

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JANUARY 12, 1981
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. John P. Smith, City Manager
Mr. Robert C. Cogswell, Jr., City Attorney

Mayor Finch called the meeting to order and the Reverend Aaron J. Johnson, Councilman, offered the invocation. Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch presented a service pin to Arch O. Cox, Jr., Fayetteville Fire Department, in recognition of his 20 years of faithful service to the City. Mr. Cox's wife and son received the pin for him since he was unable to attend the meeting due to illness.

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

Mayor Finch then informed Council of a request by the City Attorney for an executive session to discuss a litigation matter. There were no objections by Council.

Mayor Finch then informed Council that one appointment item was to be added to the agenda as item no. 13 F - nominations to fill one vacancy on the PWC Retirement Plan Board.

The first item of business was the approval of the minutes of December 22, 1980. Upon motion by Mr. McBryde, seconded by Mr. Dawkins and carried unanimously, said minutes were approved as submitted by the Clerk.

Public Hearings

Public hearing had been continued from the December 8th regular meeting to this date and hour on the consideration of confirmation of the assessment roll ordinance for the paving of Weiss Avenue from Robeson Street to Robeson Street.

Mr. John Smith, City Manager, presented this matter and stated that Council had continued this matter so certain conditions could be corrected on that street; and also to get an appraisal on one piece of property. He further stated that as of this date, that appraisal had not yet been received, nor have all those conditions been corrected. He recommended that this item be continued for another two weeks until the January 26th regular meeting to allow those corrections to be made and for the appraisal to be received.

Mr. McBryde offered motion to follow the recommendation of the City Manager to continue this item for another two weeks, seconded by Mr. Hurley and carried unanimously.

Upon motion by Mr. Dawkins, seconded by Rev. Johnson and carried unanimously, public hearings were set for the following items:

- A. Set for February 23: RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT FOLL FOR CONSTRUCTION OF A STORM SEWER AND DRAINAGE SYSTEM IN A PORTION OF CUMBERLAND HEIGHTS SUBDIVISION. RESOLUTION NO. R1981-1
- B. Set for February 9, 1981, for the consideration of a Massey Hill Neighborhood Conservation Plan - Community Development.

A copy of the foregoing resolution is on file in the Clerk's Office in Resolutions Book R1981.

Mayor Finch acknowledged the new City Manager, Mr. John P. Smith. She thanked him for being here and for accepting the responsibility of serving the City.

Public Works Commission Matters

Mr. Ray Muench, PWC Manager, presented these matters.

Upon motion by Mrs. Evans, seconded by Mr. McBryde and carried unanimously, the following low bids were approved:

<u>Bidder</u>	<u>Item</u>	<u>Quantity</u>	<u>Price Per CWT.</u>	<u>Total Bid</u>
Industrial & Agricultural Chemicals, Inc.	Liquid Alum	978,000 lbs. (dry weight)	\$ 5.06	\$51,524.95
Gold Bond Building Products	Hydrated Lime	360,000 lbs.	3.77	13,563.00
Moreland McKesson	Liquid Chlorine	440 tons	9.48	83,424.00
Moreland McKesson	Caustic Soda	1,000,000 lbs. (dry weight)	13.10	65,500.00
Suffolk Chemical Company	Activated Carbon	10,000 lbs.	28.48	2,848.00
Suffolk Chemical Company	Sodium Silicofluoride	30,000 lbs.	17.702	5,310.60
Virginia Chemical Company	Glassy Phosphate	60,000 lbs.	50.00	31,200.00
Encee Chemical Company	Hydro Fluosilicic Acid	60 tons	3.89	4,688.00
<u>TOTAL</u>				- \$258,038.55

The next PWC item considered by Council was adoption of resolutions authorizing acquisition of utility easements by condemnation for 1) Installation of natural gas main across five parcels of property. This main will be installed to provide natural gas as an alternative fuel at the PWC electric generation station on SR-1723; 2) Installation of sanitary sewer main across one parcel of property, as part of the Rockfish Creek Interceptor system.

RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION, BY CONDEMNATION OF AN EASEMENT FOR A PIPE LINE OR LINES IN, UPON, AND OVER CERTAIN LAND OWNED BY C. C. INGRAM AND WIFE, MARY JANE INGRAM. RESOLUTION NO. R1981-2

RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION, BY CONDEMNATION OF AN EASEMENT FOR A PIPE LINE OR LINES IN, UPON, AND OVER CERTAIN LAND OWNED BY JAMES B. JACKSON AND WIFE, SHARLENE JACKSON: C. C. INGRAM, TRUSTEE: AND CROSS CREEK SAVINGS AND LOAN ASSOCIATION. RESOLUTION NO. R1981-3

RESOLUTION AUTHORIZING NAD DIRECTING THE ACQUISITION, BY CONDEMNATION OF AN EASEMENT FOR A PIPE LINE OR LINES IN, UPON, AND OVER CERTAIN LAND OWNED BY SAMUEL W. BOWYER AND WIFE, FRANCES H. BOWYER: EVERETT L. HENRY, TRUSTEE: AND FEDERAL LAND BANK OF COLUMBIA. RESOLUTION NO. R1981-4

RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION, BY CONDEMNATION OF AN EASEMENT FOR A PIPE LINE OR LINES IN, UPON, AND OVER CERTAIN LAND OWNED BY D. M. DRAUGHON TRUCKING CORP.: N. H. PERSON, TRUSTEE: WILBERT H. GEDDIE AND WIFE, PEARL HOLMES GEDDIE: C. FRED CLARK, TRUSTEE: THE PEOPLES BANK AND TRUST COMPANY: LACY S. COLLIER, TRUSTEE: AND CAPE FEAR PRODUCTION CREDIT ASSOCIATION. RESOLUTION NO. R1981-5

RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION, BY CONDEMNATION OF AN EASEMENT FOR A PIPE LINE OR LINES IN, UPON, AND OVER CERTAIN LAND OWNED BY BYBON, INC.: EVERETT L. HENRY, TRUSTEE: AND THE FEDERAL LAND BANK OF COLUMBIA. RESOLUTION NO. R1981-6

RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION, BY CONDEMNATION, OF AN EASEMENT FOR A SANITARY SEWER LINE IN, UPON, AND OVER CERTAIN LAND OWNED BY ALBERT O. MCCAULEY AND WIFE, MARIANNA W. MCCAULEY: DICKSON MCLEAN, TRUSTEE: AND CANAL DEVELOPMENT CORPORATION. RESOLUTION NO. R1981-7

Mr. Hurley introduced the foregoing resolutions and moved their adoption, seconded by Mr. McBryde and carried unanimously.

Copies of the foregoing resolutions are on file in the Clerk's Office in Resolutions Book R1981.

The last PWC item was consideration of approval of Amendment #1 to Public Works Commission Budget for fiscal year ending June 30, 1981.

Mr. Ray Muench presented this matter and stated the purpose of this amendment is three-fold. 1) to bring in line better our projections of estimated revenues and expenses for the fiscal year ending June 30, 1981; 2) to establish a Rockfish sanitary sewer capital project fund for the Rockfish plant and interceptor sewers; 3) provide \$150,000 - \$155,000 expenditure for the 70 kilowatt hydro-turbine which will be installed in the Cross Creek waste treatment plant.

Following brief discussion, Mrs. Evans offered motion for approval of amendment #1 to the Public Works Commission Budget for fiscal year ending June 30, 1981, seconded by Mr. Dawkins and carried unanimously.

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

The next item on the agenda was consideration of an assignment of the Powell Avionics Lease to United Carolina Bank.

Mr. Robert Cogswell presented this item and recommended approval.

Mr. McBryde offered motion for approval of the assignment of the Powell Avionics Lease to United Carolina Bank, seconded by Rev. Johnson and carried unanimously.

The next item of business was the consideration of Budget Amendment Change 8.

City Manager John Smith presented this matter and stated this change was to provide an appropriation for a storekeeper position and a feasibility study for a convention civic center; and to revise line item budget appropriations in the Community Development Fund - Third, Fourth and Fifth years.

Following brief discussion, Rev. Johnson offered motion to adopt Change 8, seconded by Mr. Dawkins and carried unanimously.

The next item on the agenda was consideration of boundary line agreement with First Presbyterian Church.

City Attorney Cogswell presented this item and stated the Church requested this. He further stated there was some problem as to where the actual commonline was because of some defects in some old deeds.

Following some discussion, during which time Mr. Williams raised the question of a clear deed of ownership by the City of the triangular tract of land extending to the creek, Mr. Dawkins offered motion to continue this matter until the January 26 meeting, seconded by Rev. Johnson and carried unanimously.

The next item was consideration of approval of taxi driving permits for the following persons:

Carl Wesley Bell, Elias D. Bozeman, Sr., Blanche M. Byrum, James R. Datray, Jr., Kenneth M. Hands, Jr., Melvin W. Hinton, Richard Wayne Johnson, Rex Perry Walker, Michael Richardson and Charles K. Roberts, Jr.

Mrs. Evans offered motion for approval of permits for the foregoing named except Elias D. Bozeman, Sr., and Rex Perry Walker, seconded by Mr. Hurley and carried unanimously.

The next item of business was consideration of appeals of taxi driving permits by Karl Bullock, Stanley Horne and James Johnson.

Council then entered into executive session to discuss this matter at 7:32 pm. Council reconvened into regular session at 8:12 pm.

Mr. Hurley offered motion to follow the City Manager's recommendation to grant the permit only to James Johnson and deny permits to Karl Bullock and Stanley Horne. The motion was seconded by Mrs. Evans.

Rev. Johnson then offered an amendment to the motion to vote separately on each individual person. There were no objections from Council.

Rev. Johnson then offered substitute motion to grant the permit to Karl Bullock provided he does not violate any laws or be convicted of any crimes within the next year. The motion received no second.

The Mayor declared the substitute motion failed due to lack of a second.

Mayor Finch then called for the vote on the original motion to deny the permit to Karl Bullock and the vote was as follows: For the motion: Councilmembers Williams, Dawkins, McBryde, Evans and Hurley. Against the motion: Councilmember Johnson. Mayor Finch declared the motion carried.

Mayor Finch then called for the vote on the second part of the motion, to deny the permit to Mr. Horne. The vote was carried unanimously.

Mayor Finch then called for the vote to approve Mr. Johnson's permit. The vote was carried unanimously.

The next agenda item was consideration of amendment of Section 28-39 concerning fixed fees for taxicab operation.

Mr. Cogswell presented this matter and stated that several large franchise holders have told him that enforcement of this section is causing them economic problems. This section prevents any type of leasing arrangements or payment of fixed fees by driver to the owners.

Rev. Johnson stated that Council should have more information on this matter and suggested discussion of this at the information meeting in February, at which time they could investigate and look into this. He then offered motion to defer this until after the information meeting to the second Council meeting in February, seconded by Mr. McBryde and carried unanimously.

Mayor Finch stated she would like to ask the Policy Committee to review this matter of whether or not the City Council should be in the taxicab business.

The next item of business was reconsideration of suspension of wrecker service operators. This item was continued from the regular meeting of December 22, 1980.

City Attorney Cogswell presented this and stated the current provision relating to the minimum lift capacity and gross weight for wreckers to be approved on the rotation list was approved March 10, 1975. The first version of this section (Section 20-143) was approved three months prior to that date on December 23, 1974. This version (12-23-74) had a lower requirement than the 1975 amendment. The 1975 amendment did not have any time of compliance written into it - amortization clause.

Three of the wrecker operators that Council suspended at the December 22nd meeting for failure to meet the current ordinance did comply with the December 1974 provision. Therefore, absent any amortization clause, these three operators should still be permitted to remain on the rotation list.

Mr. Cogswell then recommended that Autry's Union 74, Altman Oil Company and Mac's Towing Service (1 wrecker) be placed back on the approved rotation list; and with immediate recommendation to the Chief of Police that he establish a requirement that anyone who does not comply today, who is presently on the list, must comply within one year.

Following some discussion of the City Attorney's recommendation, Sgt. Johnson, Wrecker Inspector, was recognized and recommended that in addition to the three above named, Carl's Body Shop and Ramsey Street Gulf should also be reinstated to the rotation list for the same reason.

Following some discussion, Mr. Dawkins offered motion to reinstate Autry's Union 76, Altman Oil Company, Mac's Towing Service, Carl's Body Shop and Ramsey Street Gulf to the wrecker rotation list with immediate recommendation to the Chief of Police that he establish a requirement that anyone who does not comply today, who is presently on the list, must comply within one year, seconded by Mrs. Evans and carried, Mr. Williams and Rev. Johnson voting "no".

The next item of business was waiver of late listing penalties for Gerald A. Teele (\$44.69), Lucille S. Watkins (\$17.79), and Henry Rankin, Jr. (\$120.52) and refunds for Floyd E. Byrd (release of 1980 taxes \$16.43/refund of 78-79 taxes and Stephen Swerdon (\$14.56).

City Manager Smith presented this matter and stated the waiver of late listing penalty in the amount of \$120.52 for Henry Rankin, Jr. and the refund of \$14.56 for Stephen Swerdon have been received by the County Tax Office, but have not been officially acted on by the County Commissioners. He recommended deferral of these two for two weeks until the next regular meeting of January 26th. He further stated the matters concerning Gerald A. Teele, Lucille S. Watkins and Floyd E. Byrd have been acted on officially by the County Commissioners; and, therefore, he recommended approval of these matters.

Rev. Johnson offered motion to follow the recommendation of the City Manager, seconded by Mr. Williams and carried unanimously.

Appointments

The first appointment item was nomination for one vacancy on the Fayetteville Appearance Commission. There were not nominations offered by Council.

Upon motion by Mr. Williams, seconded by Mr. McBryde and carried unanimously, Mr. Fred Deem was appointed by acclamation to the Revitalization Commission to serve the balance of the term of office to June 1981 of Moe Walker, resigned.

Mrs. Evans nominated Mr. Flint Harding, the incumbent, to fill one vacancy on the Board of Trustees, North Carolina Firemen's Relief Fund.

Mr. Hurley nominated Mr. Tom Daniel to fill one vacancy on the Redevelopment Commission.

Mrs. Evans nominated Mayor Beth Finch to fill one appointment to the Advisory Board of the Highland Plains Marketing Association.

Rev. Johnson nominated Attorney Marion C. George to fill one vacancy on the PWC Retirement Plan Board.

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

City Manager's Reports

City Manager John Smith presented the status report on the proposed Maiden Lane Parking Structure. He stated that at Council's request, the Capital Project Team had sent out requests for proposals for the design of the proposed Maiden Lane Parking Structure. The Capital Project Team had fourteen proposals from firms interested in designing the structure. Out of these fourteen proposals, the Project Team selected three design teams who were interviewed on January 8th and are still in the process of making the final recommendation, which will be presented at the next regular meeting of January 26th.

Mr. Smith presented a report by Roger Stancil, Administrative Assistant to the City Manager, of energy conservation measures undertaken by the City. Efforts to reduce energy consumption within the City were made in Sanitation and Garage, vehicles, City Buildings, Transportation, Community Development, Purchasing and Planning.

Mrs. Evans complimented Mr. Stancil on his diligent efforts in compiling the comprehensive report.

Rev. Johnson stated his amazement at the number of efforts put forth by the City government to conserve energy. He stated that due to this, the City must have had some financial savings. He also commended Mr. Stancil on a very fine job done.

Mr. Smith stated administration is presently working with the Planning Board Staff on a grant proposal for additional energy matters.

Rev. Johnson requested the City Manager to bring to a subsequent Council meeting a recommendation on setting up an Energy Study Task Force.

Mr. John Smith noted the request.

The City Manager reminded Council of the information meeting on January 19th to discuss a meeting with Fayetteville Progress, a presentation by the City auditors on the audit for the fiscal year ending June 30, 1980, and goals and objectives.

