Creech in the amount of $6,262.00 be accepted.

Mr. Williams offered motion, seconded by Mr. Dawkins, that the Gray & Creech bid be accepted as recommended. Motion carried unanimously.

Council next gave consideration to a request from the Cumberland Transit System for the extension of a bus stop in front of City Hall. The City Engineer presented this matter and stated that in a memorandum from CTS coordinator, he stated at current time the CTS bus is stopping at the bus stop in front of City Hall. However, the current amount of space allocated at this stop is sufficient for only one bus. When the parking spaces behind the stop are full there is no place to pull the bus in, thus posing a a safety hazard.

He requested that the parking meter space immediately following the bus stop in front of City Hall be removed and the bus stop zone extended. This would allow sufficient parking for both vehicles and allow for safe-boarding conditions for both FAST passengers and CTS passengers.

The City Engineer stated he had prepared ordinances for Council's consideration.

Mrs. Evans offered motion for approval of the foregoing request by the adoption of the following two ordinances, seconded by Mr. Johnson and carried unanimously.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SCHEDULE 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE NO. 13 - PARKING METERS - 12 MINUTE PARKING ZONES EAST SIDE OF GREEN STREET 100 BLOCK IN FRONT OF CITY HALL. ORDINANCE NO. NS1980-61.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE NO. 1 - BUS STOPS - GREEN STREET FOR OUTBOUND BUSES. ORDINANCE NO. NS1980-62.

Copies of the foregoing ordinances are on file in the Clerk's Office in Ordinance Book NS1980.

Council next gave consideration to a request for a refund of overpayment of City taxes for 1977, 78 and 79 from Dorothy D. Pratt in the amount of $29.07.

Mrs. Evans offered motion for approval of the $29.07 refund to Dorothy D. Pratt for tax years 1977, 78 and 79 as requested, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to an amendment to Section 5-16 of the Fayetteville City Code concerning the sale of alcoholic beverages. The City Attorney presented this matter and stated that our current City Code, Section 5-16 regulates the sale of alcoholic beverages on Sunday; however, the way it is currently written, conflicts with the State statute in that that State law says Cities and Counties shall have no authority under this subsection to regulate or prohibit sales after 1:00 pm on Sundays by establishments having a permit issued under GS18A-30(2), (4) and (7). The proposed amendment to the Code corrects the problem. There are three classes of permits which are allowed to remain open regardless of Section 5-16. There are businesses with social, restaurant and related places and mixed beverage permits. The City Attorney recommended passage of the Ordinance.

AN ORDINANCE AMENDING CHAPTER 5 ALCOHOLIC BEVERAGES OF THE CITY CODE OF THE CITY OF FAYETTEVILLE - SALE ON SUNDAY. ORDINANCE NO. S1980-13.

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

A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book S1980.

Council next gave consideration to the implementing of PHASE I of Proposed Municipal Produce and Crafts Market.

Council recognized Mr. Tommy McCoy who presented this matter. Mr. McCoy stated that the market will be moved to the old railroad station between West Russell

Street and Franklin Street and PHASE II is for the funding of same. He stated this market will occupy the old church property and railroad property between Russell and Franklin Streets. He said that seasonal vendors will occupy the space on Franklin Street and that the committee plans that craft shops and other activities will be associated with the market. It is proposed to have a curb market and shed-type stalls for the seasonal vendors. He requested Council's approval of PHASE I.

Following some brief discussion, Mrs. Evans offered motion, seconded by Mr. Dawkins and carried unanimously that Council endorse PHASE I as requested.

Council next gave consideration to an ordinance amending Chapter 10 - Cemeteries of the Fayetteville City Code.

The City Attorney requested continuance of discussion of this matter to the Council's November 24th meeting.

Mr. Johnson offered motion, seconded by Mr. Dawkins and carried unanimously, to defer this matter to the November 24th meeting as requested.

Council next gave consideration to a report from the Personnel Committee regarding the addition of a storekeeper position to the purchasing agent and a survey instrument operator position to the City Engineer Department.

The City Manager presented this matter and stated that a part of the MICA study recommended consideration of the establishment of a central material and supplies area. At the time the study was done, office supplies were being distributed through the City Clerk's Office and maintenance supplies were being handled by the City Buildings Department. The combination of these two areas under the central control of Purchasing would be advantageous for a number of reasons. The request for the new position of survey instrument operator from the City Engineer is being requested to help fill the positions of Engineering Aide and Engineering Aid Trainee which are CETA positions being lost due to the salary level. The City Engineer feels that he needs the position to insure a balance survey crew.

Following some discussion, Mrs. Evans offered motion for approval of the two positions, seconded by Mr. Hurley.

Following some further discussion, Mr. Williams offered substitute motion to continue this matter to the November 10th meeting, seconded by Mr. Johnson and carried, Mrs. Evans voting no.

Council next gave consideration to taxi driver permits. (This matter continued from the October 13th meeting for background reports on the individuals.)

The City Attorney requested continuance of this matter until the next meeting.

Mr. Williams offered motion for deferment of this matter until the next meeting, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to appointments.

By a vote of the Council, Mr. Thad Cherry, Mrs. Louise Saunders and Mr. E. E. Miller were appointed to the Joint Fayetteville-Cumberland County Senior Citizens Advisory Commission.

Council next gave consideration to appointments to the Recreation and Parks Advisory Commission.

By election of the Council, Mr. Milton Mazarick, Mr. Mike Uzell and Mr. Thomas Bacote were elected to three-year terms of office each, said terms to expire in October 1983.

Council next considered an appointment to the Appearance Commission to fill the unexpired term of Mrs. Frank Shaw. At the last meeting Mrs. Kay Kinlaw was nominated; however, Mayor Finch stated Mrs. Kinlaw had declined the appointment. She asked for further nominations for this opening.

Mr. Johnson nominated Mrs. Lilly Mae Thigpen and Mr. Williams nominated Mrs. Fred Clark.

Mayor Finch stated that an election would be made at the next meeting.

Council next gave consideration to an ex-officio non-voting appointment to the Fayetteville Revitalization Commission at the request of Mr. John M. Monaghan, Jr., Executive Director.

Mrs. Evans nominted Mr. Bobby Suggs, local public relations officer, with the Carolina Telephone and Telegraph Company.

Election would be made to this position at the next meeting of the Council.

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

City Manager Reports

The City Manager stated that Mrs. Carol Parker, City Personnel Director, would give a status report on the implementation of Fireman I, II and III.

Mrs. Parker made the following report to the City Council:

In July 1980 a Task Force was formed by Chief Thurman Bishop composed of Carol Parker, Personnel Director, 3 Fire Captains and the Fire Department Training Officer for the purpose of developing standards for Firefighter I, II and III and Lieutenant I and II.

Performance standards based on IFSTA recommendations have been developed for Firefighter I, II and III. After review with the Chief and his executive officers, they were distributed to all firefighters for their review and discussion. Guidelines for the testing procedures were distributed at the same time.

Standards were then developed for the Lieutenant I and II positions.

A skills test was developed for the Firefighter II level. This test distributed to the firefighters through their captains for comment and review.

A battery of questions to be used in the Firefighter II and III and the Lieutenant I and II positions has been developed and is now being categorized by members of the task force.

Our next step is to appear before the Civil Service Commission to discuss their role in the Firefighter II and III selections process. It is my understanding that they do not test for Police Officer II but do for Police Officer III. We are planning to ask for their assistance in administering the Fire Fighter II and III written examination while using teams of fire captains and lieutenants to adminster the skills test at the five stations of the skills test.

Following Mrs. Parker's report Mayor Finch extended thanks for the information.

Matters of Interest to the City Council

Mr. Williams stated that some time ago a committee was formed to make recommendations on Planning. The committee members were Mr. DohnBroadwell and Mr. Henry Player. To date, no information has been received. He requested the City Manager to check on this as to what items were passed.

Mr. Williams asked about the merger of the City/County Canine Departments; and City Manager Thomas replied that this had been done.

Rev. Johnson extended congratulations to Mayor Finch on her election as President of the North Carolina League of Municipalities on October 21st and pledged the full support of the Council to her. Rev. Johnson stated that Mrs. Finch is the first woman President of the North Carolina League and as such deserves considerable admiration and recognition.

Mr. McBryde called the attention of the City Engineer to several Pearl Street problems.

Mrs. Evans requested the City Manager or City Engineer to have the for sale sign placed on the Italy Street property as soon as possible. The City Manager acknowledged this request.

Mr. Hurley stated that at the last meeting a public hearing on the sidewalk issue was set for the first meeting in November. He stated he had not meant for a public hearing as such to be set, but a public workshop similar to the roll out cart meeting at which time long-range policies would be set.

Mr. Hurley offered motion that the staff plan the workshop for Thursday, November 20th, seconded by Mr. McBryde and carried unanimously.

Mrs. Evans suggested the initiation of a use for the Prince Charles Hotel. Mayor Finch stated this would be considered.

Mr. Williams mentioned tree limbs and cars parked on the sidewalk on Fort Bragg Road. The City Engineer stated he is working on these problems.

Mr. Williams mentioned a water problem on McPherson Church Road and the City Engineer stated that he had talked with DOT and they say everything is functioning properly now.

Mayor Finch informed Council that the City Engineer says there is railroad crossing material left over for use at some other location. Mrs. Evans suggested the Blount Street crossing. The City Engineer acknowledged the request.

Mayor Finch stated there is an Appearance Commission workshop on Raleigh should Council care to attend.

Mayor Finch commented on the long four-hour meeting tonight and suggested to the City Manager a rethinking of the agenda inasmuch as at this hour of the night, it is difficult for Council to reach decisive conclusions on matters due to the length of the meetings and the lateness of the hour. The City Manager was requested to check this and come back with recommendations.

Mr. Dawkins then offered motion at 11:00 pm that Council enter into Executive Session to consider a litigation matter. Motion seconded by Mr. Williams and carried unanimously.

Council re-entered into regular session at 11:09 pm and the City Attorney recommended that Council terminate the paving of Groton Avenue at the southern boundary of the Groton Heirs property described as lot number five and abandon that portion of Groton Avenue adjacent to lot number five and take what ever legal steps are necessary to do that.

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

Thereafter all matters of interest having been completed, this regular session was adjourned at 11:10 pm upon motion made and duly seconded.

Maurice W. Downs
City Clerk

MWD:jro

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
NOVEMBER 10, 1980
7:00 PM

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. Robert C. Cogswell, Jr., City Attorney

Mayor Finch called the meeting to order and the invocation was offered by the Reverend J. W. Stonebreaker, Associate Pastor, First Presbyterian Church. Following the invocation Mayor Finch led the audience 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. Williams, seconded by Mr. McBryde and carried unanimoulsy, minutes of the regular meeting of October 27, 1980, were approved as submitted by the Clerk.

Public Hearings

The first public hearing was the consideration of an amendment to Section 27-15(e) "Subdivisions" of the Fayetteville City Code. (This item continued from the October 13th meeting.) The City Attorney presented this matter and stated that it had been set for a workshop meeting on November 20th and requested a continuance of this item as well as item 2B (consideration of recommendations from the Policy Committee regarding Sidewalk Policy) to the November 24th meeting of the Council.

Mayor Finch stated that since this was advertised as a public hearing, she would hear pros or cons on the matter.

Mr. Clinton Harris, a local citizen, was recognized in favor of the amendment and stated that Councilmembers Williams and Dawkins are in conflict of interest in discussing or voting on these matters due to their positions as executives at two local banks.

Mr. Dohn Broadwell was recognized for the Home Builders Assocation but stated that he would prefer to speak on these matters at the workshop session.

There was no opposition present.

Mr. Williams then offered motion, seconded by Mr. Johnson and carried unanimously that a workshop session be set for Thursday, December 4th, 7:00 pm in the City Hall on these items.

Mr. Williams then offered motion to continue items 2A and B to December 8, 1980, meeting of the Council, seconded by Mr. Dawkins and carried unanimously.

A Public Hearing had been advertised 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 each side of Powell Street, north of Cude Street. Planner Mitchell stated that this was a newly annexed area and the Planning Board recommended approval of the R6 zoning.

There were neither proponents nor opponents present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE TO R6 RESIDENTIAL DISTRICT AN AREA LOCATED ON EACH SIDE OF POWELL STREET NORTH OF CUDE STREET. ORDINANCE NO. NS1980-63.

Mr. McBryde 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 NS1980.

Council next gave consideration to the adoption of a resolution approving the 301 Eastern Boulevard Corridor Area Plan. (This matter continued from the last meeting.)

Mrs. Doreen Loyd of the Planning Staff presented this matter. She showed a projection of the area and reviewed the plan for Council's and the audience's benefit

She described the types of land uses in the area.

Mr. Garfield Davis, an area resident, was recognized in favor and requested Council to take in the Dean Street area, too, in the Plan.

Mrs. Loyd advised Mr. Davis to contact the Community Development Department since this is not related to the Plan.

Council recognized Mr. Leonard Saunders who suggested that the Plan needs some revision. He requested that Council grant a residential tax base on his Short Street property and to move the industrial area up.

Council recognized Mr. Matthew Smith, owner of M. M. Smith Storage Company, in opposition to the Plan. Mr. Smith questioned the Plan as a conceptual plan and stated he understood it will not be such but will become the rule if approved.

Planner Al Mitchell stated that this was not so, but the Plan is a guide.

Mr. Smith requested that Council not adopt the Plan, but modify the area in which his business is located if approved.

Councilmember Evans asked if the area near Holt Williamson could not be changed from Industrial Area to Commercial Area.

Mr. Bobby Vause, owner of a business located at Gillespie Street and Highway 87, was recognized and stated it was his understanding the zoning would be changed to CP Shopping Center and that he does not want this. He stated he had been in business at that location for 35 years. He requested the C3 Area where his business is located be left C3.

Planner Michell stated that the Plan would not affect this area or his business.

Following some extensive discussion of the Plan, Mrs. Evans offered motion to return the Plan to the Planning Board and have them review it and return it to the Council as soon as possible. Motion seconded by Mr. Hurley and carried unanimously.

Council next gave reconsideration to NCDOT's request for making Elliotte Street off Murchison Road one-way southwardly between Matthews Street and Murchison Road. The City Engineer presented this matter and stated that this City had been requested to make this change in Elliotte Street due to traffic problems at this intersection. Mr. Bennett stated that notices had been mailed to all the area residents of this hearing on the matter this evening.

There were no proponents present.

Mr. George Jones, an area resident, was recognized in opposition. Mr. Hobson Simpson, an area resident, was recognized in opposition. Mrs. Bernice Evans, an area resident, was recognized in opposition due to the day care center in the area. Mr. Will Carter was recognized in opposition and suggested the installation of a traffic signal. First Sergeant Blocker, retired, was recognized in opposition.