Mr. Smith informed Council of a traffic signalization seminar, which is very relevant when talking about energy and concerning a report Council received concerning a signalization program for the City, which the City is seeking some funding on.

Matters of Interest to Council

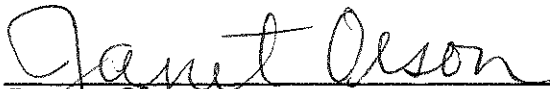
Mr. McBryde commented on automobile policy.

Mr. Dawkins welcomed John Smith to his first official meeting as City Manager.

Rev. Johnson commended the City Manager on a "job well done" tonight. He further asked the City Manager to meet with the Police and Fire Departments to explain the Council's proposals to the Civil Service Commission.

At 9:30 Council entered into executive session to discuss a litigation matter. Council then reconvened into regular session at 9:41 pm.

Thereafter all matters of business having been completed, this regular meeting was adjourned at 9:42 pm upon motion made and duly seconded.


Janet Olson
Acting City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JANUARY 26, 1981
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. John P. Smith, City Manager
Mr. Robert C. Cogswell, Jr., City Attorney

Mayor Finch called the meeting to order and the Reverend Thomas Q. Whitmire, Interim Pastor of Macedonia Baptist Church, offered the invocation. Following this Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch then presented service pins to the following named:

Five Years - Harold Averitte, Fire Department; Jackie Lee, Fire Department; Major Morris, Fire Department; Ted Beverly, Fire Department; Jimmie Barber, Cemetery Department

Ten Years - Anthony Maccy, Inspections Department; Samuel Brown, Fire Department; Lloyd Williams, Recreation and Parks Department

Fifteen Years - Alice Hamilton, Sanitation Department

Twenty Years - Danny Dixon, Chief of Police; R. C. Wiggins, Fire Department

Thirty Five Years - Thurman Bishop, Fire Chief; Joseph Farrior, Fire Department

Mayor Finch then extended thanks to all of the foregoing employees for their long and loyal service to the City and to the community.

Mayor Finch then recognized Fayetteville Youth Council representatives present in the audience to observe council proceedings.

The first order of business was the approval of the minutes of January 12, 1981. Upon motion by Mr. Williams, seconded by Mr. McBryde and carried unanimously, said minutes were approved as submitted by the Acting City Clerk.

Mayor Finch stated that executive session had been requested for item number 14, a taxicab permit appeal and for a matter of litigation, following the meeting. Mr. Williams offered motion for approval of the executive session, seconded by Mr. Dawkins and carried unanimously.

Public Hearings

A public hearing had been published for this date and hour on the initial zoning to R6 Residential District and C3 Heavy Commercial District or to a more restrictive zoning classification of an area located in the west side of Gillespie Street between Trade Street and Cude Street. Planning Board recommended approval.

There were neither proponents nor opponents present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE TO R6 RESIDENTIAL DISTRICT AND C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED ON THE WEST SIDE OF GILLESPIE STREET BETWEEN TRADE STREET AND CUDE STREET. ORDINANCE NO. NS1981-1.

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 NS1981.

A public hearing had been published for this date and hour on the annexation of lots 169, 170 and 171 on Stoneykirk Drive. The Annexation Technical Review Committee recommended approval.

A Mrs. Willard Moore, Lot 171 Stoneykirk Drive, was recognized in opposition to the annexation. Mrs. Moore informed Council that she did not sign the petition and was opposed to annexation of her property. She stated her opposition was to the imposition of city taxes in addition to her county taxes. It was pointed out to Mrs. Moore that if her property was annexed, she would receive police protection, fire protection, garbage pick up and other services for her taxes which may cost her less in the long run. Mrs. Moore stated she had written a letter to the City

Engineer stating she did not wish to be annexed. The City Attorney informed Council that Mrs. Moore's letter did not constitute a valid opposition petition.

Following some discussion, Mrs. Moore stated that she would like to see in "black and white" where the city could save her money by being annexed. She was informed this would be provided.

Mr. McBryde then offered motion to annex lots 169, 170 and 171 Stoneykirk Drive by the adoption of an annexation ordinance, seconded on Mr. Williams and carried unanimously.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE LOTS 169, 170 AND 171 STONEYKIRK DRIVE. ORDINANCE NO. 81-1-236.

A copy of the foregoing ordinance is on file in the Clerk's Office in Annexation Ordinance Book 1981.

A public hearing had been published for this date and hour on the 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.

The Annexation Technical Review Committee recommended approval.

Council recognized Mr. Clarence W. Goins in favor of the annexation but with a question on utilities. Mr. Goins wanted to know if he could get utility service immediately upon annexation. Mr. Tim Wood, Assistant Manager of PWC, informed him PWC would start immediately to provide service.

Mr. Clarence J. Goins was recognized with a question on Como Street maintenance. The City Attorney informed Council that Como Street must be dedicated to the City, first; and Mr. Goins was informed as to how to go about this. There was no opposition to the annexation.

Following brief discussion, Mr. Williams offered motion to annex the area by the adoption of the following ordinance, seconded by Mr. McBryde and carried unanimously.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE THE GOINS DRIVE AREA. ORDINANCE NO. 81-1-237.

A copy of the foregoing ordinance is on file in the Clerk's Office in Annexation Ordinance Book 1981.

A public hearing was held as continued from the meetings of December 8th and January 12th on confirmation of the assessment roll ordinance for the paving of Weiss Avenue from Robeson Street to Robeson Street. The City Engineer presented this matter and stated in a memorandum dated January 22nd that all deficiencies and problems with standing water, rights-of-way questions, ditches and the like had been resolved to the several property owners satisfaction. Concerning the opposition stated by Attorney William Clark representing Village Drive Properties, Inc., vacant lot (tract no. 11) in which Attorney Clark "objected to the proposed assessment because his client's property is located predominantly in the flood way of Branson Creek", a review of this condition revealed that there were five tracts that the flood way had a major effect upon. These five tracts of land have been appraised, he stated, by a competent appraiser as to the increased value, if any, by the paving of Weiss Avenue. The appraiser report was as follows:

<u>PROPERTY IDENTIFICATION</u>	<u>NORMAL ASSESSMENT</u>	<u>ASSESSMENT PER APPRAISAL</u>
Village Drive Properties, Inc. Tract #11	213.12 Ft. @ \$4 = \$852.48	60 Ft. @ \$4 = \$240
Kermit R. Branch Tract #12	171.3 Ft. @ \$4 = \$685.20	128.8 Ft. @ \$4 = \$515.20
William H. Corne Tract #55	262.28 Ft. @ \$4 = \$1049.12	207.36 Ft. @ \$4 = \$829.44
William Purdie Tract #56	136.06 Ft. @ \$4 = 544.24	No Assessment
Savoy Realty Company Tract #57	110 Ft. @ \$4 = \$440.00	No Assessment

Following brief discussion, Mr. Dawkins offered motion to follow the recommendation of the City Engineer and confirm the assessment roll and the five assessments indicated above as contained in the City Engineer's memo of January 22 by the adoption of the following assessment ordinance, seconded by Mr. McBryde and carried at 7:45 pm, Rev. Johnson voting "no".

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF WEISS AVENUE FROM ROBESON STREET TO ROBESON STREET. ORDINANCE NO. NS1981-2.

A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book NS1981.

Mrs. Evans suggested legislative action concerning the payment of assessments by senior citizens in the poverty level and following some discussion, offered the following motion that we request our legislators to explore the possibility of legal action which would defer payment of any assessments on property owned by senior citizens in the poverty level until such time as the property changed hands. Motion seconded by Rev. Johnson.

Following some discussion, Mr. Dawkins offered substitute motion that city administration review this matter and bring it back to council in 30 days or less, seconded by Mr. McBryde and carried unanimously.

This completed the public hearings.

Public Hearings to be Set

Upon motion by Mr. Williams, seconded by Mr. McBryde and carried unanimously, a public hearing was set for February 23, 1981, on the initial zoning to R6 residential district or to a more restrictive zoning classification of an area located at 200, 206 and 210 Dallas Street and a public hearing and special meeting was set for February 17th in the old county courthouse to receive input with regard to legislative proposals affecting the city of Fayetteville Civil Service Commission.

Planning Board Matters

Upon motion by Mrs. Evans, seconded by Rev. Johnson and carried unanimously, Southern National Bank All-Time Teller Branch C(1)P preliminary and final review located in Westwood Shopping Center was given conditional approval as recommended by the Planning Board in their memo of January 26, 1981.

Public Works Commission Matters

Assistant PWC Manager Tim Wood presented this item which was request for approval of a bid for the purchase of five 4,800-pound GVW pickup trucks with trade of four vehicles.

Upon motion by Mr. McBryde, seconded by Mr. Williams and carried unanimously, the low net bid of LaFayette Motor Sales with trade-in allowance of \$2,800 in the amount of \$29,675 was approved as recommended by PWC.

Council next gave consideration to a quit claim deed by the city of Fayetteville to First Presbyterian Church for a tract of land located behind central fire station. (This matter continued from the January 12th meeting to allow time for the city attorney to investigate.)

Mr. Cogswell stated that he had conducted a review of this entire matter which involved a boundary line agreement between city and church property and a tract of land adjacent to the fire station which the city acquired from the Buckingham Heirs was originally appraised to include the triangular shaped portion in the rear shaded on the map. He stated as best he could ascertain, it never was the intention of the city to exercise any type of control over that portion. In addition, the church had been using it for quite some time. He recommended a quit claim deed as opposed to a boundary line agreement. He recommended that the property in question be quit claimed to the church for the reason that the city never intended to exercise dominion over it; and informed Council that if they were in agreement, all they needed to do tonight was to authorize that the advertisement be placed in the paper for consideration at the next meeting.

Mr. Williams then offered motion to follow the foregoing recommendation of the City Attorney and to authorize the advertisement of the quit claim deed, seconded by Rev. Johnson and carried unanimously.

Council next gave consideration to the following tax matters:

A. Waiver of late listing penalties:

1. Henry Rankin, Jr. (\$120.52) - continued from the January 12th meeting
2. William E. Lucas (\$15.29)

Recommended Action: Disapprove Henry Rankin, Jr.; Approve William E. Lucas.

B. Refunds:

1. Stephen Swerdon (\$14.56) - continued from January 12 meeting.

Recommended action - approve refund

Following brief discussion, Mr. Williams offered motion, seconded by Mr. McBryde and carried unanimously, to follow the recommendation of the City Manager in the foregoing three matters.

Council next gave consideration to proposed demolition ordinances to take necessary action to correct substandard housing conditions at several locations in the City:

The first two locations were 1211 Hay Street and 1213 Hay Street (continued from the regular meeting of July 28, 1980).

Council recognized Mr. Robert W. Drake who owns a washerette in the 1213 portion of this location, who requested a 6-month extension because he was planning to purchase this property from the owner Estelle M. Powell.

Following brief discussion, Mr. Dawkins offered motion to grant a 6-month extension as requested by Mr. Drake, seconded by Mr. Williams and carried unanimously.

Council next considered a substandard location at 1512 Pierce Street (continued from regular meeting of July 28, 1980).

Council recognized an individual representing the property owner who lives out-of-state and requested a delay.

Following brief discussion, Mrs. Evans offered motion to grant a 30-day extension on this item, seconded by Mr. Williams and carried unanimously.

The next location considered was 400 McIver Street.

Council recognized Mary Freeman McDougal who requested an extension for the property owner, Bernice Freeman.

Following brief discussion, Mr. Williams offered motion to continue this matter to February 23, seconded by Mr. McBryde and carried unanimously.

The next location considered was 159 Telegraph Road.

Mr. Williams offered motion for adoption of the ordinance requiring demolition of the structure at this location, seconded by Mr. Hurley and carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 159 TELEGRAPH STREET AND OWNED BY JOHN H. KELLUM. ORDINANCE NO. NS1981-3.

A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book NS1981.

The next location considered was 701 Grove Street, owned by Mr. Derb S. Carter.

The City Attorney informed Council that he was in receipt of a letter from Judge Carter requesting a continuance of this matter for 60 days.

Mr. Dawkins offered motion, seconded by Mrs. Evans and carried unanimously, to grant a continuation for 60 days on the foregoing item.

Council next gave consideration to the award of contract number 245 for street paving. The recommendation was to award to the low bidder.

The City Engineer presented this matter and stated that the contract was for paving Center Street from Trade Street to Dallas Street; Camden Road from Winslow Street to Whitfield Street; and Winslow Street from Camden Road to Southern Avenue. The paving of these streets is funded in the present budget for federal revenue sharing funds. Drainage is to be extended along Cude and Craven Streets, and paving of Delcross Street curb radii at Trade Street. This is to be paid for by Community Development funds. The City Engineer recommended reserving \$324,000, (10 percent over the bid amount) and awarding the contract to the low bidder, Johnson Brothers Paving and Utility Company for their total bid of \$293,889.

Mr. Williams offered motion for awarding of the contract to Johnson Brothers Paving and Utility Company as recommended by the City Engineer, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to amending resolution no. R1980-40 of the Fayetteville Council adopting the minority business enterprise program for the Fayetteville Area System of Transit.

City Manager John Smith presented this matter and recommended approval to

to amend the Airport MBE Program and Policy to include FAST in the same manner as the airport and that the Administrative Assistant to the City Manager be the Liaison Officer for Airport and FAST. The support staff would be either qualified consultants or existing City staff as necessary. All procedures and forms would be the same for the FAST Program. The MBE Directory would be the same for FAST Program. The overall goals will include both Airport and Transit Contracts. Specific goals for specific contracts would be established as contracting opportunities arise.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL ADOPTING THE MINORITY BUSINESS ENTERPRISE PROGRAM FOR THE FAYETTEVILLE AREA SYSTEM OF TRANSIT. RESOLUTION NO. R1981-8.

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

A copy of the foregoing resolution is on file in the Clerk's Office in Resolutions Book R1981.

Council next gave consideration to the approval of a deed of the city of Fayetteville to the Cumberland Redevelopment Commission. The recommended action was approval.

The City Attorney presented this matter and stated that in a letter from Richard M. Lewis, Jr., he stated the deed from the owners, Samuel B. Beaufort, Sr., and Inez A. Beaufort, went to the City rather than to the Cumberland Redevelopment Commission.

Following brief discussion, Mr. Williams offered motion to follow the recommendation of City Administration and approve the deed, seconded by Rev. Johnson and carried unanimously.

Council next gave consideration to bids.

The first bid was for 14 bus stop shelters. City Purchasing Agent Al Jordan presented these items. Mr. Jordan stated that on January 6th bids for furnishing 14 bus stop shelters were opened read. He recommended that the low responsive bid of \$34,755 submitted by ABC Supply be accepted.

Mrs. Evans offered motion to award the bid to ABC Supply as recommended, seconded by Mr. Williams and carried unanimously.

The second bid was for the uniforms for the city of Fayetteville - Police, school crossing guards, park rangers, Fire Department, Transit Department and shoes. Mr. Jordan stated that it is recommended that the following low bids be accepted.

Stinnette	\$34,359.50	(Police)
	325.29	(Park Rangers)
	<u>\$34,684.79</u>	<u>Total</u>
Castle	\$ 1,512.00	(School Crossing Guards)
	1,080.00	(Transit Department)
	8,823.60	(Shoes)
	<u>\$11,415.60</u>	<u>Total</u>
American	\$14,892.15	(Fire Department)

Mr. Williams offered motion to accept the foregoing low bids as recommended, seconded by Mr. Johnson and carried unanimously.

Council next gave consideration to a request from NCDOT to grant an easement over certain Airport property for construction of an access road from the Airport to Interstate 95. The recommended action was approval of the easement.

The City Attorney presented this matter and stated that NCDOT would pay the City \$8,100 for this easement and right-of-way. The Airport Commission recommends approval.

Following brief discussion, Mrs. Evans offered motion for approval of the foregoing easement/right-of-way as recommended by the Airport Commission, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to an appeal of a taxi driver permit. Council moved into an executive session to consider this item.

Council then reconvened into regular session and Mr. Williams offered motion that a taxi permit be granted to Rex Harry Walker, subject to the condition that he not violate any laws of the state of North Carolina for one year. Motion seconded by Mr. Dawkins and carried unanimously.

Council next considered three taxi driver permits. The recommendation from Sgt. Johnson of the Police Department was as follows: Howard C. Burnett - disapproval; Larry E. Mainor - disapproval; Ernest L. Shelly - approval.

Following brief deliberation, Mrs. Evans offered motion to follow the recommendation of Sgt. Johnson and approve a taxi driver permit for Ernest L. Shelly. Motion seconded by Mr. Williams and carried unanimously.

Council next gave consideration to increasing grave opening fees at Ellwood, Northside and Brookside Cemeteries. The City Manager's recommendation was for approval of the increase from \$20 to \$30.

The City Manager presented this matter and stated that approximately two years ago MICA presented us with their recommendation on cemetery fees. No action was taken on those recommendations at that time. Mr. Barber and I are in the process of reviewing the entire cemetery fee structure, taking into account the MICA study. Hopefully, sometime within the next two months we will have some comprehensive recommendations.

In the meantime there is one fee that requires more immediate consideration. Mr. John McNeill, the man who opens and closes graves at Northside under contract has requested an increase from \$20 to \$30. The weekday opening and closing fees at Ellwood, Northside and Brookside are based on Mr. McNeill's charge. I recommend that the fees for opening and closing at those three cemeteries be raised from \$20 to \$30 on weekdays and that Mr. McNeill's request be granted. (The cost in labor alone for the City to open and close graves is \$59.33.) I am further recommending that all other fees remain the same until we can review the entire schedule.

Following brief discussion, Mr. McBryde offered motion to follow the foregoing recommendation of the City Manager regarding the cemetery fees increase, seconded by Mr. Dawkins and carried unanimously.

Council next received a report from the City Manager from the Capital Project Team. The first matter was consideration of a design consultant for the proposed Maiden Lane Parking Deck. The recommended action was that the Council authorize City Administration to negotiate a contract with Clark Tribble Harris and Li Architects, P.A. for design of the Maiden Lane Parking Structure including the pedestrian ways which will connect the structure to Hay Street. The actual contract document would come back to Council at a later meeting for approval and execution.

Following brief discussion, Mrs. Evans offered motion that City Council authorize a contract with Clark Tribble Harris and Li Architects, P.A. for final approval at a later meeting as recommended, seconded by Mr. Hurley and carried unanimously.

The City Manager next requested Council's consideration of setting a special meeting with the Fayetteville Revitalization Commission to review the final report of the parking deck feasibility study. This study would be presented by Wilbur Smith and Associates, he stated. The City Manager stated this report could be given to Council at the information meeting of February 16th.

Following brief discussion, Mr. McBryde offered motion, seconded by Mr. Johnson and carried unanimously, that the foregoing report be received on February 16th in City Hall.

Council next gave consideration to appointments.

The first was for nomination for one vacancy on the Fayetteville Appearance Commission. There were no nominations made and Mayor Finch stated this would be reconsidered at the next regular meeting.

Upon motion by Mr. McBryde, seconded by Mr. Hurley and carried unanimously, Mr. Tom Daniel was appointed to the Redevelopment Commission by acclamation to serve the remaining term of Mr. Dan McMillan, resigned, said term running to December 1983.

Upon motion by Mrs. Evans, seconded by Mr. McBryde and carried unanimously, Mr. Flint Harding was reappointed by acclamation to the Board of Trustees, N.C. Firemen's Relief Fund for a two year term of office, said term to run to January 1983.

Upon motion by Mrs. Evans, seconded by Mr. Dawkins and carried unanimously, Mayor Finch was appointed by acclamation to the Advisory Board of the Highland Plains Marketing Association.

Upon motion by Rev. Johnson, seconded by Mrs. Evans and carried unanimously, Mr. Marion C. George, Jr., was appointed by acclamation to the PWC Retirement Plan Board to serve the remainder of the term of Mr. L. Bradford Morton, deceased, said term to run to June 1984.

Delegations

Council recognized Mr. Clinton Harris, a local citizen, who suggested to Council that there is no requirement that humidifiers be installed in forced air heating systems in homes in the City. This can be a health aid, especially to the elderly, he stated. He suggested that Council consider drawing and passage of an ordinance requiring this.

Mr. Harris also commented on a report on the taxicabs in the City and on the apparent pyramiding of franchises by them.

Mayor Finch thanked Mr. Harris for his remarks.

Council then recognized a Mr. Howard Williams, 114 Eastwood Avenue, and several other Eastwood Avenue residents on complaints about the Baby Blue nightclub located on Eastwood Avenue. Mr. Williams and the other residents voiced vigorous comments about the loud music, the noise, the littering, drinking, fighting, cursing and even gunfire occurring within and in the immediate environs of this club. Mr. Williams and the others stated this disorder had been going on since last July and they requested immediate relief from the Council from this situation. Mr. Williams stated that one property owner had already sold his home and moved out of the neighborhood because of the problem. He stated because of this, their property values were decreasing. He stated they had sought relief by hiring their own attorney, but to no avail. He stated that cases had been tried in the local court in which he was to have been a witness and the cases tried without his knowledge. He asked if the club's ABC permit could be suspended for these violations. The City Attorney replied that the ABC Board will close the club for two weeks in February for violations and consider further action if necessary. He also stated the club had been cited for excessive noise under the City's new noise ordinance last week.

A lengthy discussion followed with the residents reiterating their vigorous demands for relief from the situation.

Following the discussion, Mr. Williams offered motion that a night meeting be scheduled by the City Manager with the Chief of Police, the City Council, the nightclub owners and the area residents and request the Chief of Police to look into the situation personally and report back to the City Council. The motion was seconded by Mr. Dawkins and carried unanimously.

City Manager Reports

The City Manager requested Council to give consideration to the advertisement of taxicab franchises and to authorize advertisement of up to 40 franchises.

Mrs. Evans offered motion that Council authorize the advertisement of these 40 taxicab franchises, seconded by Rev. Johnson and carried unanimously.

On a second City Manager item, Mr. Smith requested Council's acceptance of the 1979-80 audit report as presented at Council's information meeting on January 19.

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

The City Manager next requested Council's consideration of a nondiscrimination assurance to allow the City to participate in the Federal and State surplus property program. The recommended action was to authorize the Mayor to execute the assurance.

Mr. Williams then offered motion to authorize the Mayor to execute the assurance as recommended, seconded by Rev. Johnson and carried unanimously.

On a final City Manager item, Mr. Smith stated that approximately 6 months ago the City initiated an experimental bus service run to Methodist College, sponsored on a federal grant. The 6-month's period has about expired and the grant has run out. The Transit Task Force recommends discontinuance of this experimental run and the resumption of the regular run due to these circumstances. He stated this will be an agenda item on February 9th. He asked if a public hearing was desired and Council indicated "yes".

Matters of Interest to the City Council

Mr. Williams inquired about the alarms in the law enforcement center.

Mr. Williams commented on the license decals and stated that a provision is needed for replacement of these decals due to automobile accidents and windshield breakage. He suggested consideration to sell these decals to the auto glass dealers for replacement and suggested that this be looked into.

Mr. Williams stated he had observed some taxicabs violating the city ordinance by unauthorized parking in various locations in the city. Mr. Williams commented that the City could promulgate better public relations if some system is developed to send proper notices to the citizens in zoning and annexation matters.

Rev. Johnson commented on the purchase of city tags.

Rev. Johnson recognized Mr. Bruce Pulliam of Methodist College and commended him along with the students who accompanied him this evening to observe Council proceedings.

Mr. McBryde requested the City Manager to provide Council with a list of user-type fees imposed on persons who do not live in the city for city provided services. Mr. McBryde requested a cleanup of the 400 Block of Hay Street.

Mr. McBryde suggested a check by City administration with EPA on noise levels.

Mr. McBryde introduced a resolution endorsing the CHNMB Plan and moved its adoption by Council. Motion was seconded by Mr. Hurley.

RESOLUTION THAT THE FAYETTEVILLE CITY COUNCIL URGES THE CUMBERLAND COUNTY COMMISSIONERS TO GIVE PRIMARY CONSIDERATION TO SELECTION OF THE MAIDEN LANE RAY AVENUE SITE FOR LOCATION OF THE NEW CENTRAL LIBRARY. RESOLUTION NO. R1981-9.

Mrs. Evans commented that the resolution that designated a specific location and is out of order in that it would, in her opinion, defeat the library bond issue by creating disunity.

Mrs. Evans then offered substitute motion that the Council adopt a resolution supporting the location of the library after the County Commissioners have made their choice wherever it may be. Motion seconded by Mr. Dawkins.

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

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

A copy of the resolution is on file in the Clerk's Office in resolutions book R1981.


Mr. Hurley extended thanks to the City staff for their good promotion to sell the city license tags.

Council then upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, entered into executive session to consider a litigation matter.

City Council then reconvened into regular session and the City Attorney recommended that the City settle the Patton property at Hay Street and Maiden Lane for \$45,000.

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

Thereafter, all matters of business having been concluded, this regular session was adjourned at 10:35 pm upon motion made and duly seconded.


Maurice W. Downs
City Clerk

MWD:jro

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
FEBRUARY 9, 1981
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. John P. Smith, City Manager
Mr. Robert C. Cogswell, Jr., City Attorney

Mayor Finch called the meeting to order and the Rev. James Cammack, Pastor of Snyder Memorial Baptist Church, offered the invocation. Following this, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

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

Mayor Finch stated that the City Attorney requested an executive session at the end of this meeting for a land transaction matter. There was no objection voiced.

The first item of business was approval of minutes. Upon motion by Mr. Williams, seconded by Mr. McBryde and carried unanimously, minutes of the regular meeting of January 26th were approved as submitted by the Clerk.

Mayor Finch then stated, let the record show that Mayor Pro Tem Dawkins was not present at the moment but would be in to the meeting momentarily.

Public Hearings

Public hearing was held on the consideration of the Massey Hill Neighborhood Conservation Plan Community Development. The recommended action by the Redevelopment Commission was for approval.

Council recognized Mr. Richard Hererra, Executive Director of Community Development Department, who stated the County Joint Planning Board had approved the plan in November 1980; and the Redevelopment Commission held a public hearing on January 28, 1981, and unanimously endorsed the program. Mr. Hererra stated the purpose of the plan was to arrest deterioration of housing and for conserving the neighborhood before urban renewal was necessary. He displayed a map showing the area in Massey Hill. Some streets involved were Orlando Street, Delcross Street, Cowan Street and others. He stated 187 residences had been rehabilitated already. He stated they had 85 percent contact with the property owners in the area. He stated the ultimate plan is to revitalize the area. He stated the Redevelopment Commission recommends adoption of the resolution approving the plan.

At this point in the meeting, Councilman Dawkins came in.

Council then recognized Mr. Earl Britt of 810 Eugene Street in favor of the conservation plan. There was no opposition present.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL APPROVING THE CONSERVATION PLAN AND THE FEASIBILITY OF RELOCATION FOR THE MASSEY HILL NEIGHBORHOOD STRATEGY AREA. RESOLUTION NO. R1981-10.

Following brief discussion, Mr. Williams introduced the foregoing resolution and moved its adoption, approving the plan as recommended by the Redevelopment Commission. Motion seconded by Mr. McBryde and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's Office in Resolutions Book R1981.

The next public hearing was on consideration of termination of the experimental transit route to Methodist College. The recommended action was discontinuance of the experimental section of route 5.

The City Manager presented this item and stated that approximately six months ago route 5 was expanded on an experimental basis to run to Methodist College and loop through College Lakes and along Rosehill Road. This experimental expansion was funded in its entirety by special NCDOT grant. The grant has expired and the City must now determine whether to continue the run or to go back to the original route configuration. Based upon the route evaluation, the transit task force voted to recommend that the experimental portion be discontinued. To continue the experimental segment of the route, would add an estimated \$69,199 to the annual operating deficit. In addition to that, grant funds have expired and the six-month period is up on February 15th. He stated, however, that he had received a petition from

residents of Tera Gardens Apartments off Law Road for continuance of the Methodist College run.

Council recognized Mr. Roy Whitmire, business manager of Methodist College and a resident in the area who requested continuance of the Methodist College run and stated he had a 101 signature document signed by students and workers and others in favor of continuance of the bus service to Methodist College. He requested a three or four-time daily service to Methodist College.

Mr. Clinton Harris, a local citizen was recognized in favor of continued service to Methodist College.

Mr. Charles Capps, a resident of College Lakes, was recognized in favor of continuance and stated he needed the service to transport his child to school. Mr. Bruce Whitney, an area resident, was recognized in favor. Mr. Clair Hedgepeth, a local citizen, requested continuance since his daughter rides to bus to Methodist College. Mr. Howard Gardner was recognized in favor since he works at Methodist College. Ethel Hudgins was recognized in favor and stated she needed bus service to get to work.

There was no opposition voiced to the discontinuance of the Rosehill Road portion of the experimental run.

Mr. Williams suggested four-time run to Methodist College at the following hours: 7:45 am, 10:45 am, 1:45 pm and 5:15 pm.

Following some discussion, Mr. Hurley offered motion that we refer this matter back to the staff to draw plans for the needs of Methodist College and brought back to City Council for action on February 23rd. Motion seconded by Mr. Johnson and carried unanimously.

This completed the public hearings.

Upon motion by Mr. Williams, seconded by Mr. Johnson and carried unanimously, a public hearing was set for March 23, 1981, on the consideration of City Council proposed use hearing for additional 1980-81 revenue sharing funds.

Public Works Commission Matters

Consideration was given to an ordinance to designate the PWC Manager as a Deputy Finance Officer of the City. The recommended action was adoption of the ordinance.

City Manager Smith presented this matter and stated that under the North Carolina local government budget and fiscal control act the finance officer or duly authorized deputy finance officer was responsible for the receipt and disbursement of funds, the pre-audit of all purchase orders and contractual obligations and investment of idle funds. PWC, as an agency of the city, comes under the provisions of this act. In order for PWC to be in technical compliance, either the city's finance department must assume responsibility for PWC's funds or a deputy finance officer must be designated to carry out the provisions of the act for PWC. He stated he and PWC Manager Muench recommended that the City Council appoint the PWC Manager as Deputy Finance Officer of the city for PWC accounts. This could be done by the adoption of the proposed ordinance.

Mr. Dawkins offered motion for adoption of the recommended ordinance, seconded by Mr. McBryde and carried unanimously.

AN ORDINANCE APPOINTING A DEPUTY FINANCE OFFICER OF THE CITY OF FAYETTEVILLE FOR THE PUBLIC WORKS COMMISSION PURSUANT TO THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT. ORDINANCE NO. S1981-1.

A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book S1981.

This completed PWC Matters.

Council next recognized Mr. Harry Jones, Executive Director of the Fayetteville Metropolitan Housing Authority.

Mr. Jones stated to the Mayor and Council that he appeared before them this evening on the eve of his resignation as executive director and quoted from former President Lyndon Johnson as "standing with a heavy heart" at his leaving. He stated he did not wish to leave to take up his new position as head of Community Development in Charlotte without appearing before Council to express thanks personally and for the Housing Authority for the cooperation and help he had received along with his gracious welcome upon arriving to take the post and he bade the Mayor, Councilmembers and other City officers so long and good luck.