Following some extensive discussion, Mr. Williams offered motion that the request of the NCDOT be denied and that Mayor Finch request the City's representatives to the State Legislature be requested to assist in getting the NCDOT to install a traffic light at this intersection. Also incorporated in the motion to request the two highway commission representatives to assist in this matter. Motion seconded by Mr. McBryde.

The City Engineer suggested that Fayetteville State University grant right-of-way for the widening of Murchison Road at this intersection and to realign their entrance onto Murchison Road. Mayor Finch then called for a vote on the motion it carried unanimously.

Council next gave consideration to the approval of a land exchange between the City of Fayetteville (Public Works Commission) and Mr. D. A. Gillis located on Reilly Road pursuant to N.C.G.S. 160 A-271.

The City Attorney presented this matter and stated that at the last meeting Council had authorized the advertising of this land exchange. He stated this was an even swap between the City and Mr. Gillis. He stated he and PWC recommended approval.

Following brief discussion, Mr. Willims offered motion to follow the foregoing recommendation of the City Attorney and PWC and approve the land exchange and the Mayor and Clerk be and they hereby are authorized and directed to sign said deed in behalf of the City, seconded by Mr. McBryde and carried unanimously.

Public Hearings to be Set

The City Attorney recommended that Item 3B - consideration of a resolution

and order to file the published preliminary assessment roll for paving Weiss Ave. from Robeson Street to Robeson Street be set aside for the time being until Council sets an assessment rate when it reaches item 17 on the agenda this evening. This recommendation was satisfactory.

Mr. Williams then offered motion that a public hearing be set for November 24th on the following items:

Consideration of ordinances designating the following properties as "historic property" (Joint public hearing between Council and Fayetteville Historic Properties Commission)

1. Myrtle Hill, 309 Kirkland Drive, owned by Mr. and Mrs. Percy Warren
2. The Broadfoot-Bandy House, 502 Forest Road, owned by Dr. Charles H. Bowman, Jr.
3. Sweet Tarborough, 1437 Raeford Road, owned by Col. Edward S. Rybat
4. Saint John's Episcopal Church, 240 Green Street, owned by the Rector, Wardens, and Vestry of Saint John's Church
5. The Market House, owned by the City of Fayetteville
6. The United States Aresnal Site, owned by the City of Fayetteville
7. The Belden-Horne House and Barges Tavern, owned by the City of Fayetteville
8. The Kyle House, owned by the City of Fayetteville
9. Heritage Square, Dick Street, owned by the Woman's Club of Fayetteville
10. 111 Person Street, owned by Mr. and Mrs. Robert P. Ives

Public Hearings were set for December 8th on the following items:

Consideration of annexation of property located at 200, 206, and 210 Dallas Street.

Consideration of annexation of a tract of land bounded by US 401 By-Pass on the South, the Western line and the Western line extended Southwardly of Platbook 22 Page 24 on the West, the City limit line on the East.

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

Public Works Commission Matters

PWC Manager Muench asked for Council's consideration of a single bid by Allis Chalmers for one (1) tubular hydro-turbine generator pursuant to PWC specifications in the amount of $76,000. Mr. Muench stated this gererator would be installed at the Cross Creek Waste Treatment Plant and would save PWC and the City by generating electric current which would be used by PWC.

Mrs. Evans then offered motion for approval of the foregoing bid as recommended, seconded by Mr. McBryde and carried unanimously.

Planning Board Matters

Upon motion by Mr. Williams, seconded by Mr. McBryde and carried unanimously, Fontana Park Subdivision preliminary and final review located on the west side of Fontana Street and along Boundary Lane extension was given conditional approval as recommended by the Planning Board.

Council next considered a status report on the proposed subdivision ordinance amendment.

Planner Mitchell presented this matter and stated that the Planning Staff had taken the whole concept to Spring Lake and Hope Mills. He stated that the Planning Department had been hit with budget reductions and had not as yet been able to write the proposed subdivision ordinance amendments but will do so in the near future. He stated the Planning Board is hiring a consultant to assist in this matter.

Mr. Williams stated that this matter is over a year old and should have been in effect long ago.

There was extensive discussion.

Mayor Finch then suggested the setting of sunset dates on these matters and that Mr. Mitchell give a more complete report at a later date and in writing to the City Council. This was satisfactory to the Council.

Council next gave consideration to take necessary action to correct conditions at 302 McArthur Street concerning a substandard structure. (This matter continued from May 27, 1980, regular meeting.)

The City Attorney presented this matter and stated that no action had been taken to correct the substandard conditions and that the Inspection Department recommended adoption of the demolition ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 302 MCARTHUR STREET AND OWNED BY JAMES C. HOWARD. ORDINANCE NO. NS9180-64.

Mrs. Evans 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 Ordinance Book NS1980.

Council next gave consideration to a presentation by a representative of the Fayetteville Historical Foundation as to the design standards adopted by the private sector in the vicinity of the Bow Street parking lot. (This matter continued from the October 27th regular meeting.)

Council recognized Mr. John Rose, Architect, who stated that the foundation had met in special meeting today with the Appearance Commission and had accepted the street furniture recommendation of the Commission for the Bow Street parking lot bounded by Franklin Street, Bow Street, Green Street, Gillespie Street and down Person Street. He requested the City to adopt the standards as recommended.

Mr. McBryde moved for approval of the foregoing and for adoption as requested, seconded by Mr. Hurley and carried unanimously.

Council next gave consideration to a report from the Personnel Committee (continued from the October 27th meeting) on consideration of addition of a storekeeper position and a survey instrument operator position for Finance Department and the City Engineer's Office respectively.

The City Manager requested a two-week continuance of this matter.

Mrs. Evans offered motion, seconded by Mr. Dawkins and carried unanimously, to delay this matter for two weeks as recommended.

Council next gave consideration to a request from the downtown merchants association for authorization to conduct the annual Christmas Parade at 7:00 pm on Thursday, December 11, 1980. The City Manager presented this request and recommended approval.

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

Council next gave consideration of approval of a state grant for $20,900 for participation in taxiway overlay at the Municipal Airport.

Airport Manager Earl Dennis presented this matter and requested approval. Mrs. Evans offered motion for approval of the foregoing, seconded by Mr. McBryde and carried unanimously.

Council next gave consideration to an amendment to Federal Grant for taxiway overlay at the Airport to reconstruct shoulders along taxiway to correct a safety hazard. Airport Manager Dennis presented this matter and stated the FAA required this work be done. The cost would be $15,250 of which FAA would underwrite 90% or $13,725, the State 5% or $762.50 and the Airport 5% or $762.50. Mr. Dennis stated the Airport Commission recommended approval.

Mr. Dawkins moved for approval of the foregoing as requested, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to a budget amendment change #7.

The City Manager presented this matter and stated the amendment was to transfer an appropriation from Council contingencies to the Police Department to purchase a noise enforcement sound level meter.

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

Council next gave consideration to a resolution of the City Council ordering the destruction of certain Finance Department records. The City Manager presented

this matter and recommended approval.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, ORDERING THE DESTRUCTION OF CERTAIN FINANCE DEPARTMENT RECORDS. RESOLUTION NO. R1980-52.

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

A copy of the foregoing Resolution is on file in the Clerk's Office in Resolutions Book R1980.

Council next gave consideration to bids received for furnishing the City rental industrial uniforms/garments for the coming 24 months.

City Purchasing Agent Jordan presented this matter and stated that eight city departments utilize rental industrial garments and uniforms. The estimated combined annual requirements amount to approximately $23,900. The contract provides one source only and insures lowest possible cost. Five bids were received and it is recommended that the low bid of Ormond's Uniform Service in the amount of 87¢ per uniform/garment per week be accepted.

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

Council next gave consideration to an agreement with N.C.D.O.T. for Inspection and Inventory of Bridges.

The City Engineer presented this matter and stated that D.O.T. is administering a federal aid project to provide inspection and inventory of bridges. Among the goals of this project is to immediately identify hazardous bridges and to classify all bridges on a uniform basis. This uniform inspection is supposed to lead to a priority system for funding bridge replacement or upgrade. The City of Fayetteville has 16 bridges to be inventoried with the estimated cost of $1,000 each. The Federal Highway Administration will pay 80% of this inventory cost, $16,000, of which $3,200 is proposed to be paid by the City. He recommended approval of the proposed agreement.

Following brief discussion, Mr. Hurley offered motion for approval of the agreement as recommended and that the Mayor and Clerk be and they hereby are authorized and directed to sign said agreement for the City, seconded by Mrs. Evans and carried unanimously.

Council next gave consideration of bids for "B" Street and Carlos Avenue drainage and paving of East Waterless Street and the resurfacing of various streets in the City.

The City Engineer presented this matter and stated that on November 4, bids were opened on "B" Street drainage, Carlos Avenue drainage and Waterless Street paving and drainage. The low bid was submitted by Blue Contracting Company in the amount of $118,553.75 based on unit prices on estimated quanities. Therefore, the final cost may vary slightly from the total bid. He recommended awarding the contract to the low bidder - Blue Contracting Company, and reserving $130,000 (10 % over the bid amount) for the project. These projects are included in the present federal revenue sharing portion of the city budget, he concluded.

Mr. Hurley offered motion to follow the foregoing recommendation of the City Engineer and accept the low bid by Blue Contracting Company, seconded by Mr. Dawkins and carried unanimously.

On the bids for the resurfacing of various streets the City Engineer stated that the streets are as follows: Alexander Street from Cool Spring Street to Russell Street; Old Wilmington Road from Russell Street to Campbell Avenue; Fairfield Road from Raeford Road to Cowles Street; Helen Street from New Pavement to City Limit Line; Campbell Avenue from Bridge to Old Wilmington Road; East Russell Street from Eastern Boulevard to South Broad Street; Dick Street from Russell Street to Campbell Avenue; Caldonia Circle from North of McLamb Drive; and Ethelored Avenue from Chester Circle to Chester Circle.

The City Engineer stated that the low bid was submitted by Johnson Brothers Paving and Utility Company in the amount of $68,434. He recommended awarding the contract to that firm and reserving $78,000 (10 % over the bid amount) for the project and stated that funds are available in the current budget (Powell Bill Funds.)

Mr. Williams offered motion for approval of the bid of Johnson brothers as recommended by the City Engineer, seconded by Mr. McBryde and carried unanimously.

Council next gave consideration of setting a proposed paving assessment rate for the north end of Weiss Avenue and for the setting of a public hearing on the same.

The City Engineer presented this matter and stated that in 1976 the Council, after two public hearings, ordered the paving of Weiss Avenue. It was thought at that time that the CBD loop would be extended in a short time and sever the northern portion of Weiss Avenue and that some funds might be wasted by paving this northern portion in the standard manner.

After much discussion at the public hearing the City Council decided to proceed with paving the southern portion from Ashley Street to Robeson Street in a standard manner and to "strip pave" the northern portion from Ashley Street to Robeson Street. Curb and gutters and catch basins were not installed, thereby a less expensive pavement was constructed. It was the intention of the Council to assess this northern portion an a reduced assessment rate than that of the southern portion with the standard city pavement.

Since the adoption of the resolution to pave and assess Weiss Avenue, the City has changed the pavement policy from assessing 2/3 of the pavement cost to $4.00 per foot. We believe, he stated, that it would be reasonable to assess the northern portion at $2.00 per foot on each side and, of course, the existing policy ($4.00 per foot on each side) would prevail for the southern portion. Council action is necessary, he stated, to establish a proposed rate on the northern end in order to set a public hearing and notify the abutting property owners of the proposed assessment rate.

If a proposed rate is established at this time, he suggested adoption of the preliminary resolution for assessment and setting a public hearing for December 8th.

The City Attorney concurred in the City Engineer's recommendation and recommended that Council's motion should be to amend Resolution No. R1976-30 in subparagraph 1 in that the northern portion be $2.00 per foot and that the southern end be $4.00 per foot and set a public hearing for December 8th by adoption of a resolution.

Mr. Dawkins so moved, seconded by Mr. McBryde and carried unanimously.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENT ON WEISS AVENUE. RESOLUTION NO. R1980-53.

A copy of the foregoing Resolution is on file in the Clerk's Office in Resolutions Book R1980.

Council next gave consideration to the installation of traffic lights at the intersections of Village Drive/Fordham Drive and Village Drive/Boone Trail.

The City Engineer presented this matter and stated that we have recently investigated three intersections along Village Drive for the possibility of installation of traffic signals. These three locations are Village Drive at Fordham Dr. Boone Trail and Purdue Drive. Of the three intersections, Boone Trail and Fordham Drive meet the warrants for signal installation. Purdue Drive does not have the volume of traffic at this time to warrant signalization.

He recommended to proceed with the signalization of Fordham Drive and Boone Trail as soon as equipment can be obtained and repeat his investigation of Purdue Drive one year from now.

He asked that Council please note that signalization of Fordham Drive would provide a signal point for Briarwood and Clairway Subdivisions for entrance onto Village Drive. He estimated the signalization cost to be $12,000 per installation; therefore, $24,000 should be reserved for these projects from unallocated street funds.

Mrs. Evans offered motion for approval of the foregoing traffic installations as recommended, seconded by Mr. Williams.

Lengthy discussion then followed and it was suggested to the City Engineer that he check Purdue Drive in less than a year. Mayor Finch then called for a vote on the motion and it carried unanimously.

Council next gave consideration to an amendment to fiscal year 1978-79 Transit Operating Grant.

Assistant City Manager, John Smith, presented this matter and stated that during fiscal year 1978-79 the City purchased new buses and a number of miscellaneous items under an UMTA capital grant. Upon audit of the grant for that period, UMTA declared that several thousand dollars worth of spare parts purchased for the new buses should not have been charged to the capital grant but should be considered operating expenses. UMTA has assured us they will participate at the rate of 50% on these expenditures.

Since the operating grant for fiscal year 1978-79 has already been submitted,

and the funds received, it will be necessary to submit an amendment to the 1978-79 operating grant increasing the 78-79 operating expenditures by $64,876 and requesting $32,248 in federal participation. The recommended action in this case, he stated, is for City Council to authorize the City Manager to file the grant amendment to the fiscal year 78-79 Transit Operating Grant.

Following brief discussion, Mrs. Evans offered motion to authorize the City Manager to file the grant amendment as requested by the adoption of a resolution, seconded by Mr. McBryde and carried unanimously.