Mr. Williams stated to Mr. Jones that he had put the City on the map and thanks and good luck to him. Mayor Finch expressed her appreciation for all things done and that Mr. Jones had brought a new attitude toward subsidized housing in the community.

Mr. Dawkins stated to Mr. Jones that he had set a good example. Mrs. Evans wished Mr. Jones God Speed as did Mr. Hurley and Mr. McBryde. Rev. Johnson then offered motion requesting that a resolution of appreciation be drawn for Mr. Jones. Motion seconded by Mr. Williams and carried unanimously.

Council next gave consideration to a Street and Roads Committee report: Consideration of a resolution authorizing a letter of interest to be forwarded to N.C.D.O.T. concerning a Comprehensive Transportation System Management Assistance Program. The recommended action was for adoption of the resolution.

Rev. Johnson, Chairman of the Commission, requested City Engineer Bob Bennett to give the report. Mr. Bennett stated that the Joint Planning Board had met on February 3rd as the Metropolitan Organization and had considered the signal system feasibility study, the endorsement of the letter of interest and the inclusion of the project in the Fayetteville urban area and North Carolina Transportation Improvement Program. Mr. Lewis Chalmers, the Fayetteville Traffic Engineer, had explained the feasibility study and outlined some of the benefits such as multiple timing programs, response to traffic demand variations, demand responsive, monitoring and evaluation, replacement of worn out controllers, reduction of congestion and pollution and reduction of emergency signal maintenance. The system could also result in a \$4.7 million savings in fuel consumption and a \$0.9 million in start and stop savings annually. Following this, the Planning Board adopted a resolution adopting the signal system feasibility study.

Rev. Johnson then stated that this would be of great benefit to the city and the commission recommends approval and adoption of the resolution, a part of which would be that the Council authorize the submittal of the letter of interest for a comprehensive transportation system management grant in the amount of \$500,000.

Following brief discussion, Rev. Johnson offered motion for approval and for adoption of the resolution, seconded by Mrs. Evans and carried unanimously.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL ADOPTING THE SIGNAL SYSTEM FEASIBILITY STUDY, FAYETTEVILLE, NORTH CAROLINA, AND AUTHORIZING SUBMITTAL OF A LETTER OF INTEREST FOR A COMPREHENSIVE TRANSPORTATION SYSTEM MANAGEMENT GRANT. RESOLUTION NO. R1981-11.

A copy of the foregoing resolution is on file in the Clerk's Office in Resolutions Book R1981.

Council next gave consideration to a report concerning Mr. Clarence Goins' request for maintenance of Como Street and Tina Drive. The City Engineer presented this matter and stated that on January 26, an area in the vicinity of Goins Drive and Como Street was annexed into the City. At that time, Mr. Clarence Goins made a request that the Council accept Como Street and Tina Drive for maintenance. Como Street serves as an entrance to Goins Trailer Park, owned by Mr. Clarence Goins; and there are two other properties abutting the street. We find the street has not been dedicated for public purposes, he stated, and it is not being maintained by N.C.D.O.T. The land on which Como Street is located is actually owned by Mr. Charlie Goins. We believe it would be appropriate for the City to accept Como Street for maintenance from Goins Drive to the eastern margin of the Goins Trailer Park property provided the following conditions are met:

1. A 60foot right-of-way is dedicated plus two triangular corners at the intersection of Goins Drive.
2. A 30-foot wide, all-purpose utility and drainage easement is dedicated along a stream from Como Street northwardly to the northern margin of the Charlie T. Goins property.
3. Note that a small portion of Como Street and Tina Drive are entirely within Goins Trailer Park. It has not been the city policy in the past to accept trailer park access drives as public streets. This is because the property is in single ownership and the dedication of a fixed street right-of-way frequently hampers the arrangement of trailers to conform with the city's setback requirements from a public street. Because of this and other reasons, he recommended Tina Drive and the portion of Como Street within the trailer park remain the responsibility of the trailer park owners.

He stated additionally that Goins Drive is a strip paved street with side ditches or drainage and is presently maintained by NC DOT. This street will remain on the State Maintenance System until July, at which time DOT will most likely ask the city to take over maintenance responsibility.

Following brief discussion of this matter, Mrs. Evans offered motion to follow the foregoing recommendation of the City Engineer when the conditions are met, seconded by Rev. Johnson and carried unanimously.

Council next gave consideration to the award of a contract for consulting services for the development of a performance appraisal system under an Intergovernment Personnel Act (IPA) grant. The recommended action was for award of the contract with Municipal Advisors, Inc.

The City Manager presented this matter and stated that Municipal Advisors was the low bidder with in the amount of \$5,995 and was recommended by the Personnel Department staff. There is a \$4,699 grant pending for this purpose and he recommended that the budget be amended to transfer the difference of \$1,296 from the Personnel Department budget.

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

Council next gave consideration to budget ordinance amendment number 9. The recommended action was for approval of the budget ordinance amendment.

The City Manager presented this matter and stated that the proposed amendment number 9 is to bring the 80-81 budget ordinance in line with several accounting changes that have been recommended by the local government commission. These changes deal with encumbrances, revenue sharing revenue, grant funds and expenditures carried over from the previous fiscal year; correction to the Street Reserve Fund to properly credit all assessments received for Powell Bill projects to the Powell Bill reserve accounts; and reflection of the action recommended under item 8, (immediately foregoing) the IPA grant and award of the consulting contract.

The City Manager distributed to Council a list of corrections made to budget change number 9 under Schedule F, Schedule A and Schedule D. (A copy of the correction is incorporated in Change Number 9.)

Following brief discussion, Mr. McBryde offered motion for approval of the foregoing budget ordinance amendment change number 9 as recommended, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to a resolution authorizing the establishment of an Energy Study Task Force. The recommended action was for adoption of the resolution.

The City Manager presented this item and stated that in response to a request from Rev. Johnson and the Council, this resolution was drawn which would create a community energy task force to carry out those purposes specified in the resolution. The task force would function for approximately six months at which time it would make a final report to the City Council of its findings and recommendations. Further action by the Council to continue the task force or to establish a more permanent structure could be considered after the receipt of the task force's findings and recommendations. The task force would be composed of seven members who would be representative of the academic community, utilities organizations, energy distributors, architects and engineers, citizen energy groups, communications and energy service providers. A representative of the City Manager's Office and of the PWC would be ex-officio members. The purpose of the task force would be to seek advice from businesses, citizens and communities on the development of an energy conservation program for the city; to seek technical advice from private groups, state and federal officials; to seek possible sources of funding; to develop ways of coordinating such programs with county, state, and federal governments; to education the public on the importance of energy conservation; and to make recommendations to the City Council.

Following brief discussion, Mrs. Evans offered motion for approval and for adoption of the foregoing resolution as recommended, seconded by Rev. Johnson and carried unanimously.

RESOLUTION AUTHORIZING THE ESTABLISHMENT OF AN ENERGY STUDY TASK FORCE.
RESOLUTION NO. R1981-12.

A copy of the foregoing resolution is on file in the Clerk's Office in Resolutions Book R1981.

Council next gave consideration to a proposed request to a local legislative delegation for the introduction of a local bill authorizing the City to adopt a tree ordinance. The recommended action was to set a public hearing for February 23 for additional input.

The City Attorney presented this matter and stated that the proposed tree ordinance was the effort of a study committee composed of various businesses and civic interests in the community. The proposed tree ordinance was approved by the

Appearance Commission at its regular meeting on January 22nd. The City Attorney stated he had advised that the State Legislative Delegation must act on a request for such an ordinance prior to the Council's adoption. The City Attorney recommended that the City Council hold a public hearing to receive input on the proposed ordinance since an important point and possibly a point of contention would be whether or not the City, through its arborist, would have the ability to enforce certain restrictions on private property.

Following brief discussion, Mr. Williams offered motion to follow the foregoing advice of the City Attorney and set a public hearing for February 23rd, seconded by Rev. Johnson.

Following some further discussion of several points in the proposed ordinance, Mayor Finch asked for a vote on the motion and it carried unanimously.

Council next gave consideration to a proposed request to a local legislative delegation for the introduction of a general bill of relief of assessments for certain elderly and handicapped persons.

The City Manager presented this matter and stated that this request and proposed amendment had been drawn at the suggestion of Mrs. Evans at a prior meeting. He stated, further, the nature of the proposed legislation requires that it be a general rather than a local act and, therefore, would impact on municipalities throughout the State. If such a bill is introduced, the North Carolina League of Municipalities may take a position regarding the bill. The Council, as a member of the North Carolina League, may wish to consider whether or not such a bill would be in keeping with the League's overall legislative goals. He presented three alternative courses of action: 1) recommend the proposed bill to the local delegation for introduction; 2) take no action; 3) forward the proposal to the League for their comments and input. Mr. Smith recommended alternative number three. The proposed bill, he stated, would be an amendment to GS 160A-220 and would be "That upon written application, real property owners who are over 65 years of age or permanently disabled; and whose income is below the National Poverty Index as established by the Office of Management and Budget, may elect to have any or all of the special assessments imposed against their property held in abeyance until title of their property is transferred by death or otherwise; and provides, further, that anyone who signs a petition for street or sidewalk improvements shall not be eligible to apply for this exemption."

Following some discussion, Mr. McBryde offered motion to follow the recommendation of the City Manager and submit this proposal to the League of Municipalities, seconded by Mr. Williams and carried unanimously.

Council next gave consideration of a quit claim deed to the First Presbyterian Church, per advertisement authorized at the January 22nd regular meeting. The recommended action is authorization to execute the deed.

The City Attorney presented this matter and stated it had been discussed at a prior meeting and would be presented at Council's request. The Clerk stated the bid had not been raised.

Following brief discussion, Mr. Williams offered motion for authorization to execute the deed as recommended, seconded by Mr. McBryde and carried unanimously.

Council next gave consideration to appointments.

Council considered nominations for one vacancy on the Appearance Commission; however, no nominations were made.

Mayor Finch informed Council that she had received the resignation of Mr. Monroe Evans from the Human Services Commission and this space was open for nominations; however, no nominations were made. Mayor Finch stated these items would be reconsidered at the next regular meeting of the Council.

Delegations

Council recognized Mr. Clinton Harris, a local citizen, with comments on the rising price of gasoline, the City's bus service and taxi cab systems, and concluded by stating that Council needs to give serious consideration to an affective public transporation system.

City Manager Reports

The City Manager informed Council that he was in receipt of a communication from the Fayetteville Urban Ministry, Inc., who is desirous of obtaining a charity permit to conduct their "friends of urban ministry" campaign to raise their annual \$55,000 budget by soliciting churches, businesses and civic groups, which monies would be exclusively for urban ministry, a tax exempt organization under IRS ruling. The City Attorney recommended approval.

Mr. McBryde then offered motion, seconded by Rev. Johnson and carried unanimously for approval of the foregoing request and for the issuance of a charity permit.

The City Manager stated he was in receipt of a request from police officer Burton E. Hyde of the Fayetteville Police Department that an attorney be retained to represent him in a federal court case. The City Attorney presented this matter and recommended that he be authorized to represent Mr. Hyde.

Mr. Williams offered motion for approval of the foregoing request and that the City Attorney be and he hereby is authorized to represent Mr. Hyde, seconded by Mr. Hurley and carried unanimously.

The City Manager called the attention of the Council to the agenda packets for this meeting and stated that all material submitted for consideration at a Council Meeting must now be prepared in the City's print shop and that it was no longer necessary for department heads to submit 20 copies of an item to be considered by Council. Council commended Mr. Smith on this progressive step.

Matters of Interest to the City Council

Mr. Williams asked the City Manager about replacement of City tags and the City Manager replied that it can be handled.

Mr. Williams informed Council that the Policy Committee meeting had been rescheduled to 1:30 pm Thursday, February 12th, at the Kyle House.

Mr. Williams informed City Manager that the top lights on the market house were not on.

Mr. Williams commented on the change over of the City's traffic signals to a caution mode during the evening hours. He stated this was a good move on the part of our City and traffic engineers and asked when the change over would be completed. City Engineer Bennett replied that signals were being changed over as equipment is obtained.

Mr. Dawkins commented on the need ^{for} street patching on Hay Street. The City Engineer acknowledged the request.

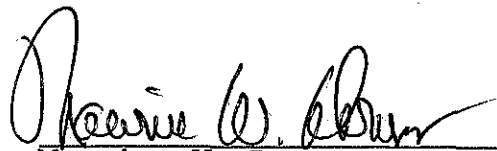
Mr. McBryde commented to the City Manager about the user fees list and the use of City cars. The City Manager replied that he was still working on it.

Mrs. Evans asked the City Engineer about the Blount Street intersection. The City Engineer replied that they had material for the railroad crossing and that it would be scheduled in May or July.

Mr. Hurley asked about maintenance of the parking lot next to the Prince Charles Hotel. City Engineer Bennett replied this could be scheduled.

Mr. Dawkins then moved at 8:55 pm that Council enter into executive session to consider a land transaction.

Council then reconvened into regular session at 9:00 pm and adjourned upon motion made and duly seconded.


Maurice W. Downs
City Clerk

MWD:jro

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
FEBRUARY 23, 1981

Present: Mayor Beth Finch

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

Others Present: Mr. John P. Smith, City Manager
Mr. Robert C. Cogswell, Jr., City Attorney

Mayor Finch called the meeting to order and the invocation was offered by Dr. Christian White of Hay Street 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 members present in the audience to observe Council proceedings.

The first order of business was approval of minutes. Upon motion by Mr. McBryde, seconded by Mr. Hurley and carried unanimously, minutes of the regular meeting of the Council of February 9th were approved as submitted by the Clerk.

Public Hearings

A public hearing had been published for this date and hour on the adoption of an ordinance confirming the assessment roll for the construction of a storm sewer and drainage system in a portion of Cumberland Heights Subdivision. The Clerk certified in writing that the property owner had been notified of the assessment and of this public hearing by first class mail as prescribed by law.

The City Engineer presented this matter and stated the storm sewer and drainage system had been installed within lot 37, block B, platbook 11, page 55, Cumberland County Registry, on McKimmon Road pursuant to petition from the property owner. The amount of the assessment was \$1,602.75, 50 percent of the total cost in accordance with policy.

There were neither proponents nor opponents present.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL AND LEVYING ASSESSMENTS FOR CONSTRUCTION OF A STORM SEWER AND DRAINAGE SYSTEM IN A PORTION OF CUMBERLAND HEIGHTS SUBDIVISION. ORDINANCE NO. NS1981-4.

Mrs. Evans introduced the foregoing ordinance and moved its adoption at 7:03 pm, seconded by Mr. Dawkins and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book NS1981.

The next public hearing was on a proposed request to the local legislative delegation for the introduction of a local bill authorizing the city to adopt a tree ordinance.

The City Attorney introduced this matter and reminded Council that their action tonight was not to approve an ordinance, but to hear comments from the general public and to consider the impact such an ordinance would have on the private sector.

Council recognized Mr. Mike Currin, Chairman of the Fayetteville Appearance Commission, in favor of the proposed ordinance.

Council also recognized Mr. Walter Moorman, a local consultanting engineer, in opposition to the proposed ordinance because it was an invasion of private property and as it affects solar systems. He requested Council to give very careful consideration to the approval of such an ordinance.

Mr. Currin was again recognized and explained in detail the provisions of the ordinance.

Mr. Moorman was again recognized with additional comments in opposition.

Following some extensive discussion by Council, Mr. Williams offered motion that we do not ask the local legislators to introduce a local bill authorizing the City to adopt a tree ordinance. Motion seconded by Rev. Johnson.