AUTHORIZING RESOLUTION (TO FILE THE GRANT AMENDMENT TO THE FISCAL YEAR 1978-79 TRANSIT OPERATING GRANT). RESOLUTION NO. R1980-54.

A copy of the foregoing Resolution is on file in the Clerk's Office in Resolutions Book R1980.

Council next gave consideration to a request for a waiver for late listing penalty for Thomas & Howard Company of Fayetteville, Incorporated.

Assistant City Manager, John Smith presented this matter and stated that this firm is requesting a waiver of 50% of the late listing fee for back taxes due as a result of a discovery by the County Tax Collector. This is a situation identical to the several requests that were brought to the City Council last January and the action of the Council at that time was to grant the requested waivers. The waiver would apply to 50% of the late listing fee only - not to the tax itself nor to the interest on the tax. The County Commissioners have already acted on the County's portion and granted the waiver. He recommended that the City Council grant the requested waiver in the amount of $454.

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

Council next gave consideration to taxi driver permits. (This matter continued from the October 27th and October 13th meetings.)

Backgrounds on each applicant had been supplied to the Council as requested. The City Manager presented this matter for Council's reconsideration. Following extension discussion, Mr. Williams offered motion that no action be taken on this matter tonight and to continue it for two weeks, seconded by Mr. Johnson. Following some further discussion, Mr. Johnson withdrew his second to the foregoing motion. Following some further discussion, Mr. Hurley seconded Mr. Williams motion. Following some further discussion, Mayor Finch called for a vote on the motion and it was as follows: For the Motion - Councilmembers Hurley, McBryde, Dawkins and Williams. Against the Motion - Councilmembers Evans and Johnson. Mayor Finch declared the motion for no action & continuance for two weeks carried.

Council next gave consideration to appointments.

The first consideration was for the election of one nominee previously made to fill the unexpired term of Mrs. Frank Shaw on the Appearance Commission. At the last meeting Mrs. Lilly Mae Thigpen and Mrs. Fred Clark were nominated. Mr. McBryde then nominated Mrs. Linda Philbrick. Mr. Williams then withdrew his nomination, Mrs. Fred Clark. Mayor Finch then ruled in view of the new nomination that action would be taken on this appointment at the next regular meeting.

Consideration was next given to the nominee previously made to be an ex-officio non-voting appointment to the Fayetteville Revitalization Commission. At the last meeting, Mr. Bobby Suggs was nominated.

Mr. Williams then offered motion that nominations be closed and that Mr. Bobby Suggs be appointed to the Fayetteville Revitalization Commission by acclamation. Motion seconded by Mr. McBryde and carried unanimously.

Delegations

Mayor Finch recognized Mr. Clinton Harris, a local citizen who offered comments on the taxicab driver permits and the installation of the PWC equipment which would pay for itself. Mr. Harris also distributed to the Council photographs of solar energy units and suggested consideration of Council of the installation of these units in such new buildings as the Senior Citizens Multi-purpose Center.

City Manager Reports

The City Manager stated that he was in receipt of a memorandum from Chief of Police, Danny Dixon, who stated that the following personnel have been approved by the Patrolman III Board and the Civil Service Commission for incentive pay to the Grade and Step of Patrolman III. He respectfully requested that this matter be considered and implemented as soon as possible for pay purposes by the City Council. The personnel are L. W. Moore, B. L. Godwin, G. D. White, A. E. Bentley, M. F. Quigley, R. R. Porter, E. G. McCoy and R. A. Pait.

Mrs. Evans offered motion for approval of the foregoing as recommended and requested, seconded by Mr. Williams and carried unananimously.

The City Manager then presented the following information on the parking revenue bond feasibility study. He stated the consultants from Wilbur Smith and Associates are now prepared to make their long-awaited presentation of findings for the Maiden Lane Parking Deck Feasibility Study. The City Manager stated he had advised them to reserve Monday, November 17, as a tentative date for this presentation subject to Council's approval. November 17th is the regularly scheduled date for this month's information meeting.

He also stated because of Revitilization Commission's interest and involvement in this project, that the consultants presentation be scheduled as a joint information meeting for Council and the Commission. Should Council desire, he stated, a brief period could be set aside after the consultants presentation for discussion of other matters of mutual concern. The next step in the project will be to send out a request for proposals to architectual and engineering firms interested in designing the structure and the capital project team has recommended that the request for proposal be send out this week, subject to Council's approval. The capital project team has prepared a request for proposal which covers both design of the parking structure and of the pedestrian linkages which tie it to the Hay Street retail area. Both the structure and the pedestrian linkages are included in the "critical mass" package of projects approved by Council last May. He recommended that Council approve scheduling the consultant's presentation at the information meeting of November 17th and authorize City Administration to issue the request for proposals for design of the structure in related pedestrian linkages.

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

In a final matter, the City Manager informed Council that on Friday, November the 7th, a wrecker was examined routinely and a new vehicle not meeting specifications, had been substituted by the owner. The City Manager suggested to suspend this wrecker from the wrecker list for a two-week period and that the City Attorney investigate the matter with the taxicab inspector and make a recommendation before the City Council.

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

Matters of Interest to Council

Mr. Williams suggested that the City Council and City Administration issue a plea to the Department Heads to take only those City Cars home that are very very essential.

Mr. Williams asked if any action had been taken on the request on parking on SkyeDrive behind FTI. This was being checked into he was informed.

Mr. Williams asked where we stood on securing applications for a new City Manager. Mayor Finch stated that the City was receiving applications until November 30, 1980, and at that time the City Council would review them.

Mr. Williams stated that he was greatly disturbed at Channel 11's unfavorable publicity about the City which was being aired at 6:00 and 11:00 this week concerning the 500 Block of Hay Street. Following brief discussion, Mr. Williams offered motion that the City Council take formal action tonight to give Mayor Finch the authority to represent the City Council to write Channel 11 and express the Council's dissatisfaction with the image they are projecting and invite them to come to the City and see what is good about Fayetteville. Motion seconded by Mr. McBryde and carried, Mrs. Evans voting 'no'.

Rev. Johnson stated that some committees are having problems with absenteeism. He suggested that the Clerk check with each commission to determine what the problems are so the City Council may correct them.

Rev. Johnson also suggested to City Council that it consider the appointment of an energy study task force.

Mr. Dawkins stated that the City Council and City Administration had done away with a good number of City vehicles. He suggested that the need for City vehicles be re-examined in all City Departments.

Mr. Dawkins congratulated Rev. Johnson on the national election.

Mr. McBryde asked about the clean-up of parking lots down town and about the lot which the Capitol Department Store rents from the City. He stated this lot needed maintenance of the banks.

Mr. McBryde commented on the recent decision by the North Carolina Supreme Court on parking meter fines and asked how that decision affects the City. The City Attorney was requested to check this.

Mr. McBryde stated that there was a storm drain clogged up behind Wheeler Brake and Alignment Company on Franklin Street. The City Engineer stated that this was a private drain and not owned by the City and he did not know what could be done about it.

Mrs. Evans offered comment relative to the absenteeism of the Commissions stating she had received a complaint regarding the Senior Citizen's Advisory Commission. She stated the vote was four to two on a member who had been absent 7 times in 12 months.

Mrs. Evans asked the City Engineer would be done on the Blount Street Railroad Crossing. The City Engineer replied that the City does not actually do this work; but that the Railroad scheduled it and it was indefinite as to its completion date.

Mrs. Evans asked if the for sale sign had been placed on the Italy Street property and Planner Mitchell stated it had been installed last Friday. Mrs. Evans thanked Mr. Mitchell for this action.

Mr. Hurley thanked the Council for delaying the meeting on the sidewalk matter for his convenience.

Mr. Hurley stated that the railroad crossing on Hay Street an Kimbrell's Furniture Store is in bad shape and asked the City Engineer to call attention to this.

Mayor Finch asked the City Manager if he had taken any action on the length of the Council Meeting agendas. The City Manager replied that he had been checking with other cities, with the Institute of Government, with the North Carolina League of Municipalities in order to secure information as to what could be done. He stated he had hoped to have this information back to the Council the first week in December or earlier.

Thereafter, all matters of interest having been completed, this regular session was adjourned at 10:30 pm upon made and duly seconded.

Maurice W. Downs
City Clerk

MWD:jro

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
NOVEMBER 24, 1980
7:00 PM

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. Robert C. Cogswell, Jr., City Attorney

Mayor Finch called the meeting to order the invocation was offered by the Rev. John D. Fuller of Lewis Chapel Baptist Church on Raeford Road. Following the invocation Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch recognized Fayetteville Youth Council representatives Marty Michaels, Becky Newton and Judy Russ present in the audience to observe Council proceedings.

Mayor Finch then recognized Lisa and Margit Monaco, from Terry Sanford High School, who for the fourth straight year attained the High School Tennis Doubles Tennis Championship in North Carolina with an amazing record of 117 wins to 1 loss. The Mayor and Council congratulated the twins on their achievement with an enthusiastic round of applause.

Mayor Finch also recognized a group of "little" citizens who have become champions this year under the direction of Coach Lynn Hill. These children are the City Champions in Flag Football. She awarded the players and cheerleaders with pencils and certificates of appreciation.

Councilman Wayne Williams then brought to the attention of Council Item 2 F, consideration of no parking for portions of Skye Drive, which was inadvertently left off the agenda for this evening. Mayor Finch noted the addition.

Mrs. Evans stated she would like to abstain from agenda items 2D and 18B because of conflict of interest.

Councilmembers Williams and Dawkins stated they must also abstain from agenda item 2D because of conflict of interest. Following discussion, Mr. Dawkins withdrew his abstention.
There were no objections from Council on these abstention requests.

The first order of business was the approval of minutes; and upon motion by Mr. McBryde, seconded by Mr. Williams and carried unanimously, minutes of the regular meeting of November 10th were approved as submitted by the Clerk.

Public Hearings

The first public hearing was the consideration of a final Resolution to pave Murray Hill Road from McPherson Church Road to Jura Drive.

Mr. Bob Bennett, City Engineer, presented this matter. He stated the Engineering Department recommended approval.

There were no proponents nor opponents present.

Mr. McBryde offered motion to follow the recommendation of the City Engineer, seconded by Mr. Williams and carried unanimously by the adoption of the following Resolution:

FINAL RESOLUTION REQUIRING THE PAVING, PURSUANT TO PETITION, OF MURRAY HILL ROAD. RESOLUTION NO. R1980-55.

A copy of the foregoing Resolution is on file in the Clerk's Office in Resolutions Book R1980.

Mayor Finch then announced a request by Mr. McBryde for an Executive Session to discuss item 15 (Taxi Driver Permits).

A public hearing had been advertised for this date and hour on the consideration of the rezoning from R5 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification of an area located on 438 and 440 Ray Avenue.

Planner Mitchell presented this matter and stated the Planning Board recommended denial of the request to C3 Heavy Commercial District and recommended approval of

P2 Professional District.

Mr. Robert Butler, representing Mr. Bruce McFadyen, was recognized in favor of the proposed rezoning to C3 Heavy Commercial District.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R5 RESIDENTIAL DISTRICT TO P2 PROFESSIONAL DISTRICT AN AREA LOCATED AT 438 AND 440 RAY AVENUE. ORDINANCE NO. NS1980-65.

Mr. Williams introduced the foregoing Ordinance and moved its adoption, seconded by Rev. Johnson and carried unanimously.

A copy of the foregoing Ordinance is on file in the Clerk's Office in Ordinance Book NS1980.

A public hearing had been advertised for this date and hour on the consideration of the rezoning from C1 Local Business District to R6 Residential District or to a more restrictive zoning classification than presently zoned of an area located on the northeast corner of Trade Street and Progress Street.

Planner Mitchell presented this matter and stated the Planning Board recommended approval.

Judge Charles Guy, owner of the property, was recognized in favor of the proposed rezoning.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM C1 LOCAL BUSINESS DISTRICT TO R6 RESIDENTIAL DISTRICT, AN AREA LOCATED ON THE NORTHEAST CORNER OF TRADE STREET AND PROGRESS STREET. ORDINANCE NO. NS9180-66.

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 NS1980.

A Public Hearing had been published for this date and hour on the consideration of an amendment to repeal and recreate Section 32-22 (13) of the Fayetteville Zoning Ordinance to allow real estate offices as a home occupation in residential districts.

Mayor Finch stated that Mrs. Evans and Mr. Williams requested abstantion from voting on this item.

Planner Mithcell presented this matter and stated the Planning Board recommended denial of the proposed amendment.

Mrs. Monika Perry and her attorney, Mr. Gerald H. Beaver, were recognized in favor of the proposed amendment.

There was no opposition present.

Following brief discussion, Mr. Dawkins offered motion to follow the recommendation of the Planning Board to deny the request for the proposed amendment, seconded by Mr. McBryde and carried, Councilmembers Evans and Williams abstaining.

A public hearing had been published for this date and hour on the consideration of Ordinances designating the following properties as "historic properties". (Joint Public Hearing between Council and the Fayetteville Historic Properties Commission.)

1. Myrtle Hill, 309 Kirkland Drive, owned by Mr. and Mrs. Percy Warren.

2. The Broadfoot-Bandy House, 502 Forest Road, owned by Dr. Charles H. Bowman, Jr.

3. Sweet Tarborough, 1437 Raeford Road, owned by Col. Edward S. Rybat.

4. Saint John's Episcopal Church, 240 Green Street, owned by the Rector, Wardens and vestry of Saint John's Church.

5. The Market House, owned by the City of Fayetteville.

6. The United States Arsenal site, owned by the City of Fayetteville.

7. The Beldon-Horne House and Barges Tavern, owned by the City of Fayetteville.

8. The Kyle House, owned by the City of Fayetteville.

9. Heritage Square, Dick Street, owned by the Women's Club of Fayetteville.

10. 111 Person Street, owned by Mr. and Mrs. Robert P. Ives.

The Reverend Robert Ladehoff, Chairman of the Historic Properties Commission, was recognized in favor of the proposed Ordinances.

There was no opposition present.

AN ORDINANCE DESIGNATING MYRTLE HILL AS HISTORIC PROPERTY PURSUANT TO §2-54 OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. NS1980-67.

AN ORDINANCE DESIGNATING THE BROADFOOT-BANDY HOUSE AS HISTORIC PROPERTY PURSUANT TO §2-54 OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. NS1980-68.

AN ORDINANCE DESIGNATING THE SWEET TARBOROUGH AS HISTORIC PROPERTY PURSUANT TO §2-54 OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. NS1980-69.

AN ORDINANCE DESIGNATING SAINT JOHN'S EPISCOPAL CHURCH AS HISTORIC PROPERTY PURSUANT TO §2-54 OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. NS1980-70.