Further discussion followed and then Mayor Finch called for a vote on the motion and it carried, Councilmembers Williams, Johnson, Dawkins, McBryde and Evans voting "for" and Councilman Hurley voting "against".

A public hearing had been published for this date and hour on the initial zoning to R6 Residential District or to a more restrictive zoning classification of an area located at 200, 206, and 210 Dallas Street. Planning Board recommended approval. Planner Mitchell displayed a map of the area and stated it was recently annexed to the City.

There were neither proponents nor opponents present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE TO R5 RESIDENTIAL DISTRICT, AN AREA LOCATED AT 200, 206, and 210 DALLAS STREET. ORDINANCE NO. NS1981-5.

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

Public Hearings to be Set

Upon motion by Mr. Williams, seconded by Mr. McBryde and carried unanimously, public hearings were set for March 23, 1981, on the following zoning matters:

- A. Consideration of the rezoning from R5 Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located at 1904 Southern Avenue.
- B. Consideration of the initial zoning to R6 Residential District or to a more restrictive zoning classification of an area located on both sides of Goins Drive south of Owen Drive.
- C. Consideration of the initial zoning to R10 Residential District to a more restrictive zoning classification of an area located at 873, 877, and 881 Stoneykirk Road.

Public Works Commission Matters

PWC Manager Muench presented these matters.

Mr. Muench requested approval of an application for a 1-inch water connection to an existing main to serve a residence at 726 Country Club Drive, owned by Pearline Parker, outside the corporate limits. He stated sanitary sewer service is not available and an annexation agreement would be executed by the owner.

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

Mr. Muench requested approval of an application for a sanitary sewer main extension along Bragg Boulevard, outside the City, to serve Haigh and Holland property on Shaw Road. Approximately 720 feet of main extension is required, and the property owner would sign an annexation agreement.

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

Mr. Muench then informed Council that a bid had been received for 21,600 feet of 4-inch PVC sewer pipe. The low bidder was Ferguson Enterprises with an amount of \$10,623.23 and was the bid recommended.

Mr. McBryde offered motion to follow the recommendation of PWC and award the bid to Ferguson Enterprises, seconded by Mr. Williams and carried unanimously.

On an additional matter Mr. Muench stated that PWC had received a request from NC DOT to purchase right-of-way on PWC property on Owen Drive. PWC had purchased this property for \$28,000 in 1968 and it consisted of 4.1 acres. NC DOT wants .19 acres and will pay PWC \$3,515 for it. PWC recommended approval.

Mrs. Evans moved for approval of the foregoing as recommended and that the right-of-way be granted, seconded by Mr. McBryde and carried unanimously.

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

Planning Board Matters

Upon motion by Mr. McBryde, seconded by Mrs. Evans and carried unanimously, conditional approval as recommended by the Planning Board was given Valleydoah Company Professional Center group development and subdivision preliminary and final review located on the north side of Village Drive and west of Friendship Road.

Upon motion by Mrs. Evans, seconded by Mr. Dawkins and carried unanimously, conditional approval as recommended by the Planning Board was given Country Club North, Section IV, subdivision extension preliminary and final review located on either side of Hillard Drive.

The completed the Planning Board matters.

Council next gave reconsideration to the termination of the experimental transit route to Methodist College. (Council discussion and action continued from a public hearing on February 9th.) The City Manager presented this matter and stated that administration was back this evening with an alternate to provide four-time daily bus service to Methodist College as requested by several interested citizens and Methodist College at the February 9th meeting. The four-time daily bus service would be scheduled for 7:34 am, 11:34 am, 3:34 pm, and 5:34 pm. Bus service can also be provided to Tera Gardens on the east side of Ramsey Street between Law Road and Longview Drive. The City Manager recommended implementation of this route as an experimental route for six months with a public hearing to be held some time close to the end of this period.

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

Council next gave consideration to take necessary action to correct substandard housing conditions at the following addresses:

- A. 1512 Pierce Street (Continued from the January 26th regular meeting). The recommended action on this matter was none since a building permit had been obtained. Council took no action as recommended.
- B. 400 McIver Street (Continued from the January 26th regular meeting). The recommended action was to adopt 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 400 MCIVER STREET AND OWNED BY MRS. BERNICE FREEMAN. ORDINANCE NO. NS1981-6.

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 NS1981.

- C. 619 Hubbard Street - The recommended action the adoption of a lien ordinance assessing the property with the cost of demolishing a substandard structure.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN AGAINST PROPERTY LOCATED AT 619 HUBBARD STREET AND OWNED BY C. H. PHILLIPS INVESTMENTS, INC. ORDINANCE NO. NS1981-7.

Mr. Williams introduced the foregoing ordinance and moved its adoption at 7:55 pm, seconded by Mr. McBryde and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book NS1981.

Council next gave consideration to an amendment to Section 28-39 of the City Code concerning fixed fees for taxicab operation. (This matter continued from the January 12th regular meeting.) The City Attorney presented this matter and suggested adoption of the ordinance. In answer to query as to why this was back before the Council, the City Attorney replied it was his understanding that Council wished it brought back at this time for approval.

Councilman Williams stated that the policy committee wished to give this item further review at their meeting this Thursday.

Mr. Williams then moved to continue this matter to the next regular meeting of the Council on March 9th. Motion seconded by Mr. Dawkins and carried, Mr. McBryde voting "no".

Council next gave consideration to the award of a design contract for the Maiden Lane Parking Deck. The recommended action was approval of the design contract.

The City Manager presented this matter and stated the contract with Clark, Tribble, Harris and Li Architects, P.A., for design of the Maiden Lane parking deck and associated pedestrian connectors was submitted to Council tonight for consideration per the discussion at last Monday night's information meeting. The Capital Project Team recommends that Council approve the contract so that we can draw upon the expertise of the architects in choosing the most appropriate development scenario for this project. The City Attorney has review and approved the contract as to form. The City Manager also informed Council that funds for the Hay Street Transit Mall project were presently tied up by the President's freeze on federal grants. He recommended approval of the first phase of the contract, however.

Council recognized Rev. Glen Holt of First Baptist Church, downtown, for his church and other interested churches and bodies who asked if their groups would have the opportunity for input on these matters. The City Manager replied in the affirmative and that public hearings can be held by the Council at anytime.

Following some discussion, Mr. Hurley offered motion for approval of the City Manager's recommendation and to grant him the authority to execute the contract for phase I of the project. Motion seconded by Mr. McBryde.

Rev. Johnson suggested that as a provision of approval and that in the process of the study, City Council look at an alternate plan such as surface parking rather than a parking deck. The City Manager replied that this wording could be included in the contract. Mayor Finch then called for a vote on the motion and it carried unanimously.

Council next gave consideration to an amendment to the Personnel Ordinance in the City Code regarding standby policy. The recommended action was the Personnel Committee will have a recommendation and the City Manager is recommending adoption to the Personnel Committee.

The City Manager presented this matter and stated this was an amendment to the hours of work and added standby time by which the City Manager shall determine to what degree employees shall be compensated for standby time. The City Manager shall also determine the nature of the duties which qualify an employee for standby time and compensation for standby time shall be determined in accordance with written policies and procedures approved by the City Manager. Specifically, he stated, this referred to emergency personnel and telephone standby.

Mrs. Evans, Personnel Committee member, stated that the written policies and procedures were to have been provided this evening to the City Council but there was not time enough and suggested consideration of this matter at the next regular meeting since the draft was not prepared.

Following some discussion by Council, it was decided to proceed with approval of the proposed ordinance.

Mrs. Evans then offered motion for adoption of the ordinance and to accept the standby time provision as outlined by the City Manager, seconded by Mr. Dawkins and carried unanimously.

The Ordinance title appears below:

AN ORDINANCE AMENDING CHAPTER 22 - PERSONNEL - HOURS OF WORK - OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. S1981-2.

A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book S1981.

Council next gave consideration to a request to fund the "Keep America Beautiful, Clean Community Systems Program" through the end of this fiscal year in the amount of \$2,400.

The City Manager presented this matter and stated he was in receipt of a request from Mr. Mike Currin for \$2,400 as the City's share of first year funding for the Clean Community Program. In addition a request for \$3,600 has been made to the County. The City Manager stated he believed this 60/40 split in the cost is a reasonable percentage since most of the effort will be concentrated in the City and the urban fringe area. He concluded by stating he hopes this group will seek private sources of funding so this will not be a strictly government program.

Mrs. Evans asked if the County does not participate in this funding, is it the intent to use these funds, provided by the City, inside the City. Mrs. Joan Allen who was in the audience replied in the affirmative.

Mr. McBryde then offered motion for approval of the foregoing request for \$2,400, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a request for parking meters along the northern side of Person Street. The recommended action was for approval of the request.

The City Engineer presented this matter and stated that he was in receipt of a request from Attorney W. R. Smith, Jr., and Mr. Johnson Chestnutt that parking meters be installed in front of buildings they are having renovated located at 309 and 315 Person Street.

Presently, there are parking meters on a portion of the 200 block of Person Street and we recommend extending parking meters along the remainder of the 200

block and in the 300 block to the eastern margin of the property located at 315 Person Street.

The reason this request is being made is because the parking along Person Street is primarily long-term parkers and these two property owners recommend that it should be controlled for shorter-term parkers.

Mr. McBryde stated he was opposed to placing additional parking meters in the balance of the 200 block of Person Street.

Following some discussion, Mr. Williams offered motion, seconded by Mrs. Evans and carried unanimously, to approve the installation of parking meters in the area requested, only - that is 309 and 315 Person Street. Ordinance No. NS1981-8

Council next gave consideration to an offer to purchase property jointly owned by the City and the County. The recommended action was to authorize the County to sell the property to the highest bidder.

The City Attorney presented this matter and stated he was in receipt of a request from Attorney J. William Anderson that his client was interested in purchasing .94 acres, Dixon Drive, parcel no. 6234-12, which was the subject of a tax foreclosure instituted by the County Attorney and offering \$1,000 for the property.

The City Attorney recommended approval.

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

Council next gave consideration to the adoption of a wrecker ordinance. (Backup had been previously supplied to the Council by the City Attorney.)

The recommended action was adoption of the ordinance.

The City Attorney presented this matter and pointed out the amendments proposed for the present wrecker ordinance in the City Code as discussed by the Council at the last information meeting.

Following brief discussion, Mr. Williams offered motion that the City Council take no action to change the existing ordinance pertaining to wreckers, seconded by Mrs. Evans.

The City Attorney recommended that consideration be given to amending the insurance provisions of the present code.

Following some further discussion, Mr. Williams withdrew his motion to take no action and Mrs. Evans withdrew her second.

Mr. Williams then offered motion to continue this matter for two weeks, seconded by Mr. Hurley.

Following some further discussion, Mrs. Evans offered a substitute motion to accept the proposed wrecker ordinance as outlined by the City Attorney with the truck chassis having 16,000 minimum gross vehicular weight as it is now and a minimum lifting power of 32,000 pounds as presently required. Motion seconded by Mr. McBryde and following such discussion, carried unanimously.

The Ordinance title appears below:

AN ORDINANCE AMENDING CHAPTER 20 - WRECKERS - OF THE CITY CODE. ORDINANCE NO. S1981-3.

A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book S1981.

Council next gave consideration to the settlement of an Environmental Protection Agency claim. The recommended action was approval.

The City Attorney presented this matter and stated that in June 1979 EPA conducted a spot check of the City's gas pumps at the City Garage and discovered a nozzle that would normally be used to dispense unleaded fuel on a pump that dispensed regular fuel. Later that same day they also discovered a gas ticket from a pump from dispensed leaded fuel be used to put gas in a vehicle that took only unleaded gasoline. The amount originally demanded by EPA for these violations was in excess of \$10,000. The City Attorney in his memorandum stated that the improper nozzle was a temporary replacement until the regular nozzle could be put on; and as to the gas ticket, it was discovered that the individual at the pump made a mistake in writing on the ticket the number of the pump from which the gasoline was dispensed. He stated he presented all this documentation to the EPA and they agreed they would drop this claim. Because this was a first violation, they had agreed to

settle for the sum of \$1,000. This would be considerably less than litigation and he recommended that Council enter into the settlement for the sum of \$1,000.

Mr. McBryde moved for settlement of the claim as recommended by the City Attorney. Motion seconded by Mr. Dawkins and carried, Mr. Hurley voting "no".

Council next gave consideration to the approval of the convention center feasibility study contract. The recommended action was for approval of the contract.

The City Attorney presented this matter and stated that Fayetteville Progress, Inc., has requested that they be the consultant and that they would subcontract the bulk of the work to Real Estate Research Corporation of Chicago. Of the \$32,000 Council has authorized to be spent on this project, a maximum of \$25,000 will be paid to RERC and \$7,000 to Fayetteville Progress. Both parties will have to bill the City on a monthly basis. The contract prepared is based upon one used with Barton-Aschman and Associates on the transportation center feasibility study. Fayetteville Progress will act as an additional local consultant on the project. Based upon the above, he stated, he recommended approval of the contract. He stated, additionally, that some wording in the Barton-Aschman contract was not necessary and he presented Council with an amendment.

Following brief discussion, Mr. Hurley offered motion, seconded by Mr. Williams, for approval of the contract as recommended. Motion carried unanimously.

Council next gave consideration to tax matters.

The first item was for Mr. Clarence Goins and the recommended action was a refund in the amount of \$31.31.

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

The second tax matter was for Mr. Lonnie McAllister. The recommended action was a refund in the amount of \$39.00 and approval of adjustment on the 1981 taxes.

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

Council next gave consideration to the award of a contract for the development of a cost allocation plan. The recommended action was for award of the contract to David M. Griffith and Associates.

Roger Stancil, Administrative Assistant to the City Manager, presented this matter and stated that whenever a grant program is implemented by the city of Fayetteville, the City incurs certain overhead administrative costs. These costs include the time and resources expended by such central departments as Finance, Personnel, Purchasing and the City Manager's Office and providing services in support of the actual grant program. It is the intent of most grant programs that these costs not be absorbed by the local government, but rather considered as a program cost and reimbursed by the grant. To be eligible for reimbursement of these indirect costs, City must develop and negotiate with the funding agency a cost allocation plan. This plan would provide a detailed breakdown of the cost City incurs in providing central administrative services to grant programs. After discussions with MICA, Jack Vogt of the Institute of Government, the local government commission and other units of government that have such plans, we have identified a firm that will develop a cost allocation plan for the city of Fayetteville - David M. Griffith and Associates. Based on the above, he recommended that the Council authorize the City Manager to enter into this agreement with David M. Griffith and Associates.

Following brief discussion, Rev. Johnson offered motion for approval of the foregoing as requested, seconded by Mr. Williams and carried unanimously.

Council next gave consideration of bids on furnishings on the Senior Citizens Service Center. The City Attorney presented this matter and stated the Council needs to act first on a bid withdrawal request.

Mr. Joe Pierce, representing Storr Sales Company of Raleigh, was recognized and requested withdrawal of their bid.

Mr. McBryde then offered motion that Council approve the request of Storr Sales of Raleigh to withdraw their bid upon finding they meet the conditions of NCGS 143-129.1 with a further finding that it was their intention, through their letter of February 12th, 1981, to request formal withdrawal of their bid and also approve the request of Williams Office Supply Company to withdraw their bid upon a finding that they meet the conditions of NSGS 143-129.1. Motion seconded by Mrs. Evans and carried unanimously.

Council next recognized Mr. Mason Hicks, architect of the Senior Citizens Service Center, who recommended that Bloom Furniture Company of Fayetteville be

awarded the contract for the furnishings. He requested that Council direct his office to write the initial contract with the declared low bidder, Bloom Furniture Company, for their bid of \$44,290.99 and allow him to continue the management of the project within the original \$50,000 budget granted by the Council last May. This initial contract amount is \$44,290.99 and with the design fee added, the total furniture budget then becomes \$49,162.99 allowing the project to carry an \$837.01 contingency fund. He requested additionally that this contingency amount be \$890.00.