AN ORDINANCE DESIGNATING THE MARKET HOUSE AS HISTORIC PROPERTY PURSUANT TO §2-54 OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. NS1980-71.

AN ORDINANCE DESIGNATING THE UNITED STATES ARSENAL SITE AS HISTORIC PROPERTY PURSUANT TO §2-54 OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. NS1980-72.

AN ORDINANCE DESIGNATING THE BELDEN-HORNE HOUSE AND BARGES TAVERN AS HISTORIC PROPERTY PURSUANT TO §2-54 OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. NS1980-73.

AN ORDINANCE DESIGNATING THE KYLE HOUSE AS HISTORIC PROPERTY PURSUANT TO §2-54 OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. NS1980-74.

AN ORDINANCE DESIGNATING HERITAGE SQUARE AS HISTORIC PROPERTY PURSUANT TO §2-54 OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. NS9180-75.

AN ORDINANCE DESIGNATING 111 PERSON STREET AS HISTORIC PROPERTY PRUSUANT TO §2-54 OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. NS1980-76.

Mr. Williams offered motion for adoption of the foregoing Ordinances, seconded by Mr. McBryde and carried unanimously.

Copies of the foregoing Ordinances are on file in the Clerk's Office in Ordinance Book NS1980.

The final public hearing was consideration of no parking on portions of Skye Drive.

Mr. Williams presented this matter and stated there is a parking problem at the intersection of Skye Drive and Skye Drive and Devers Street of parking on both sides of the street during the day for approximately one block. The problem is created by people parking there who attend Fayetteville Technical Institute; which according to the President of the School, has adequate parking for the students. Mr. Williams further stated that some people cannot even get into their driveways.

Mr. George H. Holt of 2805 Skye Drive was recognized in favor of the no parking. He stated that the mailman cannot even deliver mail to some addresses because the mailboxes are blocked by parked cars. He brought a petition signed by 63 people opposing the parking on Skye Drive, and he submitted it to the Council.

A Mr. Green and a Mr. Russ were also recognized in favor of the no parking.

Following brief discussion, Mr. Williams offered motion to continue this public hearing for 2 weeks until the City Attorney can bring an Ordinance for consideration. The motion was seconded by Reverend Johnson.

Following brief discussion, Mayor Finch called for the vote and it was carried unanimously.

Public Hearings to be Set

Mr. Dawkins offered motion for public hearings to be set on the following items; seconded by Mr. McBryde and carried unanimously.

December 8, 1980:
A. Consideration of 7th Year Entitlement Community Development Block Grant Funding.

December 22, 1980:
B. RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING ON BROADFOOT AVENUE FROM BRANSON STREET TO SIMPSON STREET RESOLUTION NO. R1980-56.

A copy of the foregoing Resolution is on file in the Clerk's Office in Resolutions Book R1980.

C. Consideration of the rezoning from R10 Residential District to P2 Professional District or to a more restrictive zoning classification of an area located at 515 and 516 Terry Circle.

D. Consideration of the rezoning from R10 Residential District to P2 Professional District or to a more restrictive zoning classification of an area located at 530 Terry Circle.

Planning Board Matters

The first item of business was the consideration of Briarwood Manor Townhouses Group Development preliminary and final review located on the east side of Edmonton Road and north of Colgate Drive.

Planner Mitchell presented this matter and stated the Planning Board recommended conditional approval.

Mr. Dawkins stated that since there were so many concerned people present concerning this matter, he asked Council if this may be conducted as a public hearing. There was no objection from Council.

Mr. Frank Herring and Mr. Thomas J. Hogan were recognized by Council in opposition to the conditional approval.

Following lengthy discussion, Mr. Williams offered motion to continue this item for two weeks, during which time the Council could look at the density of Residential areas to see if the Council may like to change the density. The motion was seconded by Mr. Dawkins.

Following some further discussion Mr. Williams changed his motion to have the item continued until December 22nd.

Following more discussion, Mayor Finch called for the vote and it was as follows: For the motion: Councilmembers Williams, Dawkins and McBryde. Against the motion: Councilmembers Evans Hurley and Johnson. Mayor Finch declared the vote tied, cast her vote against the motion and it failed.

Mrs. Evans then offered motion to follow the recommendation of the Planning Board. The motion was seconded by Mr. Hurley, and the vote was as follows: For the motion: Councilmembers Johnson, Evans and Hurley. Against the motion: Councilmembers Williams, Dawkins and McBryde. The Mayor declared the motion lost.

Mr. Williams then stated he would like Council to have an information meeting with the Planning Board on December 15th at 7:00 pm in the Council Chamber to discuss zoning.

The last Planning Board matter was the consideration of Subdivision Ordinance Amendments - Development Process Study Commission.

Al Mitchell presented this matter and stated that the Planning Board suggested a public hearing for December 22nd to meet legal requirements.

Mrs. Evans then offered motion to follow the recommendation of the Planning Board, seconded by Mr. Williams and carried unanimously.

Public Works Commission Matters

The first PWC item was the consideration of bids received October 28, 1980, for the purchase of one (1) 20,000 pound GVW truck with aerial lift device.

Mr. Ray Muench, PWC Manager, presented this matter and recommended the low bid by LaFayette Ford Company in the amount of $36,232.00.

Mrs. Evans offered motion to follow the recommendation of Mr. Muench, seconded by Mr. Williams and carried unanimously.

The last PWC item was the consideration of bids received November 11, 1980, for seven (7) 1200 Amp., 23 KV, Group-Operated Disconnect Switches, and thirty-six (36) 1200 Amp., 15 KV, Hookstick-Operated Disconnect Switches.

Mr. Muench presented this matter and recommended the low bid of $17,500 from Eastern Electric Supply Company, Inc., for the Group-Operated Disconnect Switches; and the low bid of $5,708.16 from General Electric Supply Company, for the Hookstick-Operated Disconnect Switches.

Mr. McBryde offered motion to follow the recommendation of Mr. Muench, seconded by Mr. Williams and carried unanimously.

This concluded PWC Matters and Mr. Muench was excused from the meeting.

The next item of business was the consideration of an Ordinance amending Chapter 10 "Cemeteries" of the Fayetteville City Code.

Mr. Cogswell stated this item has been resolved by adding an additional paragraph to the burial permit and, therefore, the Ordinance does not need to be amended.

The next item on the agenda was the consideration of termination of licenses for Rotation Wrecker List:

The first of these two wrecker items was the consideration of an appeal by Mr. William L. Kent (Bill's Towing Service) that he not be removed from the wrecker rotation service list.

Mr. Thomas presented this matter, and he stated that Sgt. W. C. Johnson, Wrecker Inspector, was present to answer any questions Council had concerning the situation.

He stated that Section 20-143(2) Chapter 20 Article 8 of the Fayetteville City Code defines the City qualifications of the wreckers used on the wrecker rotation service. He stated Mr. Kent's wrecker does not meet specifications. He recommended termination of his license from the wrecker list.

Mr. Kent was recognized and he stated that others are using wreckers that do not meet specificaitons, and he also requested not being removed from the wrecker rotation list.

Mr. Dawkins offered motion that we continue this matter on this gentlemen until such time as we can have a report ahead of time of a meeting whether it is two weeks or a month. The motion was seconded by Rev. Johnson.

Mr. Williams stated he could not support the motion.

Mr. Williams asked Sgt. Johnson if he would be back at the December 22nd meeting with some more information on the matter.

Sgt. Johnson stated yes.

Mr. Williams reiterated that he could not support the motion for the following reasons: He stated Council can't let this man operate illegally just because are illegally operating also. The fact still remains that this man violated the specifications. We ean't wait on this until we catch everybody else; however, if others are violating the ordinance, they should be terminated, also. We must enforce the laws of this council and this is one of them.

Mrs. Evans asked if this motion was voted on in the affirmative, wouldn't Mr. Kent then be allowed to operate his wrecker illegally?

Mr. Cogswell stated that Mr. Kent is already suspended from the wrecker list. The motion was to continue the item of terminating his license. However, if we know he has violated the law and then we do not terminate his license for the rotation wrecker list, then that would be illegal.

Mr. Williams called for the question, which was to continue this item for another 30 days until December 22 (keeping Mr. Kent's status the same - suspended).

Following some further discussion, Mr. Williams offered substitute motion as follows: Follow the recommendation of the Chief of Police and Wrecker Inspector in the suspension of Bill's Towing Service until such time as they can comply with the City Ordinance; and that a complete inspection be made by the appropriate person from the Police Department of all wreckers in our city to be brought to us at our December 22nd meeting. The motion was seconded by Mrs. Evans and carried unanimously.

The next item of business was the consideration of recommendation that Guaranteed Auto be removed from the Rotation Wrecker List.

Sgt. W. E. Johnson, Wrecker Inspector, presented this matter and stated that Guaranteed Auto used to be located at the corner of Country Club Drive and Murchison Road, which is in the city limits of Fayetteville. Now Guaranteed Auto has moved to a location outside the city limits of Fayetteville.

He sent them a letter concerning the matter and received no answer. His recommendation was for them to be suspended until such time as they move back into the city.

Rev. Johnson offered motion to follow the recommendation of the Wrecker Inspector, seconded by Mrs. Evans and carried unanimously.

The next agenda item was the consideration of waiver of late listing penalties for Adams Real Estate, Incorporated, Dan MacMillan, Eva Pauline Godwin and Best Products.

Assistant City Manager John Smith presented this matter and stated the following tax matters had been referred to the City by the County Tax Office involving late listing penalties:

Adams Real Estate, Inc.: Late Listing Fee - $60.14;
Recommendation - Waive 100%

Dan MacMillan: Late Listing Fee - $33.40;
Recommendation - Waive 100%

Eva Pauline Godwin: Late Listing Fee - $5.62;
Recommendation - Waive 100% -- Senior Citizen Exemption - $39.00; Recommendation - Grant 100%

Best Products: Late Listing Fee - $8,276.38;
Recommendation - Waive 50%

He further stated the above recommendations are based on the actions already taken by the County Commissioners on the Country portion of the late listing fees.

Mr. Williams offered motion to follow the recommendation of the Assistant City Manager, seconded by Mr. McBryde and carried unanimously.

The next item of business was the consideration of award of contract #243 - construction of Bow Street parking lot brick paved walks and landscaping.

Mr. Bob Bennett, City Engineer, presented this matter and stated the low bid of $21,780, reserving $25,000 (15% over the bid amount) for the contract work plus contingencies by the Jackson Construction Company is recommended.

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

The next item of business was the consideration of entering into an agreement with Carolina Telephone to construct underground telephone service along Bow Street.

Mr. Bennett presented this matter and stated that correspondence with CT&T has resulted in a letter of intent by CT&T to proceed with the underground work only if the City will pay the estimated cost of $40,150 for this work.

The City Manager and City Engineer asked for a reconsideration by the Telephone Company, but are convinced that this is a firm company wide policy which will not change.

It is recommended that the City approve $40,150 from Downtown Circulation funds for the underground work.

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

The next item on the agenda was the consideration of a resolution of the City Council ordering destruction of Terminated Employee Personnel Records 1960 through 1978.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, ORDERING THE DESTRUCTION OF RECORDS. RESOLUTION NO. R1980-57.

Mr. Williams moved for adoption of the foregoing resolution, seconded by Mr. McBryde and carried unanimously.

The next item of business was the consideration of bids received for two (2) diesel engines to repower two Sanitation Department trucks.

Al Jordan, Purchasing Agent, presented this item and stated the low bid of $12,556.40 by LaFayette Motor Sales is recommended.

Mr. Williams offered motion for approval as recommended, seconded by Mr. McBryde and carried unanimously.

The second bid item was consideration of bids received for one (1) leaf collector, trailer mounted.

Al Jordan presented this item and stated that the lowest responsive bid of E. F. Craven in the amount of $8,657 is recommended.

Mr. Williams offered motion to follow the recommendation of the Purchasing Agent, seconded by Mr. McBryde and carried unanimously.

The third bid item was for one (1) trash loader, dump body and a cab and chassis.

Al Jordan presented this item and recommended the low bid of $16,660 submitted by Public Works and Supply for the one (1) Chassis mounted Trash Loader and Dump Body be accepted. It was further recommended that the low bid of $17,995 submitted by LaFayette Ford for one (1) 27,500 lb. GVW Cab and Chassis be accepted rather than the low assembled bid of $37,789.76 by Mid State Ford. This type award is a cost avoidance of $3,134.76. ($37,789.76 - $34,655.00 = $3,134,76)

Mr. Williams offered motion to follow the recommendation of the Purchasing Agent, seconded by Mrs. Evans and carried unanimously.

The final bid item was for one (1) cab and chassis and front loader/compactor.

Al Jordan presented this matter and recommended that the low bid of $42.262.82 for cab and chassis submitted by Smith International and the bid of $33,795.00 for the front loader/compactor from Carolina Waste Equipment be accepted rather than the assembled bid of $79,479. This type award is a cost avoidance of $3,421.18. ($79,479.00 - $76,057.82 = $3,421.18)

Rev. Johnson offered motion to follow the recommendation of the Purchasing Agent, seconded by Mrs. Evans and carried unanimously.

The next item of business was the consideration of an ordinance imposing a lien against the property of Mary J. McQueen for demolition of substandard structure.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN: IN THE AMOUNT OF $305.00 AGAINST THE PROPERTY OF MARY J. MCQUEEN LOCATED AT 314 CHANCE STREET. ORDINANCE NO. NS1980-77. Mrs. Evans introduced the foregoing Ordinance and moved its adoption, seconded by Mr. Williams and carried unanimously at 9:00 pm. A copy of the foregoing Ordinance is on file in the Clerk's Office in Ordinance Book NS1980.

Council then went into executive session at 9:38 pm to discuss a taxi matter. Council reconvened into regular session at 10:04 pm.

The next item on the agenda was the taxi driver permits.

Mr. McBryde introduced the item and moved for approval and disapproval of the following persons for taxi driver permits:

Approval: Gary Donavon Hall, Paul E. Fussell, Vernon Lee Smith, Wanda Baker, Richard Lee Harvey, Alice Shortt Graham, Ben Skimmiehorn, Ronnie J. Glover, David Devon Brown, Anthony Carroway, Randolph O. Evans, Perry Gaddy, John Richard Hardy, Eddie W. Langston, Carl McEachern, Edward Thomas Owens, Neil Augustus Ragland, James E. Smith, Daniel H. Spaulding and Ralph W. Whitman.

Disapproval: Robert Lynn Martin, Albert Lee Allen, William Moses Brown, Marvin Dewayne Davis, John R. Johnson, Willie James Steiner and Charles Edmond Stevens.