Following some discussion, Mrs. Evans offered motion for approval of Mr. Hicks' request and recommendation concerning Bloom Furniture Company, seconded by Mr. Hurley and carried unanimously.

Council next gave consideration to taxi cab driver permits. The City Manager presented this matter and stated the following named individuals have applied for taxi cab driver permits and approval is recommended for the following named:

Robert F. Battle, Rex Allen Britt, Michael Wayne David, George Edmon Johnson, Robert D. Koch, John Williams Lee, Edward D. Overby, Anthony Carrey Parker, Steven Wayne Sessoms, Larry H. Washington and Claude E. Wideman

The following named were not recommended: Marvin Lee Hammond and Jimmy Dale Marlow.

Following brief discussion, Mrs. Evans offered motion for approval of those recommended by the taxicab inspector for taxicab driver permits, seconded by Mr. Williams and carried unanimously.

Council next considered appointments.

The first appointments were for nominations for seven vacancies on the Energy Study Task Force.

Mr. Hurley nominated Mr. Randy Gregory and Mr. Joe Mac Hatcher. Mrs. Evans nominated Mr. Frank Barrigan and Mr. Herman Beal. Mayor Finch nominated Mr. Michael Green. Mr. Dawkins nominated Mr. Will Oates. Rev. Johnson nominated Mr. C. C. Campbell and Curtis Hatchet.

Mr. Williams requested a resume on the foregoing nominees. Mayor Finch asked that this be provided and that these nominees would be considered at the next regular meeting of the Council.

Council next considered nomination for one vacancy on the Fayetteville Appearance Commission.

Following some discussion concerning the difficulty of locating a qualified civil engineer to fill this vacancy created by the request by Mr. James Kizer that he not be re-elected, Mr. Hurley asked permission to withdraw the name of Mr. Joe Mac Hatcher from appointment to the energy study task force and to nominate Mr. Hatcher, an architect, if provisions of the commission charter permitted, to the Appearance Commission. Appearance Committee Chairman Mike Currin was still present in the audience and he and the Council agreed that this could be done.

Mayor Finch stated this nomination would be considered at the next meeting.

The next nomination was for one vacancy to fill the unexpired term of Mr. Monroe Evans, resigned, from the Human Services Commission.

Mr. Hurley nominated Mr. Claire Hudspeth to fill Mr. Evans' vacancy.

Mayor Finch stated this nomination will be considered at the next meeting and informed Council that Mr. W. C. Freeman, present chairman of the Human Services Commission, had submitted his resignation to become effective immediately.

Delegations

Mr. Clinton Harris, a local resident, was recognized and stated that on Wednesday a group of citizens would be meeting in front of the County Courthouse for the purpose of getting enforcement of the City's drug paraphernalia ordinance. Mr. Harris stated that drug dealing in the community is becoming a major problem.

Council recognized Mr. Michael Currin, representing a group present tonight in the audience, on proposed tree ordinance and of Council's action in not referring this to the general assembly. Mr. Currin offered some general comments concerning the proposed ordinance. He asked who in the City is presently qualified to enact the present tree ordinance. He asked what is the best species of trees to be planted in various locations. He stated that the Raleigh ordinance, in spite of Mr. Moorman's statement, does not infringe on private citizens or property. Concerning Charlotte's

ordinance, he asked what was Charlotte doing 10 years ago and that it is progressive now. He suggested that Council let private citizens make the decisions concerning their property. In conclusion, he stated that no publicity had been given by the news media concerning the public hearings tonight except the printing of the agenda by the City in the newspaper. Mr. Dawkins took issue with Mr. Currin on his last remark and stated the Council had no control over what the news media printed or said concerning anything.

Mayor Finch thanked Mr. Currin for his comments.

City Manager Reports

The first item presented by the City Manager was consideration of an offer of land for a site for the proposed state office building. In a memorandum to the City Council the City Manager stated that after reviewing the site plan for proposed improvements in the property being purchased from the Seaboard Coastlines Railroad, he was of the opinion that a portion of that property could be used for the proposed state office building without jeopardizing the City's plans for the remainder of the property. Council will recall, he stated, that the City did not initially seek to purchase the entire railroad property but during negotiations with the railroad it was agreed that the entire site would be purchased, therefore, he concluded, the railroad property, fronting on Hay Street, does offer one alternative for a state office building site. He recommended that Council offer the state a down town site contingent on property availability.

Following some discussion, Mrs. Evans offered motion that the City Council offer the state a down town site contingent on property availability. Motion seconded by Mr. Hurley.

Mr. Bill Maxwell, a local realtor, was recognized in opposition to the donation of City property and stated the offer should come from private property owners.

Mr. J. P. Riddle, a local developer, was recognized with comments, also, in opposition to the donation of city property and that such property should come from private sources and informing Council that he was withdrawing his offer of a site for this purpose adjacent to Cross Creek Mall on Morganton Road.

Mayor Finch then called for a vote on Mrs. Evans' motion and it carried, Rev. Johnson voting against.

The next city manager report was consideration of a request to hire certified applicants for the Police Department.

In a memorandum to the City Council the City Manager stated that a request had been made by the Police Department to the Civil Service Commission for the complete list of eligible candidates rank in accordance with their scores to forward onto City Council. Upon review of the City Charter revision, some questions have arisen with regard to the procedure that has apparently been followed for years with regard to what the Commission provides to the Chief of Police and the City Council in the hiring and promotion process.

Whatever procedures are followed, it is my current firm conviction, he stated, that a department head should be allowed to exercise some discretion in hiring and promotion. This issue may be more properly handled during discussion of the charter provisions. I do not think we should delay the hiring of police officers on the list submitted as this would place a burden on the operation of the department.

Following brief discussion, Mr. McBryde offered motion, seconded by Mr. Williams and carried unanimously, that the following named be appointed to the Police Department as recommended by the Chief of Police:

Lawrence Calvin, Arthur Doame, Pamela Dunlap, Michael Halstead, David Harris, Willie Lucas, Richard Mika, Thomas Riley, H. Bruce Smith, Richard Toohey and James Williams.

The City Manager informed Council that in response to a question by Councilman Williams at the last meeting, the lights on the top of the Market House had been turned off as an energy conservation measure taken approximately one year ago. They can be turned back on if desired.

The City Manager provided the City Council with a list of user fees as requested.

The City Manager informed Council that he had not as yet got back to Council on a meeting on a goal setting process. He stated he had no specific items for the information meeting in March and this meeting could be scheduled for this purpose at that time. This was agreeable with Council and the meeting was set for the Kyle House.

Matters of Interest to Council

Mr. Williams asked about City tag replacement. The City Manager stated this was still in the process.

Rev. Johnson informed Council that the United Ministerial Fellowship will conduct a prayer service for the City at noon this Friday. Mayor Finch state this was good.

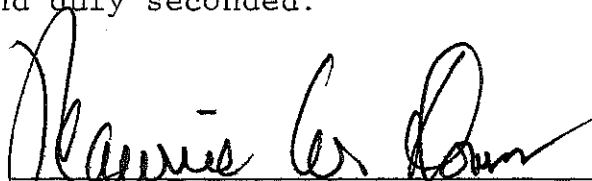
Mr. Dawkins observed that the repairs to Hay Street are not quite finished. The City Engineer stated this was in the process.

Mayor Finch commented on the public hearings by the Planning Board, the City Council and other agencies and requested the City Attorney to look into an alternate so City Council would not have to hear matters twice except on appeals.

Mr. McBryde stated that when a police officer is injured in line of duty, he should be paid in full and not lose 1/3 of pay or sick leave under the present policy. The City Manager stated this was in accordance with the workers' compensation law but that he was developing a new policy for implementation in the near future.

Mr. Hurley directed a question to the City Engineer as to when 45 m.p.h. speed limit would be implemented on Rosehill Road. The City Engineer replied that the bridge was not yet completed but that he will recommend 45 m.p.h. after this is done.

Thereafter, all matters of business having been completed, this regular session was adjourned at 10:00 pm upon motion made and duly seconded.


Maurice W. Downs
City Clerk

MWD:jro

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MARCH 9, 1981
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. John P. Smith, City Manager
Mr. Robert C. Cogswell, Jr., City Attorney

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

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

First order of business was the approval of minutes. Upon motion by Mr. Williams, seconded by Rev. Johnson and carried unanimously, minutes of the regular meeting of February 23rd were approved as submitted by the Clerk.

Mayor Finch informed Council the City Attorney had requested an Executive Session at the end of this meeting on a litigation matter.

Public Works Commission Matters

PWC Manager Muench presented these matters.

Mr. Muench stated bids had been received February 10th for labor and equipment only for construction of 16-inch and 12-inch water mains along Rosehill Road (with some short extensions along McArthur Road and Stacy Weaver Drive), to grid the PWC water system. The low bid was submitted by McDonald Grading Company in the amount of \$64,860.85 and was recommended.

Mr. Williams moved for approval of the low bid submitted by McDonald Grading Company as recommended, seconded by Mr. Dawkins and carried unanimously.

Mr. Muench stated that bids had been received February 24th for the purchase of 41,000 feet of asbestos cement pipe of various diameters with required fittings. The low bid had been submitted by Cement Asbestos Products Company in the amount of \$277,562.25 and was recommended.

Rev. Johnson offered motion for award of the bid to Cement Asbestos Products Company as recommended, seconded by Mr. Williams and carried unanimously.

This completed the PWC matters.

Planning Board Matters

Planner Michell presented the one Planning Board matter, which was conditional approval of Orkin Exterminating Company - Horne Furniture Company addition C(1)P Preliminary and Final review located along Byrd Circle and south of Sycamore Dairy Road (Yadkin Road).

Mrs. Evans offered motion for conditional approval of the foregoing as recommended by the Planning Board, seconded by Mr. McBryde and carried unanimously.

Council next gave reconsideration of amendment of Section 28-39 of the City Code concerning fixed fees for taxicab operation. (This matter continued from the February 23rd meeting.) The recommended action was adoption of the amendment.

The City Attorney introduced this matter.

Councilman Williams stated the Policy Committee had considered this amendment at length and recommended approval.

AN ORDINANCE AMENDING CHAPTER 28, "TAXICABS", OF THE CITY CODE OF CITY OF FAYETTEVILLE - FIXED FEES. ORDINANCE NO. S1981-4.

Mr. Williams moved for adoption of the foregoing ordinance on first reading. Motion seconded by Mr. McBryde and carried unanimously.

A hearing was held on the issuance of 40 taxicab certificates. The City Manager stated the Policy Committee recommended that these 40 certificates advertised be considered for issue tonight. Sgt. W. C. Johnson, City Taxicab Inspector, recommended as follows pursuant to public convenience and necessity:

David L. Autry, 1 certificate; William G. Baxley, 3 certificates, Leroy Brown, 0 certificates; Walter J. Brown, 2 certificates; Coy M. Carter, 1 certificate; Garland Cartret, 1 certificate; Arthur E. Cross, 1 certificate; Charlie Eastman, 1 certificate; Olen Gerald, Jr., 3 certificates; Roger D. Heuer, 1 certificate; Joe Marshall, 3 certificates; Robert McLeod, Jr., 1 certificate; Linwood McLaurin, 1 certificate; Roy Purdy, 1 certificate; Shelton Simmons, 1 certificate; G. A. Simpson, 1 certificate; Carlton Stewart, 3 certificates; Charles G. Thorne, 1 certificate; David A. Walker, 14 certificates; Al Wheatley, Jr., 10 certificates -- for a total of 40 certificates.

Following some discussion, Mrs. Evans offered motion that we do not change the Ordinance where taxicabs will be limited. Motion seconded by Rev. Johnson.

Mr. Williams offered substitute motion that the recommendation of the City Manager and City Taxicab Inspector be followed and at this time the 40 permits be issued as advertised, seconded by Mr. McBryde and carried unanimously on first reading.

Council next gave consideration of amendment of Section 17-58 of the City Code concerning the number of days Gold and Silver dealers shall keep items for inspection. The recommended action was adoption of the amendment. The City Attorney presented the proposed ordinance and stated he had drawn it at the suggestion of Mr. Rudy Singleton, a local attorney.

Attorney Singleton was present and recognized by the Council. Mr. Singleton stated that the present ordinance requires a second hand precious metal business to keep purchased second hand articles of gold, silver, and platinum in possession for a period of 4 days after purchase. As an attorney, it had come to his attention that this is a totally inadequate period, which offers virtually no protection to the many citizens whose silver flatware has been or will be stolen from their homes. For example, if a break in and theft of silver occurs during the first day that a citizen of Fayetteville is on vacation for a week and the items are sold immediately (as is usually the case) the four day waiting period will have expired and the silver in all likelihood resold and melted prior to discovery of the break-in and theft. In such a case, the fact that records have been kept of the purchase and reviewed by the Police Department offers the true owner no protection. In view of this, Mr. Singleton stated he suggested to the City Attorney amending the minimum required retention period from four days to not less than thirty days.

AN ORDINANCE AMENDING CHAPTER 17, "LICENSES", OF THE CITY CODE OF THE CITY OF FAYETTEVILLE - GOODS TO BE KEPT FOR THIRTY DAYS. ORDINANCE NO. S1981-5.

Mr. Hurléy 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 S1981.

The Mayor and City Council then extended thanks to Attorney Singleton for his community interest in this matter.

Council next heard a report from Ms. Susan Cheek, Project Director, of Region "M" Council of Governments regarding Resource Recovery Program. Ms. Cheek reported to Council that Phase I of the Resource Recovery Project Feasibility Study has been completed. She referred to the report distributed earlier to the Council. She stated it appears feasible to continue with the study. Citing figures from the report she stated they indicate a favorable aspect to the project. She stated the County Commissioners had given conditional approval at their March 2nd meeting with the City's continued support.

In response to question, PWC Manager Muench stated that land fills cannot be continued indefinitely for solid waste disposal.

Considerable discussion of the contents of the report then followed. After this Mayor Finch asked if the request was for funding.

The City Manager in reply stated that on July 28, 1980, Council acted regarding the City's participation in Phase II of the resource recovery study. However, he stated, he could find no record of these funds being appropriated in the budget ordinance. In view of the Council's prior commitment to this project, he stated he would include this item in the recommended amendment to the 1980-81 revenue sharing budget, which Council will be considering at their next regular meeting.

Ms. Cheek was again recognized and stated that Phase II deals with a market for steam generation and the cost is \$195,000. The City and Council would share at \$25,000 each.

Mrs. Evans asked about other municipalities in the County sharing the cost.

And Mr. Dawkins suggested a consideration of the County's participation in the cost. The City Manager stated he would present the recommended budget amendments in the near future.

Mayor Finch then thanked Ms. Cheek for her presentation and report.

Council next gave consideration to a request from the Senior Citizens Advisory Commission to reallocate unused funds previously granted by the Council to the Senior Citizens Service Center. The City Manager presented this matter and stated that the allocation of \$12,200 was made from revenue sharing funds for a front yard and terrace and lighting for the Center. Contracts for construction plus design fees totaled \$9,143.61 leaving a balance of \$3,056.39. This balance is the amount requested for reallocation to the next phase of the project. The Redevelopment Commission, with Council's concurrence, has budgeted \$200,000 for this next phase. The Advisory Commission's request is that the unused portion of the revenue sharing funds be used along with other available funds to employ a designer for this phase. The Redevelopment Commission will be awarding a design contract within the next 30 days. The reallocation requested by the Advisory Commission will allow design work to begin during this fiscal year instead of waiting until fiscal year 81-82 when the \$200,000 becomes available.

Following brief discussion, Mr. Dawkins offered motion, seconded by Mr. Johnson and carried unanimously, to follow the foregoing recommendation of the City Manager and approve the reallocation of funds.

Council next gave consideration to a request by Victory Methodist Church, of February 13th, for purchase of a city-owned lot at the corner of Camden Road and Quality Road.

The City Manager presented this matter and stated the church had made an offer of \$2,000 for this tract and the City Engineer recommended the property be declared surplus and advertise for sale. The Community Development Department concurs in the selling of the lot and it has been recently appraised by the City at a value of \$4,500. The City has no use for the property, he stated, and therefore he did not object to the sale. He did, however, have two reservations. The offer of the Church is considerably under the appraised value and the sale to the Church would not put the property on the tax books. He recommended that the City delay consideration of the Church's offer and that we put a 'for sale' sign on the property to see if we can generate any interest.

Following some discussion, Mr. Williams offered motion that the property be declared surplus and advertised for sale, seconded by Rev. Johnson and carried unanimously.

Council next gave consideration of a bid for one diesel tractor with side cycle mower and rear rotary mower, mounted. The recommended action was to accept the bid of \$13,931 from Byrd Ford Tractor and Marine, Inc., of Fayetteville.

City Purchasing Agent Al Jordan presented this matter and stated this equipment was for the Engineering Department and that Byrd Ford Tractor and Marine, Inc., had submitted the only bid in the amount of \$13,931 on a second solicitation for bids and was recommended.

Following brief discussion, Mr. Hurley offered motion to accept the low bid of Byrd Ford Tractor Marine, Inc., as recommended, seconded by Mrs. Evans and carried unanimously.

Council next gave consideration of award of the 1980-81 audit contract. The recommended action was award to Cherry, Bekaert, and Holland.

The City Manager presented this matter and stated that the maximum amount of the contract is \$22,000 and that their work had been satisfactory and recommended the 80-81 contract to Cherry, Bekaert, and Holland.

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

Council next gave consideration of award of contract for a master site plan and design of municipal market. The recommended action was to award the contract to Walter Vick, Architect.

The City Manager presented this matter and stated that the Municipal Market Feasibility Study, completed in the spring of 1980, proposes that architectural services for the market be divided into three phases. The first phase, consisting of a general architectural and engineering analysis of the site and existing buildings on the site, was carried out as part of the feasibility study. The second phase includes a master site plan for the entire site, and complete design development, bidding and construction administration for the seasonal produce market to be located adjacent to Franklin Street. The third phase included design

development, bidding and construction administration for the renovation of the three buildings on the site, including the historic Cape Fear Valley/Yadkin Valley Railroad Station, which will be the focal point of the market complex.

The staff Capital Projects Team has concluded that it would be appropriate to continue the services of Walter Vick, Architect, into the second phase of project design. We have negotiated the attached contract for these services with Mr. Vick, and recommend that it be awarded by Council. Funds for this contract are budgeted in the current Special Tax District budget. The amount is not to exceed \$20,000, he concluded.

Following brief discussion, Mr. Hurley offered motion to accept the City Manager's recommendation and approve the contract to Mr. Vick, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to a resolution declaring two drive-in windows and an electronic vault as surplus property. The recommended action was adoption of the resolution.

The City Manager presented this matter and stated that these items were from the North Carolina National Bank Building just acquired by the City.

RESOLUTION AUTHORIZING SALE OF SURPLUS PROPERTY. RESOLUTION NO. R1981-13.

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

A copy of the foregoing resolution is on file in the Clerk's Office in Resolutions Book R1981.

Council next gave consideration to establishing a charge for returned checks. The recommended action was to establish a fee of \$5.00. The City Manager presented this matter and stated this was a recommendation from the City Finance Director. He stated the City has never imposed such a charge before and recommended approval.

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

Council next gave consideration to a tax matter. The City Manager presented this item and stated it was a request for a refund in the amount of \$388.22 for the Amy M. Gerald's property. The recommended action was approval of the refund.

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

Council next heard a report from Ms. Elizabeth Enos on the Fayetteville Cumberland County Committee for the International Year of disabled persons (IYDP).

Council recognized Mrs. Enos, Chairperson of the Fayetteville Cumberland Council for the International Year of Disabled Persons who stated that the United Nations has set the world-wide theme of the IYDP as the full participation of individuals with disabilities in the life of their society. The Fayetteville Cumberland County Committee has been recognized as a community partnership with the U.S. Council for IYDP. Local goals have been established to 1 - establish a center to provide independent living and respite care services; 2 - improve employment opportunities for the disabled; and 3 - increase public awareness in the unmet needs and potential contribution of disabled persons. Ms. Enos stated a local agency had been formed to implement the program. They propose activities in May and have invited Senator East to be the speaker for the purpose of raising funds for the agency. She expressed thanks for the opportunity to appear and would like to come back with a progress report at a later date.

Mayor Finch informed Council that this agency was started by the Recreation and Parks Department and that there are approximately 20 to 30 members. Mayor Finch thanked Ms. Enos for the report and information.

Council next considered appointments.

The first was the election of seven nominees previously made to the Energy Study Task Force.

Mr. Williams offered motion that nominations be closed and that the following named be appointed by acclamation; seconded by Rev. Johnson and carried unanimously:

Randy Gregory, Frank Barrigan, Herman Beal, Michael Green, Will Oates, C. C. Campbell, and Curtis Hatchet

The next was the election of one nominee previously made to fill a vacancy on the Appearance Commission.

Mr. McBryde offered motion that nominations be closed that the Mr. Joe Mac Hatcher be appointed for a two-year term, said term to run to December 1982, seconded by Mr. Williams and carried unanimously.

The next appointment was the election of one nominee previously made to fill the unexpired term of Mr. Monore Evans on the Human Services Commission.

Mr. McBryde then offered motion that nominations be closed and Mr. Claire Hudspeth be appointed to this Commission for a two-year term of office, said term running to March 1983. Motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to nominations for five additional vacancies on the Human Services Commission due to the expiration of terms of office.

Mr. Hurley nominated incumbent Mr. Vincent Shields. Rev. Johnson nominated Mr. Terry Hutchens, Jesse A. Brayboy, and Catherine McKoy Adams.

Mayor Finch stated these nominations would be acted on at the next meeting.

The next item was nomination for one vacancy on the Building Code Review Committee. There were no nominations and Mayor Finch stated this would be reconsidered at the next regular meeting of the Council.

Delegations:

Mr. Clinton Harris, a local citizen, was recognized and reminded Council that 1981 was the year of the handicapped. He suggested the City consider curb cuts, cross walks, the bus system, and sidewalks for the handicapped. He mentioned the federal appropriation for the employment of same and for the use of electronics.

City Manager Reports

The City Manager reported he was in receipt of a communication from Mr. Herb Thorp, Chairman of the Sunday on the Square 1981, sponsored by the Arts Council of Fayetteville Cumberland County, Inc. Mr. Thorp stated the Arts Council would like to hold the Sunday on the Square activity on May 3rd this year. The activity would be substantially the same as prior years. The actual hours of the festival will be from 1:00 to 6:00 pm and will necessitate the cordoning off of the first blocks of Gillespie, Person, Hay, and Green Streets by 8:00 am. Mr. Thorp requested permission to conduct this activity. The City Manager recommended approval of the request.

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

The City Manager informed Council he was in receipt of a request from the Cumberland County Library and the Fayetteville Area Runners Association for permission to hold a five kilometer race from Eutaw Public Library area as part of National Library Week. The date will be Saturday, April 4th, beginning at 9:00 am. The race is intended to focus attention on National Library Week in the Fayetteville Community. The City Manager recommended approval.

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

The City Manager next presented consideration of a request for introduction of general legislation regarding waiver of certain assessment charges. (This matter continued from the February 9, 1981, regular meeting.)

The City Manager stated that this item was considered two meetings ago; and at that time he explained the nature of the proposed legislation requires that it be a general rather than a local act and would impact on cities throughout the State. If such a bill was introduced the North Carolina League of Municipalities may take a position regarding the bill; and the Council as a member of the League might wish to consider whether or not such a bill would be in keeping with the League's overall legislative goals. At that time, Council voted to forward the proposal to the League for their comments and input. He stated the League has replied that they have no particular problem with the matter so he is, therefore, bringing the matter back to Council tonight for further consideration.

Following some discussion, Mrs. Evans offered motion to ask our legislators to bring this matter to the attention of the general assembly and to immediately send a copy of the proposal to the local legislative delegation. Motion seconded by Rev. Johnson.

Mr. Dawkins expressed his opposition to the proposal because the lower income tax payers would have to bear the burden of the assessments.

Following some discussion, Mayor Finch called for a vote on the motion and it

was as follows: For the motion: Councilmembers Evans and Johnson; Against the motion: Councilmembers Hurley, McBryde, Dawkins and Williams. Mayor Finch declared the motion lost.

The City Manager reminded Council that Monday, March 16th, is the information meeting at which time the goals setting would be considered. The time was 7:00 pm in the Kyle House.

The City Manager also reminded Council that several police department members would like to meet with Council to present proposals on the Civil Service Commission legislation. It was decided to try to work this matter in on the May 16th information meeting, if possible.

The City Manager then read the following announcement to the Council.

I am announcing tonight the appointment of Mr. Roger L. Stancil to the position of Assistant City Manager. After reviewing 125 applications for the position and interviewing six (6) outstanding candidates, I have selected Mr. Stancil because of his proven administrative abilities: his familiarity with the internal operations of the City and the changes needed to improve those operations; and because of the compatibility of his philosophy and style of management with my own.

Mr. Stancil brings to the position nearly 10 years of experience in local government in North Carolina, including experience in finance, human relations and general management. His most recent experience has been as a circuit riding Town Manager for three small towns in eastern North Carolina and for the past year as Administrative Assistant to the City Manager here in Fayetteville.

He is a 1971 graduate of Wake Forest University with a Bachelor of Arts degree in Politics and Public Administration and has completed the necessary course work for a Masters degree in Public Administration at UNC - Chapel Hill. Roger is 31 years old and a native of Rocky Mount, North Carolina.

This has been a most difficult decision, given the number of well qualified applicants from both inside and outside the City of Fayetteville. I feel confident, however, that I have made the right choice. Mr. Stancil's performance as Administrative Assistant has been low keyed but outstanding. His management of the City's grant programs in particular has achieved some very major successes. One year ago the City was three years behind in its Transit Operating Grant. Today we are current and drawing down funds on a monthly basis. I am confident that in his new position he will be of even more valuable service to the City Manager, the City Council and to the citizens of Fayetteville.

I am going to leave the Administrative Assistant position vacant for the time being to allow some flexibility for a possible reorganization of the City Manager's office in the near future.

Following the announcement of Mr. Stancil's appointment as Assistant City Manager, City Council enthusiastically endorsed Mr. Smith's appointment.

The City Attorney was then recognized and stated that pursuant to the Mayor's request on public hearing process on zoning, he had talked with Al Mitchell of the Planning Board and with Phil Green at the Institute of Government and had drafted a bill to be submitted to the general assembly to be entitled "An act to amend GS 160A-364 and GS 160A-386 authorizing the City of Fayetteville to delegate to the Cumberland County Joint Planning Board the authority to hold a public hearing on rezoning matters and to provide for appeal of the decision of the Planning Board to the City Council." He stated this must be submitted to the General Assembly by the deadline for local bills.

Mayor Finch stated Council will consider this after study of the proposed legislation.

Mr. Williams then offered motion to refer this matter to the Planning Board for their comments and suggestions and return to the Council the next regular meeting, seconded by Mr. McBryde and carried unanimously.

Matters of Interest to the Council

Mr. Williams asked about the replacements for City auto stickers.

Rev. Johnson submitted a suggestion to the Council regarding the formation of an Urban Opportunities Commission. The recommendation is outlined below:

I. The Problem

- A. The City of Fayetteville needs to join in the National fight for economic recovery. Like most cities throughout the nation, the City of Fayetteville has been hit hard by a declining economy.
- B. The city has one of the highest unemployment rates in the State of North Carolina and the nation.
- C. Many of our neighborhoods are decaying.
- D. The growth rate in private and public enterprise has not kept up with the demands for new jobs.
- E. The tax base has not grown fast enough to keep up with the demands for city services.
- F. Faced with cuts in federal aid, Fayetteville must seek ways to get the most from the federal aid that the city will receive.
- G. Revitalization of the cities core business district is not enough; other areas in the city need to be considered in the revitalization process.
- H. The Council must provide strong leadership in promoting a plan for economic recovery to raise the standard of living for all the citizens of Fayetteville.
 - 1. Every effort must be made to make Fayetteville a city of economic opportunity by encouraging economic growth.

II. Areas of Concentration for the Proposed Commission:

- A. To review and study ordinances of the city that might have a reverse affect on existing businesses and new business start-ups.
- B. To encourage the expansion and the location and new start-up of small businesses. Small businesses provide about 75% of employment opportunities.
- C. To create a better atmosphere for business enterprises, by promoting stronger ties between local, county, state, and federal sectors. There is new legislation before United States Congress called, The Urban Jobs and Enterprise zones Act, its purpose is to stimulate economic growth and employment in areas of poverty and high unemployment. It has good chances of passing Congress in some form. The City should start planning now to be among the first to participate in this program.
- D. To consider better ways city government can help private business operations, such as more effective police and fire protection, lighting, sidewalks, street paving, street parking and other incentives.
- E. To encourage annexation.
- F. To seek ways to improve the image of the City of Fayetteville as a city of New Opportunity.
- G. To make recommendations to the Council on policies affecting free enterprise that would have a positive impact.

IV. The Results:

An Urban Opportunities Commission would be beneficial in providing directions in economic recovery and encouraging more job opportunities for all segments of this community. Also, it would greatly aid the poor and make them more productive citizens.

I beg the Council to give immediate consideration to this recommendation and take a more aggressive leadership role in the economic recovery for the City of Fayetteville.

- V. Membership should consist of representatives from the business, professional, civic, government and low income communities.

Mr. Dawkins stated that the railroad property on Hay Street looks bad and needs beautification. Mr. Williams also suggested no parking on the property. The City Manager acknowledged the suggestions.

Mr. McBryde asked about Westwood Drive and a report from the committee on the use of City Cars. The City Manager replied that the Policy Committee has this.

Mr. Williams then offered motion, seconded by Mr. Dawkins and carried unanimously, that Council enter into executive session at 8:45 pm for a litigation matter.

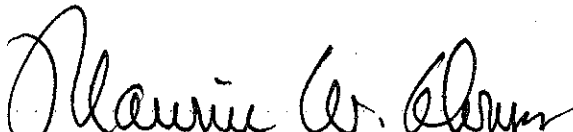
Councilman McBryde then excused himself from the meeting due to illness.

Council then reconvened into regular session at 8:55 pm.

The City Attorney recommended that City Council authorize the police legal advisor to represent Mary Green in a federal district court case pursuant to her written request.

Mr. Hurley then offered motion for approval of the request, seconded by Mr. Dawkins and carried, Mr. McBryde absent and not voting due to illness.

Thereafter all matters of business having been completed, this session was adjourned at 9:00 pm upon motion made and duly seconded.


Maurice W. Downs
City Clerk

MWD:jro

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MARCH 23, 1981
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. John P. Smith, City Manager
Mr. Robert C. Cogswell, Jr., City Attorney

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

The first order of business was the approval of minutes. Upon motion by Mr. McBryde, seconded by Mr. Dawkins and carried unanimously, minutes of the regular meeting of March 9th were approved as submitted by the Clerk.

The next order of business was public hearings.

The first hearing was consideration of City Council proposed use hearing for additional 1980-81 revenue sharing funds.

The City Manager introduced this item as the proposed budget amendment for using remaining 1980-81 revenue sharing funds.