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

Appointments

The appointment item was for the election of nominees previously made to fill the unexpired term of Mrs. Frank (Rollin) Shaw on the Appearance Commission.

The two nominees were Linda Philbrick and Lilly Thigpen. Rev. Johnson withdrew his nomination of Lilly Thigpen.

Upon motion by Mr. Williams, seconded by Mr. McBryde and carried unanimously, Linda Philbrick was appointed by acclamation to fill the unexpired term of Mrs. Frank Shaw on the Appearance Commission, said term running to December 1981.

Delegations

There were no delegations.

City Manager Reports

Mr. Thomas presented these items.

Mr. Thomas stated the Cumberland County Right to Life Committee is planning a silent rally on January 22, 1981 at 4:00 pm and requests Council approval.

Mrs. Evans offered motion to approve the request, seconded by Rev. Johnson and carried unanimously.

The next item was consideration of a Resolution authorizing the use of First Union National Bank as a consolidated central depository.

A RESOLUTION AUTHORIZING THE USE OF FIRST UNION NATIONAL BANK AS THE CONSOLIDATED CENTRAL DEPOSITORY OF THE CITY OF FAYETTEVILLE. RESOLUTION NO. R1980-58

Mr. Williams introduced the foregoing Resolution and moved its adoption, seconded by Rev. Johnson and carried, Mrs. Evans abstaining.

Matters of Interest to Council

Mr. Williams asked if the signs had been placed on the property to be rezoned. Planner Mitchell answered 'yes'.

Mr. McBryde then introduced the following Resolution:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA ENDORSING THE LOCATION OF THE NEW HOSPITAL ON THE ALEXANDER GRAHAM SCHOOL SITE TO THE COUNTY COMMISSIONERS. RESOLUTION NO. R1980-59.

Mr. Johnson offered motion for adoption of the foregoing Resolution, seconded by Mrs. Evans and carried unanimously.

A copy of the foregoing Resolution is on file in the Clerk's Office in Resolutions Book R1980.

Mrs. Evans wished everybody a Happy Thanksgiving.

Mr. Hurley stated he is interested in the preparations the staff is planning to make on the workshop for the 4th of December. He recommended that a flier be distributed to those who come to the meeting which explains the sidewalk policy in some brevity.

The Council set December 9th at 1:00 pm for a meeting to compile suggestions & recommendations to make to the local legislature group.

Mayor Finch stated applications for the City Manager position will cease to be accepted after November 30th.

Carol Parker, Personnel Director stated she has received 85 applications thus far and expects to have received about 100 by November 30. She further stated there are 65 qualified applicants.

Thereafter, all matters of business having been completed, this regular meeting was adjourned at 10:20 pm upon motion made and duly seconded.

Janet R. Olson

Janet R. Olson
Acting City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
DECEMBER 8, 1980
7:00 PM

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. Robert C. Cogswell, Jr., City Attorney

Mayor Pro Tem, Dawkins, presiding in the temporary absence of Mayor Finch, called the meeting to order and stated that Mayor Finch would be in shortly. Mr. Dawkins then called on the Reverend Robert G. Carter, Chaplainof Cape Fear Valley Hospital, for the invocation. Following the invocation, Mr. Dawkins led the audience in the Pledge of Allegiance to the Flag.

Mayor Pro Tem Dawkins then recognized from the audience city employee, Perry Ingram, a 32 year veteran of the city sanitation department. Mr. Dawkins then commented on Mr. Ingram's loyal and faithful service to the city and the community and presented him with a framed certificate of appreciation on his retirement.

Mr. Williams requested that item 20 B on the agenda, an item concerning the Prince Charles Hotel, be reclassified as item 6 A for discussion this evening. The suggestion was approved.

Mrs. Evans requested an executive session at the end of this meeting to consider taxi driver licenses.

Mayor Pro Tem Dawkins then recognized Fayetteville Youth Council representatives present in the audience this evening to observe Council proceedings.

The first item of business was the approval of minutes; and upon motion by Mr. McBryde, seconded by Mr. Williams and carried unanimously, minutes of the regular meeting of November 24, 1980, were approved as submitted by the Acting City Clerk.

Council next gave consideration to several public hearings.

Reconsideration was given to an amendment to Section 27-15(e) "Subdivisions" of the Fayetteville City Code (sidewalks). (This item continued from the November 10th regular meeting.)

Mayor Pro Tem Dawkins stated this was a public hearing and proponents and opponents would be heard.

Mr. Clinton Harris, a local citizen was recognized and asked if there was a conflict of interest with Councilmembers Williams and Dawkins. Mr. Williams replied he had none. Mr. Dawkins he had none. City Attorney was of the opinion that there was no conflict involved. Mr. Harris stated he represented the Senior Citizens Round Table in favor of the sidewalks.

Mr. Henry Player, a local developer, was recognized in favor of a definite program for sidewalks where needed. He suggested that through due public hearing process, Council approve a 7-year master sidewalk plan. He distributed a plan which he had drawn to the Council members.

Mr. Don Broadwell was recognized in favor of a sidewalk policy as drawn and submitted by Mr. Player.

Following some discussion on this matter, Mrs. Evans offered motion to defer this item until such time as City administration can research the matter along with the City Attorney and include the suggested Player plan in such study, seconded by Mr. Johnson and carried unanimously.

A public hearing had been published for this date and hour on confirmation of the assessment roll for the paving of the Weiss Avenue from Robeson Street to Robeson Street. The City Clerk certified in writing that notices of these assessments had been mailed to each property owner involved and informing them of this public hearing this evening.

The City Engineer presented this matter and stated that the assessment rate was $2.00 per front foot on the strip paved portion, and $4.00 per front foot of the portion paved with curbs and gutters. Mr. Bennett explained that the southern portion of this street was strip paved because DOT would eventually construct the cross town loop in this location and the more expensive curb and gutter installation would not have to be destroyed.

Mayor Pro Tem Dawkins asked if there were proponents to be heard and there were none.

Evelyn Levett was recognized for a property owner and asked if the assessment must be paid at one time. She was informed that this was not required, that the assessment could be paid in five annual installments.

At this point in the meeting, Mayor Finch arrived and assumed the chair from Mayor Pro Tem Dawkins.

A Julia Melton was recognized with a question concerning the taking of part of her property for this paving. Mayor Finch and City Engineer Bennett both replied that only street right-of-way owned by the City was used in the construction of this street.

A Percy Jones was recognized on the question of the payment of assessments and requested Council to give him consideration.

Council recognized Attorney William Clark, representing a property owner, who objected to the proposed assessment because his client's property is located predominantly in the flood way. He displayed a map showing such circumstance, and stated that the paving was of no benefit to his client's property and requested that the assessment be waived.

Mrs. Louise Hill was recognized and stated that there was a ditch behind her house and that drainage water is a problem. The City Engineer replied that the City had piped a ditch there and the back of the lot where the pipe terminates is lower than the end of the pipe and the rear section of the lot floods in heavy rains.

Mayor Finch requested the City Engineer to check this.

A Mr. Ed J. McDonald was recognized and stated that he had a drainage problem at his front door from the street. He stated the street has no curb at this location. The City Engineer stated that the street does have a curb in front of Mr. McDonald's house and that he will check this situation.

Evelyn Levett was again recognized and stated that the driveway to her relative's house was destroyed by the paving and asked the City Engineer to check this. She further requested that City Council hold up assessments until all deficiencies are corrected.

A Mrs. Vinny Cole was recognized with a complaint concerning standing water at her house.

Following some further discussion, Mr. Dawkins asked the City Engineer the actual cost to pave the street and the City Engineer replied in the neighborhood of $40 to $60 per lineal foot. Councilman Dawkins called the attention of all Weiss Avenue property owners to this fact and reminded them that they were only being assessed a fraction of the actual cost and that the citizens of the city of Fayetteville were paying the major part of this paving cost.

Following some further discussion, Rev. Johnson offered motion to defer this matter for 30 days or until January 12, 1981, for the City Engineer to investigate the complaints. Motion seconded by Mrs. Evans and carried unanimously.

A public hearing had been published for this date and hour on the annexation of property located at 200, 206 and 210 Dallas Street. The Annexation Technical Review Committee recommended approval.

There were neither proponents nor opponents present.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE THE DALLAS-JENKINS STREET AREA (200, 206 and 210 DALLAS STREET). ANNEXATION ORDINANCE NO. 80-12-235.

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

A copy of the foregoing Ordinance is on file in the Clerk's Office in Annexation Ordinance Book No. 1980.

A public hearing had been published for this date and hour on the consideration of annexing of a tract of land bounded by U.S. 401 By-Pass on the South, the western line and the Western line extended southwardly of Platbook 22 Page 24 on the west, the City limit line on the North, and Rosehill Road and the City limit line on the East. The Annexation Technical Review Committee recommended the annexation an expanded area under the "old law". For the benefit of those present in the audience, Councilman Hurley requested an explanation of the function of the Annexation Technical Review Committee and the City Manager did so.

Councilman Dawkins requested permission to abstain from voting on this matter due to a conflict of interest. Permission was granted.

Council recognized Mr. Larry Wagner for the rezoning. Mr. Wagner stated he had been a resident of this area since 1963. He stated they had problems with water wells and with sewage. He stated the water table was low and that the area needed city fire protection.

A Mrs. Gladys Wells and a Mrs. Ruby Cook were also recognized in favor of the annexation.

Council recognized Mr. Howard McLaughlin representing approximately 100 persons in the area (Pinewood Estates) in opposition to the proposed annexation. Mr. McLaughlin stated that he has a well in good working order built at his own expense and that the fire protection is good from the West Area Fire Department. Mr. McLaughlin stated he had a petition with approximately 90 names on it in opposition to this annexation. He stated there were elderly and retired persons on fixed incomes living in the area who could not afford the cost of utilities. Approximately 50 to 60 persons in the audience stood in opposition to the annexation.

Council recognized a Mr. Tony Holland for the owner of all the vacant land in the area and requested Council's consideration.

Following some discussion on the matter, Mr. McBryde offered motion that the proposed annexation be denied. Motion seconded by Mr. Williams and carried, Mr. Dawkins abstaining.

A public hearing had been published for this date and hour on the consideration of the 7th Year Entitlement Community Development Block Grant Funding.

Mr. Richard Hererra, Executive Director of Community Development, was recognized and he stated to Council that he had submitted to Council a copy of the programs and funding levels endorsed at a special public hearing on November 18th by the Community Development Advisory Board, the Fayetteville Redevelopment Commission. The funding recommendations were those to which funds had been assigned for the 1981 Fiscal Year. Submitted also is a copy of the funding request made by mail and in person at public hearing held for that purpose on October 29, November 3 and November 12.

The Fayetteville Revelopment Commission, he stated, has reinforced its position that the Community Development Block Grant program is still basically a housing program that needs to focus on activities that bear a relationship to housing. In light of that fact, he called attention that the majority of targeted funding is for housing programs of some nature. He stated the Commission requested that $25,000 be targeted for the Simmons Street Urban Renewal (recreation) added to the $525,232 adjacent to the J. S. Spivey School. Mr. Hererra also displayed a Fisher Street recreation plan.

The Fayetteville Redevelopment Commission recommended 3-year community development funding levels appears below:

EXHIBIT "A"

FAYETTEVILLE REDEVELOPMENT COMMISSION
RECOMMENDED THREE-YEAR COMMUNITY DEVELOPMENT
FUNDING LEVELS

PROGRAM	1979	1980	1981
Estimated Funding	$2,256,429	$1,660,000	$1,542,000
Administration	210,000	172,790	174,700
Planning (General)	80,797	57,652	26,128
Urban Renewal (Closeout)	70,890	-0-	-0-
Massey Hill Recreation	57,848	-0-	-0-
North Street Recreation	-0-	-0-	80,000
Senior Service Center	157,500	75,000	200,000 *
Downtown Market	11,500	-0-	-0-
Collier Drive Urban Renewal	686,558	-0-	212,000
Simmons Street Urban Renewal (Recreation)	525,232	-0-	-0-
Hope Park	-0-	11,000	-0-
Rehabilitation/Redevelopment			
Burnette Street	-0-	90,000	-0-
Delcross Street	46,965	-0-	-0-
Center Street	163,998	207,604	-0-
Craven Street	60,785	-0-	-0-
Cude Street	110,556	-0-	-0-
May Street	-0-	28,278	-0-
North Street Extension	-0-	276,618	150,733
Wall Street	-0-	49,848	59,343
Williston Street	-0-	-0-	61,698
Brewer Street Area	-0-	-0-	387,398
Target Area #1 - Arsenal Avenue South	-0-	120,000	-0-
Loan Program - Energy Conservation for Designated Target Areas	-0-	150,000	-0-

Paving

	1979	1980	1981
Sidewalks - One Side Camden Road	10,800	-0-	-0-
Sidewalks - Cude, Craven, Delcross 1 side	-0-	-0-	40,000
Cude Street	-0-	123,600	-0-
Craven Street	-0-	49,000	-0-
Delcross Street	63,000	-0-	-0-
Burnette Street	-0-	88,000	-0-
Total	$2,256,429	$1,499,390	$1,392,000
** Difference		160,610	150,000
Total Difference			$310,610

** Funds initially to be set aside for increased costs during period due to inflation or for new projects

* To be matched by December 31, 1981, or retargeted into other programs.

November 18, 1980

Mr. Garfield Davis, an area property owner was recognized and requested that Council and Community Development take in the Dean Street area. A resident of the Brewer Street Community was recognized and requested approval of this matter for housing rehabilitation.

Mr. Clinton Harris, a local citizen, was recognized in favor.

Mr. Thad Cherry of the Joint Fayetteville Senior Citizen's Advisory Commission was recognized in opposition to the proposal as presented. He requested that Council consider seriously approval of the proposal as submitted.

Dr. G. W. Allen was recognized for the $240,000 item for the Senior Service Center. Mr. James Cooper of CCCCOA was also recognized with the same request. Approximately 25 persons in the audience stood also.

Mr. LeRoy Dunbar, representing the City Recreation and Parks Department, was recognized and requested $80,000 for the recreation area on North Street.

Following considerable discussion, Mrs. Evans offered motion that we approve this budget without conditions, seconded by Mr. Dawkins and carried, Mr. Johnson voting 'no'.

Following some further discussion, Mr. McBryde offered motion to approve the $25,000 recommended by the Commission for the Simmons Street Urban Renewal (recreation) adjacent to the J. L. Spivey School and add it to the 1979 funding of $525,232 as requested. Motion seconded by Mrs. Evans and carried unanimously.

Public Hearings to be Set

The City Attorney was recognized and he stated that Mr. and Mrs. Early J. McNatt had turned down their offer of $1,500 for the vacant lot at 717 Italy Street and were now offering $2,000. However, an offer of $2,500 had been received by Robert P.&Lois Ives. Mr. Cogswell requested permission to substitute the name of Mr. and Mrs. Ives for that of Mr. and Mrs. McNatt in the legal notice due to their offer of $2,500 and advertise same.

Mrs. Evans offered motion for approval of the foregoing as requested by the City Attorney, and that a public hearing be published for December 22nd on this matter, motion seconded by Mr. McBryde and carried unanimously.

Planning Board Matters

Upon motion by Mr. Williams, seconded by Mrs. Evans and carried unanimously, conditional approval as recommended by the Planning Board was given to Jiffy Lube Addition C(1)P preliminary and final review located along the north side of Raeford Road and west of the All American Freeway.

Upon motion by Mr. McBryde, seconded by Rev. Johnson and carried unanimously, conditional approval as recommended by the Planning Board was given Holt Oil Company Self-Service Gas Station C(1)P preliminary and final review located in the northwest quadrant of Owen Drive and Boone Trail intersection.

Public Works Commission Matters

PWC Manager Muench presented these matters.

Upon motion by Mr. Williams, seconded by Mr. McBryde and carried unanimously, the low bid of Wesco $58,688.75 was accepted for the purchase of fused-switching cabinets and equipment as recommended.

Council next gave consideration to bids received for the purchase if 83 electric distribution transformers of various sizes and voltages. PWC Manager Muench stated the bids by Hasco, Inc. were recommended for all except the two 100 KVA, 24.9/14.4 pole-mount transformers. The bid by Eastern Electric Supply (RTE Transformers) is recommended for said two transformers.

Mr. Williams offered motion to follow the foregoing recommendation of the PWC and approve the bids, seconded by Rev. Johnson and carried unanimously.

Council next gave consideration to seven (7) resolutions authorizing condemnation of properties for easement areas for construction of Rockfish/Beaver Creek Interceptor Sanitary Sewers.

Mr. Dawkins offered motion for approval of the following Resolutions as recommended by PWC, seconded by Rev. Johnson and carried unanimosuly.

RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR A SANITARY SEWER LINE IN, UPON AND OVER CERTAIN LAND OWNED WAVERLY O. SMITH, JR; GEORGE B. HERNDON, JR., TRUSTEE; GUARANTY SAVINGS AND LOAN ASSOCIATION: JACK A. THOMPSON, TRUSTEE: JOHN W. BLAKE AND WIFE, SHIRLY J. BLAKE. RESOLUTION NO. R1980-59A.

RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION, BY CONDEMNATION, OF AN EASEMENT FOR A SANITARY SEWER LINE IN, UPON, AND OVER CERTAIN LAND OWNED BY CRAWFORD BIGGS MACKETHAN AND WIFE, MARCIA R. MACKETHAN; CHARLES G. ROSE, JR., TRUSTEE; HOME FEDERAL SAVINGS AND LOAN ASSOCIATION; JOHN C. TALLY, TRUSTEE; AND MARGARET J. MACKETHAN. RESOLUTION NO. R1980-60.

RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION, BY CONDEMNATION, OF AN EASEMENT FOR A SANITARY SEWER LINE IN, UPON AND OVER CERTAIN LAND OWNED BY RUTH J. RICE, WIDOW. RESOLUTION NO. R1980-61.

RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION, BY CONDEMNATION, OF AN EASEMENT FOR A SANITARY SEWER LINE IN, UPON AND OVER CERTAIN LAND OWNED BY HERBERT W. VICK AND WIFE, JESSYE S. VICK; AND C. MASON QUICK AND WIFE, BEULAH M. QUICK. RESOLUTION NO. R1980-62.

RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION, BY CONDEMNATION, OF AN EASEMENT FOR A SANITARY SEWER LINE IN, UPON AND OVER CERTAIN LAND OWNED BY RAYMOUND D. SCUDDER AND WIFE, CONSTANCE G. SCUDDER; AND GRADY F. MARSH AND WIFE, RUBY D. MARSH. RESOLUTION NO. R1980-63.

RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION, BY CONDEMNATION, OF AN EASEMENT FOR A SANITARY SEWER LINE IN, UPON AND OVER CERTAIN LAND OWNED BY ISAAC C. YOUNG AND WIFE, LINDA R. YOUNG. RESOLUTION NO. R1980-64.

RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION, BY CONDEMNATION, OF AN EASEMENT FOR A SANITARY SEWER LINE IN, UPON AND OVER CERTAIN LAND OWNED BY ALVA C. ROZIER AND WIFE, ADELAIDE T. ROZIER; OTHO W. ROZIER AND WIFE, ESTELLE ROZIER; VERGIE R. WILLIAMS AND HUSBAND, ROBERT C. WILLIAMS; GURNIE T. ROZIER AND WIFE PEGGY ROZIER; WAYNE L. ROZIER AND WIFE, BETTY ROZIER; DARIUS S. ROZIER AND WIFE, ISABELL ROZIER. RESOLUTION NO. R1980-65.

Copies of all the foregoing Resolutions are on file in the Clerk's Office in Resolutions Book R1980.

This concluded the PWC items and Councilman Dawkins expressed the extreme sorrow and regret at the loss through death of Mr. James Thornton, a former Public Works Commissioner. Councilman Dawkins commented on Mr. Thornton's long and dedicated service to the community. Mr. Muench expressed appreciation for Councilman Dawkins' remarks and stated he would convey these expressions of sympathy from the City Council to Mr. Thornton's widow.

Mr. Muench was then excused from the meeting.

Council next gave consideration to a presentation by a representative of Fayetteville Progress, Inc., concerning a proposed convention center feasibility study for the City.

Council first recognized Mr. John Monaghan, Executive Director of the Fayetteville Revitilization Commission, who stated this matter had been considered by the Commission on November 17th and they voted unanimously that the study be funded.

The Commission also recommended that the Center be located in the downtown area and that it be compatible with the proposed Art Center.

Council then recognized Mr. M. J. Weeks who presented the proposal and stated that a feasibility study is recommended for the proposed convention center/civic center in Fayetteville. He stated Fayetteville Progress will be joint venturing this study with Real Estate Research Corporation and will bring to the task, considerable experience in analyzing similar facilities, existing and proposed across the country.

Recently, Real Estate Research Corporation completed a downtown revitilization project in Charlotte and a retail analysis in Ashville. The estimated cost for performing this assignment will be approximately $32,000. The actual cost, however, would be determined upon agreement of the detailed scope of work.

Mr. Weeks had provided copies of the proposal to the Councilmembers and stated he would be happy to answer any questions.

Following brief discussion, Mrs. Evans offered motion that the City Council provide the funds for this study and request city administration to locate said funds in the budget. Motion seconded by Mr. Williams and carried unanimously.

Council then considered item 20 B on the agenda which had been reclassified 6 A. This was a request that the Mayor be authorized to ask HUD for a pre-approval site inspection of the Prince Charles Hotel in connection with a possible development of 100 units of rehabilitation under the Section 8 Housing for the Elderly Program.

The City Manager presented this matter and stated that a private development corporation had expressed interest in developing 100 units of rehabilitation on the Prince Charles Hotel site. The units would be a part of the Section 8 Housing for the elderly program. Before considering whether the present housing assistance plan should be changed to accomodate the 100 units, it would be best to request a pre-approval site team inspection of the site. HUD has indicated that a pre-approval site request can be submitted by the Mayor and will be approved by the HUD Greensboro Office.

Based on the foregoing, he recommended that the Mayor be authorized to request that HUD send the pre-approval site team to visit and evaluate the Prince Charles Hotel as a site for 100 units of Section 8 Housing for the Elderly.

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

Council next gave consideration to a request to remove parking on Melrose Road.

The City Engineer presented this matter and stated that he was in receipt of a letter from Dr. James Hall, M.D. requesting that curb parking be elimininated along Melrose Road due to the hazardous conditions. The City Engineer stated that properties on each side of this street are about fully developed with medical offices which generate a large volume of traffic and turning movements into the off-streetparking lots. The City Engineer recommended approval of the request.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE NO. 11 - PARKING PROHIBITED ALONG MELROSE ROAD. ORDINANCE NO. NS1980-78.

Mr. McBryde introduced the foregoing Ordinance and moved its adoption, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to a request to prohibit parking on Mirror Lake Drive between Edgewater Drive and Meadowood.

The City Engineer presented this matter and stated that he was in receipt of letter from Mr. Ray C. Vallery of 2407 Mirror Lake Drive in VanStory Hills who stated that persons congregate in the area adjacent to the pond and dam to drink beer and other alcoholic beverages and party until after midnight, greatly disturbing the peace of the neighborhood with their noise and conduct. In addition, they park their vehicles in such a manner as to be a hazard to the traveling public. Mr. Vallery requested to prohibit parking on both sides of Mirror Lake Drive in this area and to limit the speed to 25 mph. Several persons joined in the request with Mr. Vallery, the City Engineer stated. The City Engineer recommended adoption of a parking prohibition Ordinance, but not the reduction of the speed limit from 35 mph to 25 mph because it results in confusion to the driving public.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 11 - PARKING PROHIBITED - MIRROR LAKE DRIVE FROM EDGEWOOD DRIVE TO MEADOWOOD ROAD. ORDINANCE NO. NS1980-79.

Following brief dicusssion Mrs. Evans introduced the foregoing Ordinance and

moved its adoption, seconded by Mr. Williams and carried Councilmembers Hurley and McBryde voting 'no'.

Council next gave consideration to a request to prohibit parking on Skye Drive between Dundee Road and Skye Drive. (This matter continued from the November 24th meeting.) The City Engineer represented this matter and stated that at the last Council meeting a petition was presented asking for parking prohibition on this section of Skye Drive. He stated he had drawn an Ordinance to accomplish this request if desired.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE NO. 11 - PARKING PROHIBITED - BOTH SIDES OF SKYE DRIVE FROM DUNDEE ROAD TO SKYE DRIVE. ORDINANCE NO. NS1980-80.

Following brief discussion, Mr. Williams introduced the foregoing ordinance and moved its adoption, seconded by Rev. Johnson and carried unanimously.

Council next gave consideration to Ordinances of the Fayetteville City Code Section 20-106, Traffic Schedule No. 6, "Stop Intersections" and Traffic Schedule Number 14, "Yield Right-Of-Way".

The City Engineer presented this matter and stated that these two Ordinances are for the purpose of updating traffic operations at several intersections scattered throughout the City. The need to update the Ordinances was brought about by a new subdivision development, community development in southeast Fayetteville eliminating or changing some streets and correction of previous oversights.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF CITY CODE TRAFFIC SCHEDULE NO. 6 "STOP INTERSECTIONS" VARIOUS STREETS. ORDINANCE NO. NS1980-81.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SCHEDULE 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 14 "YIELD RIGHT-OF-WAY AT VARIOUS STREETS. ORDINANCE NO. NS1980-82.

Mrs. Evans introduced the two foregoing Ordinances and moved their adoption, as recommended, 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 NS1980.

Council next gave consideration to the establishing of a loading/unloading zone on Old Street.

Mr. McBryde presented this matter and stated that the occupant of the Old McCrory's Building needs this loading and unloading zone for merchandising purposes. This area was originally designated "no parking" due to the Southern National Bank drive-in located next door to the McCrory's building. However, the bank has since relocated to its new quarters and the no parking area is no longer necessary.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 10 - LOADING AND UNLOADING ZONES - OLD STREET SOUTH SIDE BEGINNING AT A POINT 25 FEET FROM THE WESTERN CURB LINE OF ANDERSON STREET FOR A DISTANCE OF 35 FEET. ORDINANCE NO. NS1980-83.

Mr. McBryde 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 NS1980.

Council next gave consideration to a revised agreement between the City and NCDOT for upgrading the railroad signals at Blount Street and Winslow Street.

The City Engineer presented this matter and stated that this agreement supercedes a 1977 agreement for a similar project. Because this is a Joint Federal Highway Administration, Seaboard Coastline Railroad, NCDOT and city project, it seems that these agencies (other than the city) do not agree on some details of the signal installation. We are advised that agencies are not together as to the exact upgrading that is needed, but a new agreement is required.

The City's obligation in the matter is to (1) Pay NCDOT 10% ($6,180) of the estimated total cost ($61,800) of the new signals and gates. This is to be paid upon completion of the work. (2) Pay annually to SCL $625 which is one half of the estimated $1,250 total annual maintenance cost. (3) Provide a minor amount of signal work with City forces to connect the traffic signals to the railroad signals. (The City Engineer recommended approval of the proposed agreement.)

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

Council next gave consideration to bids.

City Purchasing Agent, Al Jordan, presented these items.

Upon motion by Mrs. Evans, seconded by Mr. Hurley and carried unanimously, the low bid of $24,898 was approved for the furnishing of tire capping for the City and PWC for the coming year.

Upon motion by Mr. Hurley, seconded by Mrs. Evans and carried unanimously, the low total bid of $6,656 submitted by Motorola for seven VHF mobile radios was approved as recommended. (These radios were for the Engineering, Fire and Sanitation Departments.)

Upon motion by Mrs. Evans, seconded by Mr. Williams and carried unanimously, the combined low bid of $7,620 submitted by FMC Fire Apparatus for furnishing fire hoses to the Fire Department was approved as recommended.

Upon motion by Mrs. Evans, seconded by Mr. Hurley and carried unanimously, the lowest responsive bid by Sperry Univac in the amount of $89,165 was approved for the criminal justice information system computer as recommended.

Council next gave consideration to the waiver of late listing tax penalties.

Assistant City Manager John Smith presented this matter and stated that the following have requested waivers on late tax listing penalties and have been approved by the County Commissioners:

1. Mr. C. T. Worrell: Late Listing--$10.82; Recommendation--Waive 100%; Sr. Citizen Exemption--$39.00; Recommendation--Grant Exemption

2. Dr. Manfred S. Rothstein, M.D.: Late Listing--$38,76; Recommendation--Waive 100%

3. Mr. Luther M. Taylor: Late Listing--$25.69; Recommendation--Waive 100%

4. Gaylords: Late Listing--$48.45; Recommendation--Waive 50% of late listing penalties. The recommendation is for the action to be approved provided the balance is paid within 30 days.

Following brief discussion, Mr. Williams offered motion, seconded by Mr. McBryde, for approval of the foregoing waivers as recommended and that the Gaylord Waiver is approved subject to payment within 30 days.

Council next gave consideration to the renewal of the Sunbird Airlines Airport Use Agreement.

The City Attorney presented this matter and stated approval was recommended by the Airport Commission and that Council's action should be to adopt a Resolution authorizing and directing that the Sunbird Airlines Use Agreement be renewed.

RESOLUTION AUTHORIZING THE RENEWAL OF SUNBIRD AIRLINES AIRPORT USE AGREEMENT. RESOLUTION NO. R1980-66.

Mr. Dawkins introduced the foregoing Resolution approving the renewal 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 R1980.

Council next gave consideration to a request for a variance of the sign code for a sign to be located at 1004 Ramsey Street from Southern Outdoor Advertisers.

Following brief discussion Mrs. Evans offered motion to refer this matter to the Appearance Commission and return it in two weeks time. Motion seconded by Rev. Johnson.

Council then recognized Mr. Paul A. Layton of Southern Outdoor Advertising, Inc., who requested the variance due to the inadvertant removal of the afore mentioned billboard by the property owner and for a variance from the 500 foot minimum distance from another billboard. Inspections Superindendent, Emory C. Albritton, recommended approval of the request.

Mayor Finch then called for the vote on Mrs. Evans' motion and it carried, Mr. McBryde and Mr. Hurley voting 'no'.

Council next gave consideration to an appeal of taxi driver permit denials

from Albert Allen and Charles E. Stevens. (Action was taken on these denials at the last meeting of the Council on November 24th.)

Neither Mr. Allen nor Mr. Stevens responded to Mayor Finch's invitation to be heard on their appeals and neither was present in the audience.

The City Attorney recommended that Council reconfirm its previous action of denial.

Mr. McBryde then offered motion, seconded by Mr. Williams that the previous action by the City Council to deny these taxi driver permits be reconfirmed. The motion was carried unanimously.

Council next considered several appointments.

The first was a nomination to the Fayetteville Redevelopment Commission. Mrs. Evans nominated the incumbent, Mrs. Jean Ladehoff.

Council next considered three nominations to the Fayetteville Appearance Commission. Mayor Finch stated that incumbent Jim Kizer did not wish to serve again.

Mr. McBryde nominated Mrs. Geneva Foushee and Mrs. Joan Allen, the incumbants.

Council next considered two nominations to the Fayetteville Historic Properties Commission.

Mr. Williams nominated Dr. Charles Speegle, incumbent; and Mr. Dawkins nominated Mr. Paul B. Eaglin, incumbent;

Mayor Finch informed Council that Mr. MoeWalker had resigned from the Revitilization Commission.

Delegations

Council recognized Mr. Clinton Harris, a local citizen, with comments on the Senior Citizens Multi-Purpose Center. Mr. Harris suggested the formation of a tax exempt corporation. Mayor Finch informed him that senior citizens can do this.

City Manager Reports

The City Manager informed Council of the resignation from the Fire Department of Lt. Lester M. Anderson, said resignation effective December 16, 1980. Council noted the resignation with regret.

Matters of Interest to Council

Mr. Williams informed Council that he had recently talked with a representative of the Department of Energy concerning electric motor vehicles. He stated the city of Greenville, South Carolina, recently acquired fifteen such vehicles at no expense to the City. He suggested that City administration look into this.

Mr. Dawkins suggested that the City Council consider action in prohibiting heavy trucks in the downtown area and especially around the Market House. The wall surrounding the Market House was struck today by one such vehicle resulting in considerable damage. The City Engineer was requested to contact NCDOT concerning this matter.

Mr. McBryde suggested that City Council consider giving city employees Wednesday, the day before Christmas; and Friday, the day after Christmas as holidays. The City Manager was requested to check this.

Mr. Hurley suggested that a microphone be installed on the podium for general public use. Mr. Hurley also suggested that the City Attorney investigate the establishment of a non-profit corporation as suggested by Mr. Clinton Harris this evening.

Rev. Johnson suggested the placement of a City map in the council room to aid council in its deliberations.

Mayor Finch reminded Council of the retirement reception on Wednesday, December 17th at the Kyle House for City Manager Thomas.

Mayor Finch stated she needed a volunteer from the Council to meet with the Senior Citizens Commission on Wednesday night of this week.

Thereafter the meeting was adjourned at 10:40 pm upon motion made and duly seconded.

Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
DECEMBER 22, 1980
7:00 PM

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. Robert C. Cogswell, Jr., City Attorney

Mayor Finch called the meeting to order and the Reverend Stephen Byrd, Minister of Berean Baptist Church, offered the invocation. Following the invocation, Mayor Finch led the audience in the Pledge of Allegiance to the Flag.

Mayor Finch recognized and presented to Edwina Gross a certificate of appreciation in recognition of her being named "Teacher of the Year".

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

Councilman Williams requested permission to abstain from voting on Item 2A - assessment roll paving of Broadfoot Avenue, due to a personal interest. Council approved the request.

Councilman Johnson requested that Item 18 on the agenda under delegations, a request to name a street for former Councilman Marion C. George, be renumbered to Item 4E on the agenda. This was approved also.

First item of business was the approval of the minutes of the regular meeting of December 8, 1980. Upon motion by Mr. McBryde, seconded by Mr. Dawkins and carried unanimously, such minutes were approved as submitted by the Clerk.

Public Hearings

A public hearing had been published for this date and hour on consideration of confirmation of the assessment roll for paving of Broadfoot Avenue from Branson Street to Simpson Street by the adoption of an ordinance.

The Clerk certified that written notices had been sent to the property owners of this assessment and public hearing. The City Engineer presented this matter and stated that the asssessment rate was $4.00 per foot.

There were neither proponents nor opponents present.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENTS OF BROADFOOT AVENUE FROM BRANSON STREET TO SIMPSON STREET. ORDINANCE NO. NS1980-84.

Mr. McBryde introduced the foregoing ordinance and moved its adoption at 7:10 pm, seconded by Mr. Hurley and carried, Mr. Williams abstaining to vote.

A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book NS1980.

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 515 and 517 Terry Circle.

Planning Board recommended denial.

There were no proponents present.

The following persons spoke in opposition to the proposed rezoning: Mr. John Butterworth, 509 Terry Circle; Mrs. Geraldine Stine, 511 Terry Circle; Mrs. Beatrice Ellis, Terry Circle; Mrs. N. Wood, Terry Circle; Mr. Robert Flack, Terry Circle.

Following brief discussion, Mrs. Evans offered motion to follow the recommendation of the Planning Board and deny this rezoning, seconded by Mr. McBryde 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 530 Terry Circle. Planning Board recommended denial.

Attorney Benner Jones was recognized for Mr. Jack Miller, the petitioner and

requested approval of the rezoning.

Mr. John Butterworth, Mrs. Geraldine Stine and Mr. Edwin Drew were all recognized in opposition to the rezoning.

Mr. McBryde offered motion to follow the recommendation of the Planning Board and deny the rezoning, seconded by Rev. Johnson and carried unanimously.

Council next gave consideration to Subdivision Ordinance Amendment - Development Process Study Commission.

Planner Al Mitchell presented this matter and stated the proposed ordinance amended Chapter 27, Subdivisions of the Code of Ordinances of the City of Fayetteville and was drawn and is being presented at Council's request.

Mr. Dohn Broadwell was recognized as chairman of the Commission which drew the proposed amendments.

There were neither pro nor con present.

AN ORDINANCE AMENDING CHAPTER 27 SUBDIVISIONS OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1980-14.

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

Mr. Williams then extended appreciation of the Council for the work of Mr. Broadwell and the Commission on this matter.

A copy of the foregoing Ordinance is on file in the Clerk's Office in Ordinance Book S1980.

A public hearing had been published for this date and hour on an offer by Mr. and Mrs. Robert P. Ives to purchase property located at 717 Italy Street.

This matter was presented by the City Attorney who stated that the offer by Mr. and Mrs. Ives in the amount of $2,500 is the appraised value of the property and is the best price.

There were neither pro nor con present.

Mr. Williams then offered motion that the City sell this property for the appraised value of $2,500, seconded by Mrs. Evans and carried unanimosly.

Upon motion by Mr. McBryde, seconded by Rev. Johnson and carried unanimously, public hearings were set for the following items for January 26, 1981:

A. Consideration of the initial zoning to R6 Residential District and C3 Heavy Commercial District or to a more restrictive zoning classification an area located on the west side of Gillespie Street between Trade Street and Cude Street.

B. Consideration of annexation of lots 160, 170 and 171, Platbook 26 page 1, Cumberland County Registry - Stoneykirk Drive.

C. Consideration of annexation of property located on both sides of Goins Drive bounded on the north and west by the city limit line, bounded on the south by the city limit line and the property of Wilson Goins, and bounded on the east by the property of Charlie T. Goins.

Planning Board Matters

Planner Al Mitchell presented these matters.

Upon motion by Mrs. Evans, seconded by Mr. Dawkins and carried unanimously, Rosehill Road Shopping Center C(1)P preliminary and final review located along the west of Rosehill Road and north of Landau Road was given conditional approval as recommended by the Planning Staff and Planning Board.

Upon motion by Mr. Williams, seconded by Mrs. Evans and carried unanimously, conditional approval as recommended by the Planning Board was given Hillendale West Subdivision revision and extension, preliminary and final review located along the west side of Rosehill Road and north of Country Club Drive (401 Bypass).

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, conditional approval as recommended by the Planning Board was given Snider Development street and right-of-way dedication, preliminary and final review located on the north side of Raeford Road (US 401) and west of the All American Expressway.

Council next gave consideration of Briarwood Townhouses Group Development preliminary and final review located on the east side of Edmonton Road and north of

Colgate Drive. Planning Board recommended conditional approval. (This matter continued from the regular meeting of November 24th.)

Mr. Williams offered motion to follow the recommendation of the Planning Board and give conditional approval. Motion seconded by Mrs. Evans.

There then followed a general discussion concerning density, buffer zones and recreation areas.

Following this discussion, Rev. Johnson offered a substitute motion to refer this matter back to the Planning Board to insert the requirement for more recreation space and a buffer more compatible with the neighborhood. Motion seconded by Mr. Dawkins.

Council then recognized Attorney J. W. Anderson, representing the developer. He stated a 6-foot basket-weave fence now exists on the back of the property. He stated recreation property now exists at the back of the property and at each end. He stated further this development will be a Homeowners Association.

Mayor Finch then called for the vote on the substitute motion and it was as follows: For the motion: Councilmembers McBryde and Johnson. Against the motion: Councilmembers Hurley, Evans, Dawkins and Williams. Mayor Finch declared the substitute motion lost.

Mayor Finch then called for the vote on the original motion to give conditional approval and the vote was as follows: For the motion: Councilmembers Hurley, Evans, Dawkins and Williams. Against the motion: Councilmembers McBryde and Johnson. Mayor Finch declared the original motion carried.

Council next gave consideration to a request from a group of citizens for naming a street for former City Councilman Marion C. George.

Council recognized Mr. W. Edwin Murphy, representing the Marion C. George Appreciation Committee and a group of concerned citizens concerning this request. Mr. Murphy stated that Mr. George served for 10 years on the City Council, four of those years, Mayor Pro Tem. He requested that City Council support their request that the existing overpass from Hay Street to Ramsey Street of the central business district loop be named the Marion C. George Central Business District Loop. He requested Council to give careful consideration to this request.

Mr. Dawkins replied that he and Councilman Williams were now working with the Commission on this segment of uncompleted expressway and the fact that it is still uncompleted, should be considered at the present time.

Following brief discussion, Mr. Williams offered motion to refer this request to the Policy Committee, seconded by Mr. Dawkins and carried unanimously.

Public Works Commission Matters

The PWC items were presented by PWC Manager Muench.

Upon motion by Mrs. Evans, seconded by Mr. Williams and carried unanimously, an application was approved by McCauley and McDonald Investments, Inc., for one 1-inch water connection to an existing main to serve a business establishment at the corner of Camden and Black and Decker Roads, outside City.

Upon motion by Mr. McBryde, seconded by Mr. Williams and carried unanimously, an application was approved for McDonald's for one 2-inch water connection and one 4-inch sanitary sewer connection to serve a new McDonald's restaurant at the intersection of Cedar Creek Road and Highway I-95, outside City.

This completed the PWC Matters.

Council next heard a report from the Fayetteville Appearance Commission on the request for a variance of the sign code for a sign to be located at 1004 Ramsey Street from Southern Outdoor Advertisers. (This matter continued from the December 8 regular meeting, at which time it was referred to the Appearance Commission for a recommendation.) The City Attorney presented this matter and stated that the Appearance Commission had met concerning this matter on December 18th and took the following action:

1. The Appearance Commission supports the 500' minimum spacing requirement as written in the City Sign Code as an appropriate appearance consideration for the location of billboards.

2. We feel that it would be inappropriate for the Appearance Commission to consider this matter on any other factors (such as hardship) other than how it relates to appearance.

Mr. McBryde then offered motion to approve the variance to erect the sign as requested. The motion was seconded by Rev. Johnson.

Council then recognized Mr. Hunter Cole, owner of Southern Outdoor Advertising, in behalf of the request.

Following some discussion, Mayor Finch called for a vote on the motion and it was as follows: For the motion: Councilmembers McBryde, Dawkins and Johnson. Against the motion: Councilmembers Hurley, Evans and Williams. Mayor Finch ruled the motion to approve, defeated.

Council next gave consideration to a Resolution concerning the private hospital site in the Pershing Street area. (Presentation by the Interim County Manager.)

Council recognized Interim County Manager and County Staff Attorney Neil Yarborough and County Attorney Heman Clark who presented this matter.

Mr. Yarborough stated this would be a $20 million, 150-bed medical facility. He requested that Council open Dupont Street, close a portion of Pershing Street, acquire a tract from Department of Transportation and convey it with a city-owned tract to the County.

Following some discussion, Mrs. Evans offered motion that City Council cooperate with the County in any way we can to complete the project by the adoption of the Resolution. Motion was seconded by Mr. McBryde.

Mr. McBryde then amended the foregoing motion that City Council will commit to close Pershing Street and follow through on Dupont Street subject to all future negotiations that may be necessary, seconded by Mrs. Evans.

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

RESOLUTION CONCERNING THE PRIVATE HOSPITAL SITE IN THE PERSHING STREET AREA. RESOLUTION NO. R1980-67.

A copy of the foregoing Resolution is on file in the Clerk's Office in Resolutions Book R1980.

Council next gave consideration to a request by Dr. Charles Speegle representing the Highland Plains Marketing Association for funds in the amount of $1,000 for the metro marketing project.

Dr. Speegle was recognized and stated that the Highland Plains Marketing Association was formally organized on December 10th, and the purpose of the Association is to promote and market the economic development potential of the area comprised of the counties of Bladen, Cumberland, Hoke, Robeson, Sampson and Scotland. Dr. Speegle also distributed employment figures for the six counties. He stated that each unit would be requested to contribute $1,000 or more to the operating budget of the association, and he requested a contribution of $1,000 from the City.

Following brief discussion, Rev. Johnson offered motion to approve Dr. Speegle's request for $1,000 from the City Council contingency fund. Motion seconded by Mr. Williams and carried unanimously.

Council next gave consideration to a proposed ordinance prohibiting parking on Matthews Street between Murchison Road and Elliotte Street.

The City Engineer presented this matter and stated that he had received a request from the Police Department to investigate the feasibility of rezoning Matthews Street a no-parking area. The City Engineer stated that his investigation shows that Matthews Street is two lanes in width and is paved between Murchison Road and Elliotte Street. Recently patrons of a business located there had begun parking their vehicles causing congestion along Matthews Street resulting in complaints to the Police Department. Parking close to the intersection of Murchison Road is a safety hazard due to blocked visibility of vehicles attempting to enter Murchison Road. The City Engineer stated he believed the solution to the problem would be to adopt the proposed no-parking ordinance which prohibits parking on the north side only of Matthews Street.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE NO. 11, PARKING PROHIBITED NORTH SIDE OF MATTHEWS STREET FROM MURCHISON ROAD TO ELLIOTTE STREET. ORDINANCE NO. NS1980-85.

Rev. Johnson 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 NS1980.

Council next gave consideration to Resolutions for the renewal of the following leases of City-owned property: The Vera Bulla Travel Agency, the Fayetteville Optical Company (both located in the Prince Charles Hotel), and the Downtown Fayetteville Association located in the Market House.

Following brief discussion, Rev. Johnson offered motion for approval of the renewal of the foregoing leases by the adoption of the following resolutions, seconded by Mr. Dawkins and carried unanimously.

RESOLUTION AUTHORIZING THE RENEWAL OF FAYETTEVILLE OPTICAL COMPANY'S LEASE AND VERA BULLA TRAVEL BUREAU'S LEASE. RESOLUTION NO. R1980-68.

RESOLUTION AUTHORIZING THE RENEWAL OF THE DOWNTOWN FAYETTEVILLE ASSOCIATION'S LEASE. RESOLUTION NO. R1980-69.

The foregoing resolutions are on file in the Clerk's Office in Resolutions Book R1980.

Council next gave reconsideration to proposed charter amendments and legislative proposals for 1981 general assembly as follows:

A. Annexation (Sec. 2.3)

B. Civil Service Commission

1. Appointments and terms (Sec. 5.2)

2. Appointment of a chief (Sec. 5.12)

3. Disciplinary proceedings (Sec. 5.13)

C. PWC - Number of Commissioners (Sec. 6.1)

D. Resolution in support of 1981 Legislative and Municipal Goals of the North Carolina League of Municipalities.

The City Attorney had presented these matters in draft form to the City Council earlier. Council discussed all of the foregoing points in detail and approved all with the following exceptions: The appointments and terms of the Civil Service Commission should be five appointments by the City Council for three terms of office each; and for the PWC number of commissioners, four appointments and four-year terms of office each.

Rev. Johnson then offered motion, seconded by Mr. McBryde and carried unanimously, to submit the foregoing proposed charter amendments to the general assembly.

A tentative breakfast meeting at the Haymount Grill was tentatively set for January 10, 1981, to discuss the foregoing proposals.

RESOLUTION SUPPORTING 1981 MUNICIPAL LEGISLATIVE GOALS AND POLICIES OF THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES. RESOLUTION NO. R1980-70.

A copy of the foregoing Resolution is on file in the City Clerk's Office in Resolutions Book R1980.

Council next gave consideration to a request for an exemption under Section 21-44 (R) to conduct business on Sunday from Piedmont Mineral and Gem Society of Fayetteville.

The City Attorney presented this matter and stated that a letter had been received from Piedmont in which they state they would like to host a gem and mineral show on Friday, October 30th, Saturday October 31st and Sunday, November 1, 1981, at the Bordeaux Motor Inn, and requested an exemption from the Blue Law. The letter states the Society is a non-profit organization dedicated to the advancement of lapidary crafts and science; and the purpose of the show is to demonstrate to the public the natural wonders of the rocks and show their many uses. There would be educational exhibits, handicrafts and dealers selling lapidary supplies and equipment. The City Attorney recommended approval subject to verification of the firm's tax exempt status.

Following brief discussion, Mr. Williams offered motion for approval as recommended by the City Attorney, seconded by Mr. McBryde and carried unanimously.

Council next gave reconsideration of a recommendation by the Personnel Committee that two new positions be authorized: Storekeeper, Finance Department and Survey Instrument Operator, Engineering Department.

The City Manager presented this matter and stated it had been discussed on

several occasions by Council. He stated that the Personnel Committee met on December 8th and unanimously approved these new positions. The storekeeper for the Finance Department at $9,303 per annum; and the survey instrument operator for the Engineering Department at $8,861 per annum. He reminded Council that these were originally recommended by MICA. The storekeeper's duties would be to operate a central supply store in the old jail section of the city hall. The central store room in the old jail area would be a transitional program which would hopefully be expanded in the future to a city warehouse.

The survey instrument operator position in Engineering would be to replace a position lost through CETA which was a part of a three-person survey crew. He concluded by stating that the Personnel Committee recommended that the two positions of storekeeper and survey instrument operator would be added to the list of authorized city positions.

Following some discussion, Mrs. Evans offered motion to follow the recommendation of the Personnel Committee and add the two recommended positions. The motion was seconded by Mr. Hurley and carried, Mr. McBryde voting no.

Council next gave consideration to tax matters.

In a memorandum to the City Council, Assistant City Manager John Smith stated that the following have requested release of late listing penalties:

1. Mary Moon T. Hill

   Late listing fee: $36.57
   Recommendation: Waive 100%

2. Autry Chrysler Plymouth, Inc.

   Late listing fee: $4,292.00
   Recommendation: 100%

The County Commissioners have taken action on the above requests and waived the County share of the late listing fee. In the case of Autry Chrysler Plymouth, Inc., the waiver of the late listing fee will mean that the City can collect the full amount of the back taxes ($49,336.90) without going through a bankruptcy process. This could cause considerable delay and mean that we would have to compete with other creditors. I would suggest that we get the taxes while we can and avoid having to be involved in a bankruptcy settlement.

Following some discussion, Mr. Williams offered motion for approval of the foregoing as recommended, seconded by Mr. Mc Bryde and carried unanimously.

Council next gave consideration to a report from Sgt. William Johnson on wrecker rotation list inspection. Council recognized Sgt. Johnson, the wrecker inspector from the Police Department.

Sgt. Johnson stated that he had designed a stick-on type ID for each rotation wrecker. He commented on the release of autos by wrecker owners after the close of business.

He suggested the approval of a liability release form for the city for a motorist who desires to call a wrecker not on the rotation list.

Mrs. Evans offered motion to add the foregoing provision to the current ordinance, seconded by Mr. Hurley and carried unanimously.

Sgt. Johnson further suggested the power of suspense of operation over a violation. He stated that now, according to the ordinance, his only resort is to arrest.

Following some further discussion, Mr. Dawkins suggested that Sgt. Johnson and city administration bring a recommendation to city council; but it was determined that this had been done.

The City attorney recommended that city council approve for Sgt. Johnson to suspend calling those rotation wreckers in violation of the law. Those wreckers are Altman Oil Company, Mac's Towing - only the Holmes 525 wrecker; Autry's 76 Service; Fayetteville Wrecker Service - only the Holmes 475 wrecker; Bishop's Wrecker - only the 'homemade' wrecker. Must also install different fence; Williams Wrecker Service - because he is located in the County; Carl's Body Shop and Ramsey Street Gulf.

Following brief discussion, Mr. Hurley offered motion to suspend calling the foregoing wreckers, seconded by Rev. Johnson and carried unanimously.

Council next gave consideration to taxi driver permits.

Following considerable discussion on this matter, Mrs. Evans offered motion that the Council give permits to the following named persons, seconded by Mr. Hurley and carried unanimously:

Marvin LeRoy Allen, Phillip Larry Brandon, Coy M. Carter, Ernest M. Davis, Larry Edward Dray, Marsha Peggy Gentry, Joseph G. Hayes, Eddie DeLaner Holland Allen Leroy Johnson, William Daniel Ortez, Nancy M. Poore, Albert Lee Reeves, Charles Kirkwood Roberts, Julio Raul Rodriquez, Gordon Keith Shook, Eric A. Simien, G. A. Simpson, Jo Anne Tarbett, Helen Krisak Varney, Finley F. White, Bonnie C. Anderson, Harry Lee Barnes, Ricky Wayne Berryhill, Kyle A. Davis, Richard E. Ehman, Desi Arnaz Howard, Kelly West Lemley, Walden V. Rowe, Delores A. Sloan and Woodrow Wilson.

Council next gave consideration to appointments to various boards and commissions.

Upon motion by Mr. Dawkins, seconded by Mrs. Evans and carried unanimously, Mrs. Jean Ladehoff was reappointed to the Fayetteville Redevelopment Commission for a five-year term of office, said term to run to December 1985 by acclamation vote.

Upon motion by Mr. McBryde, seconded by Mr. Williams and carried unanimously, Mrs. Geneva Foushee and Mrs. Joan Allen were reappointed to the Fayetteville Appearance Commission for two-year terms of office each, said terms running to December 1982.

A third appointment remains to this commission and Mayor Finch stated it would be considered at the next meeting.

Upon motion by Mr. McBryde, seconded by Mrs. Evans and carried unanimously, Dr. Charles M. Speegle and Paul B. Eaglin were reappointed by acclamation vote to the Fayetteville Historic Properties Commission for two-year terms of office each, said terms running to December 1982.

Mayor Finch stated that one vacancy existed on the Revitilization Commission due to the resignation of Mr. Moe Walker. Mr. McBryde nominated Mr. Fred Deem. Mayor Finch stated this nomination would be considered at the next meeting of the Council.

Delegations

Council recognized Mr. Clinton Harris, a local citizen who extended thanks to the Council for their help to the Senior Citizens Council. He also offered comments on Energy Saving Fireplaces and on the passage of the subdivion ordinance this evening regarding sidewalks.

City Manager Reports

The City Manager informed Council that Mr. John Stahl had been certified by the Civil Service Commission for hire as a police officer. He requested Council's action.

Mr. Dawkins offered motion that Mr. John Stahl be hired to the Fayetteville Police Department as recommended, seconded by Mrs. Evans and carried unanimously.

The City Manager reported the resignation of Mr. Bruce W. Wood from the Fayetteville Fire Department, said resignation effective December 24, 1980. Council noted the resignation with regret.

The City Manager gave a report on a source of funding for the feasibility study for a proposed convention center.

He stated that at Council's meeting December 8th, Council approved funds in the amount of $32,000 for a feasibility study for a convention civic center in Fayetteville. The Council directed the staff to designate the source of the funds.

He recommended that the $32,000 for the study be provided by the City Council contingency fund and that the $32,000 be budgeted for return to contingency from the second half of revenue sharing funds.

Council extended thanks to Mr. Thomas and Mr. Dawkins offered motion, seconded by Mr. McBryde for approval of the foregoing. Motion carried unanimously.

The City Manager stated that through an administrative error, the name of a police officer was left off of a list recently approved by Council for those officers desiring to transfer from LGERS retirement system to LEOB retirement system. The police officer's name is Billy E. Byrd. The City Manager requested that Council take action to approve Mr. Byrd's transfer also.

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

The City Manager requested that Council schedule the audit report of the city as an item for discussion at the next information meeting in January. This was done.

Council next recognized Assistant City Manager John Smith who requested that Council confirm its approval of Friday, December 26, the day after Christmas, as an official holiday for city employees.

Mr. McBryde then offered motion confirming the foregoing and approving Friday, December 26, as a holiday for city employees, seconded by Mr. Hurley and carried unanimously.

Matters of Interest to Council

Mr. Williams informed Council that Mr. Shelly Levinson of Fayetteville Progress, Inc., wants to meet with the City Council in January to explain their goals.

Rev. Johnson suggested a meeting with the Chief of Police in the near future.

The City Council members then extended their sincerest thanks and appreciation to retiring City Manager, William G. Thomas, III, on this the occasion of his last attendance at a city council meeting in his official capacity and wished him good health and prosperity.

Thereafter; all matters of business having been concluded, this regular session was adjourned at 11:00 pm upon motion made and duly seconded.

Maurice W. Downs
City Clerk

MWD:jro

THE CITY OF FAYETTEVILLE
NORTH CAROLINA
CHARTERED 1762

OFFICE OF THE
CITY ATTORNEY

P. O. BOX 1918
234 GREEN STREET
(910) 483-1762

FAYETTEVILLE, N. C. 28302

April 7, 1981

MEMORANDUM

TO: Maurice W. Downs, City Clerk

FROM: Robert C. Cogswell, Jr., City Attorney

SUBJECT: Special Meeting Minutes of Fayetteville City Council - December 15, 18, 29, and 31, 1980

I have discovered that we failed to prepare any minutes for the special meetings the Council had when they went through the process of selecting a new city manager. The first special meeting was held on December 15, 1980, at 7:00 P.M. When the meeting was called to order, the Council immediately went into executive session to discuss personnel matters. They emerged from the closed session and adjourned. (1 Hour)

The next meeting was on December 18, 1980, at 8:30 A.M. and again they immediately went into executive session. After the closed session, they adjourned. (1½ Hours)

Their next meeting was on December 29, 1980 at 5:30 P.M. and they again went into executive session. At approximately 7:00 P.M., they adjourned for dinner and continued that meeting until 8:00 P.M. on that same date, at which time they again went into executive session. At the conclusion of their closed session, they adjourned. (1½ Hours)

Their final meeting was on December 31, 1980, at 5:00 P.M., at which time they went into executive session for approximately 5 minutes, then came out and Milo McBryde made the motion to hire John Smith as City Manager at a salary of $39,500, seconded by J.L. Dawkins. (5 minutes)

The meetings of December 15th and 29th were held at City Hall, and the meetings of December 18th and 31st were held at the Kyle House. In each case, show that Mr. Dawkins made the motion to go into executive session, seconded by Mr. McBryde. I would show the motions for adjournment were made by Mr. Dawkins and seconded by Mr. McBryde.

Maurice W. Downs
City Clerk