The public hearing scheduled for tonight on revenue-sharing funds is for the City Council to consider the City Manager's proposed budget for those funds and to receive and consider additional requests from the public. As City Manager, I held a proposed use hearing February 3. The requests received in that hearing and requests from City departments are shown on the attached pages. My recommendations are shown in the Final column.

In July, Council adopted a budget for two quarters of 1980-81 revenue-sharing funds because we were uncertain that the program would continue after December 31. We were then advised by our auditors that, in accord with generally accepted accounting procedures, one of those quarters was more appropriately budgeted in the 1979-80 fiscal year, when the money was actually received. A budget amendment was then adopted by Council reverting that portion of the appropriation to the fund balance. The currently proposed budget amendment will reflect the budget of the second, third and fourth quarters of the 1981-82 allocation.

Because of these circumstances and the amount of money involved (\$891,000) Council may wish to schedule a special meeting for the adoption of this budget amendment.

	<u>REQUESTED</u>	<u>RECOMMENDED</u>
<u>Recreation Department</u>		
UPARR Match	\$ 75,000	\$ 75,000
Lamon Street Pool Rennovations	30,125	---
Seabrook Athletic Field Improvements	9,672	9,672
Fencing at Ceramics Building	2,500	2,500
Contingency	2,961	---
	<u>\$120,258</u>	<u>\$ 87,172</u>
<u>Sanitation Department</u>		
Dump Truck	\$ 38,500	\$ ---
Street Containers - Downtown	3,200	3,200
	<u>\$ 41,700</u>	<u>\$ 3,200</u>
<u>Cemetery Department</u>		
1 Mower	\$ 1,200	\$ 1,200

	<u>REQUESTED</u>		<u>RECOMMENDED</u>
<u>Police Department</u>			
16 Replacement Vehicles	\$136,000	(15)	\$127,500
2 Copiers	40,000	(02)	8,000
10 Rifles with scope	7,500	(05)	3,750
10 M-16 rifles	7,500	(00)	---
76 Model 66 Weapons	13,300	(25)	4,375
	\$204,300		\$143,625
<u>Engineering and Street Departments</u>			
Projects: Bridge - Rosehill Road	\$120,000		\$120,000
Pump Station Repairs	20,000		20,000
RR Crossing Material	30,000		30,000
Paving S. King Street	70,000		70,000
Equipment: Memory Typewriter	6,000		---
Copier	8,000		---
½ ton Jack	560		---
Jack Stand	200		---
10 ton floor Jack	1,170		---
5 voice pagers	1,500		1,500
Equipment Gates	2,400		2,400
St. Maint. Bldg.	5,000		---
	264,830		243,900
<u>Finance Department</u>			
1 Copier	\$ 3,500		\$ 4,000
<u>Transit Department</u>			
Match for Transit Garage	\$ 50,000		\$ 50,000
<u>Handicap Projects</u>			
Permanent Ramp - City Hall	4,000		4,000
<u>Resource Recovery Project</u>	\$ 25,000		\$ 25,000
<u>City Garage and Warehouse</u>	\$1,000,000		\$171,000
<u>City Attorney</u>			
Word Processor	\$ 8,000		\$ 8,000
<u>Fire Department</u>			
Radio Communications System	\$ 75,000		\$ 75,000
Fire Alarm Maint. truck	30,000		---
Replace vehicles	6,859		---
Copier	4,000		4,000
	\$115,859		\$ 79,000
<u>Contingencies</u>	---		\$ 70,903
 TOTAL	 \$1,838,647		 \$891,000

Mayor Finch then asked if there were requests to be heard from the audience and Council recognized Mr. Clinton Harris, representing the Cumberland County Senior Roundtable, on a request for funds for sidewalks within two blocks of all bus stops at no cost to the property owners.

There was no opposition present.

Following some discussion, Mr. McBryde offered motion to continue this item to April 6th in City Hall, this public hearing having been concluded and City Council then making a decision. Motion seconded by Mr. Williams and carried unanimously.

Mayor Finch then recognized Councilman Williams on a request that Item 8 on the agenda this evening be moved up to Item 2-1, in as much as the persons present for this matter this evening had a distance to travel after its presentation. No objection was voiced.

A public hearing had been published for this date and hour on the rezoning from R5 Residential District to C1 Local Business District, or to a more restrictive zoning classification of an area located at 1904 Southern Avenue. Planning Board recommended denial, partly on the grounds that the rezoning would constitute spot zoning in that it would grant special development privileges to one property not enjoyed by other similarly located properties with similar characteristics in the area.

Council recognized Mr. Sherwood Tart, the petitioner, who requested the rezoning to renovate a building and operate a commercial business. Mr. Tart stated that approximately 100 persons in the area have no objection to the rezoning. Council also recognized Mr. Roland Bass, petitioner, for the rezoning.

Council recognized Mr. Earl Britt, an adjacent property owner, in opposition to the rezoning, and he stated that he had presented a 72-name opposition petition at the Planning Board hearing.

Mr. Dawkins asked if this constituted spot zoning and Planner Mitchell and the City Attorney replied in the affirmative.

Mr. Dawkins then offered motion to follow the recommendation of the Planning Board and deny the petition for rezoning, seconded by Mr. McBryde and carried unanimously.

A public hearing had been published for this date and hour on the initial zoning to R6 Residential District or to a more restrictive zoning classification of an area located on both sides of Goins Drive south of Owen Drive.

Planner Mitchell stated this was a recently annexed area and Planning Board recommended approval of R6.

There were neither pro nor con present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE TO R6 RESIDENTIAL DISTRICT AN AREA LOCATED ON BOTH SIDES GOINS DRIVE SOUTH OF OWEN DRIVE. ORDINANCE NO. NS1981-9.

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 NS1981.

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 873, 877, and 881 Stoneykirk Road. Planner Mitchell stated that this was also a recent annexation and Planning Board recommended approval.

There were neither pro nor con present.

ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE TO R10 RESIDENTIAL DISTRICT, AN AREA LOCATED AT 873, 877, and 881 STONEYKIRK ROAD. ORDINANCE NO. NS1981-10.

Mr. Williams then introduced the foregoing Ordinance and moved its adoption, seconded Rev. Johnson and carried unanimously.

A copy of the foregoing Ordinance is on file in the Clerk's Office in Ordinance Book NS1981.

Council next gave reconsideration of approval of taxi certificates on second reading.

The City Attorney presented this matter and stated there were 134 applications for 40 certificates and that 40 certificates had been approved at the last meeting on first reading.

Council recognized Attorney Randy Gregory, representing David Walker. Mr. Gregory stated that Mr. Walker had requested 40 certificates and had been granted 4, and that he was opposed to Council's granting of 10 certificates to Al Wheatley. He stated he was also opposed to the wording of the report given by the Taxi Inspector to the Council at the last meeting. He stated he had requested a copy of the entire report submitted by the Taxi Inspector but had only been provided that portion of which pertained to his client, Mr. Walker. He stated that Mr. Wheatley was now holding certificates to serve the Fort Bragg area.

Council then recognized Attorney Heman Clark for Mr. Al Wheatley, who stated that it was correct that his client now held certificates to serve Fort Bragg. He stated his client would comply with the rates set by the City and proposed to serve

the outlying areas of the City.

Council then recognized Attorney Rudy Singleton, representing Mr. William F. Baxley. He stated Mr. Baxley owns 6 cabs and had requested 10 certificates but had only been awarded 3 and needed an additional 3 certificates.

City Attorney Cogswell was again recognized and reiterated that there were 134 applicants for 40 certificates. In response to question, Mr. Cogswell stated the 40 certificates awarded were 40 relinquished by Mr. Wheatley.

Sgt. Bill Johnson, City Taxicab Inspector, was recognized and stated that Mr. Wheatley informed him he would change the markings on his cabs and will operate from a stand in the City and according to the rates established by the City.

Following a lengthy discussion, Mr. Williams then offered motion that we follow the recommendation and approve the certificates as presented on second reading as follows, seconded by Mr. Dawkins and carried unanimously:

<u>NAME</u>	<u>REQUESTED</u>	<u>RECOMM.</u>	<u>NAME</u>	<u>REQUESTED</u>	<u>RECOMM.</u>
David Leon Autry	2	1	Joe Marshall	5	3
William G. Baxley	10	3	Robert McLeod, Jr.	1	1
Leroy Brown	1	0	Linwood McLaurin	1	1
Walter J. Brown	3	2	Roy Purdy	1	1
Coy M. Carter	1	1	Shelton Simmons	1	1
Garland Cartret	1	1	G. A. Simpson	2	1
Arthur E. Cross	1	1	Carlton Stewart	4	3
Charlie Eastman	2	1	Charles Thorne	1	1
Olen Gerald, Jr.	4	3	David A. Walker	40	4
Roger D. Heuer	13	1	Al Wheatley	40	10

Mr. Williams then offered motion that 40 certificates be advertised per the law. Motion seconded by Mr. McBryde.

Following another lengthy discussion, Mayor Finch called for a vote on the motion and it was as follows: For the motion: Councilmembers Williams, Johnson and McBryde. Against the motion: Councilmembers Dawkins, Evans, and Hurley. Mayor Finch declared a tied vote and the motion lost.

Council next gave consideration to Item 8 on the agenda moved up to be Item 2-1, which was consideration of a resolution approving an application for low-rent housing. The recommended action was adoption of the resolution.

The City Manager presented this matter and stated that the application for low-rent housing and the resolution would approve the application of the local authority to the government for a low-rent public housing project contract authority in the amount of \$175,000 for 50 dwelling units.

RESOLUTION APPROVING APPLICATION FOR LOW-RENT PUBLIC HOUSING. RESOLUTION NO. R1981-14.

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

A copy of the foregoing resolution is on file in the Clerk's Office in resolutions Book R1981.

Council next moved to public hearings to be set; and upon motion by Mr. McBryde, seconded by Mr. Hurley and carried unanimously, public hearings were set on the following zoning matters for April 27, 1981:

- A. Consideration of an application by Bernard J. Carter, Jr. for a special use permit to construct a parking lot in a R10 Residential District as provided for by the Fayetteville Zoning Ordinance, Section 32-23 (1a), an area located at 1522 Berkshire Road.
- B. Consideration of an application by the Haymount United Methodist Church for a special use permit to construct a Doctor's Office in an R6 Residential District as provided for by the Fayetteville Zoning Ordinance, Section 32-24(4) an area located at 1704 Ramsey Street.

Public Works Commission Matters

PWC Manager Ray Muench presented the two PWC matters.

He stated that sealed bids were received March 3rd for the purchase of one 24,000-pound GVW truck cab and chassis. The low net bid by Patrick Ford Company

in the amount of \$10,740 was recommended.

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

Mr. Muench stated that bids were received March 10th for structural steel for rebuilding the PWC Cumberland Road distribution substation. The low bid by Hercules Steel Company, Inc., in the amount of \$18,668 was recommended.

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

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

Planning Board Matters

Planner Al Mitchell presented these items.

The first was consideration of approval of Country Club North Subdivision addition preliminary and final review located along the south side of Hilliard Drive and west of Clearwater Drive. Planner Mitchell stated the Planning Board recommends conditional approval per their memo of March 23rd.

Mrs. Evans then offered motion for conditional approval of the foregoing as recommended by the Planning Board, seconded by Mr. Dawkins and carried unanimously.

The second Planning Board matter was consideration of a proposed local bill to be submitted to the general assembly to revise the public hearing procedure for rezoning petitions. The City Attorney presented this matter and stated that it had been presented at the last regular meeting and approved subject to review by the Planning Board. He stated the Planning Board, at its March 17 meeting, unanimously endorsed the proposed revisal of the rezoning hearing procedure. He reminded Council the main purpose of the change is to speed up the process on zoning cases that are unopposed and eliminate the public hearing requirement as requested by Mayor Finch and the Council. He stated the bill would be entitled, AN ACT TO AMEND GS160A-364 AND GS160A-386 AUTHORIZING THE CITY OF FAYETTEVILLE TO DELEGATE TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD THE AUTHORITY TO HOLD A PUBLIC HEARING ON REZONING MATTERS AND TO PROVIDE FOR APPEAL OF THE DECISION OF THE PLANNING BOARD TO THE CITY COUNCIL. Mr. Cogswell recommended approval to the Council.

Mr. Williams then offered motion to approve the recommendation of the City Attorney subject to the people involved being informed on first notification, seconded by Mr. McBryde and carried unanimously.

Council next gave consideration to authorizing the City Manager to submit the 1981-82 operating grant for transit. The recommended action was approval of the authorization and adoption of the resolution.

Assistant City Manager Roger Stancil presented this matter and stated that this was application to UMTA for operating assistance for our transit system in fiscal year 1981-82. Although the final 81-82 transit budget adopted by Council may differ from the application's proposed budget filing this application now would allow time for the grant to be approved so that we can begin drawing grant funds July 1st. The application can always be amended to reflect the actual budget if necessary. No public hearing is required unless a written request for one is submitted to the City Manager within 30 days. An advertisement had been placed in the local newspaper stating that if the request is received, a hearing would be scheduled. He recommended Council's adoption of the authorizing resolution.

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. R1981-15.

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

A copy of the foregoing resolution is on file in the Clerk's Office in Resolutions Book R1981.

Council next gave consideration to a recommendation from the City/County Liaison Committee to request NCDOT to designate Robeson Street as a two-way street. The City Manager presented this matter and stated that the Liaison Committee at its meeting of March 17th, voted to recommend that the County Commissioners and the City Council request the NCDOT consider making Robeson Street two-way in order to facilitate traffic to and from the new hospital site.

The Transportation Advisory Committee has not as yet acted on this matter. The Council may wish by formal action to favorably refer this matter to TAC.

Following brief discussion, Mr. McBryde offered motion to refer the foregoing matter to TAC as recommended, seconded by Rev. Johnson and carried unanimously.

Council next moved to Item 9 on the agenda, Item 8 having been completed earlier.

Item 9 was a tax matter regarding a refund in the amount of \$16.27 for the property of John W. Vassey. The recommended action was approval of the refund.

Mr. McBryde offered motion for approval of the refund as recommended, seconded by Mrs. Evans and carried unanimously.

Council next gave consideration to an amendment to the City Code to the City Auto License Ordinance - replacement decals, Section 20-19. The recommended action was adoption of the ordinance. The City Attorney presented this item and stated the ordinance was drawn at City Council's request and would authorize the Finance Director to furnish a duplicate decal where such decal has been lost or destroyed. It would also permit licensed car dealers to transfer decals assigned to demonstrator vehicles.

AN ORDINANCE AMENDING CHAPTER 20, "MOTOR VEHICLES AND TRAFFIC", OF THE CITY CODE OF THE CITY OF FAYETTEVILLE - DUPLICATE CITY AUTO LICENSE DECALS. ORDINANCE NO. S1981-6.

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 Clerk's Office in Ordinance Book S1981.

Council next gave consideration to an amendment to Chapter 28 of the City Code of Ordinances concerning taxi certificates for handicapped carriers. The recommended action was adoption of the amendment.

The City Attorney presented this matter and stated that he was in receipt of a communication from Sgt. Johnson of the Police Department, the City Taxicab Inspector, who stated an individual desired to go into the taxi business to handle elderly and handicapped people. At the present time the taxi ordinance does not provide for this type of service. Another city provides that taxicab services may include the operation of a van on a demand response basis to be equipped with a time meter and a wheel chair lift to accommodate wheel chairs and ambulatory passengers. The proposed ordinance would satisfy the above request and he recommended its adoption.

AN ORDINANCE CREATING A NEW ARTICLE VIII, "HANDICAP PERMITS", TO CHAPTER 28, "TAXICABS", OF THE CITY CODE OF THE CITY OF FAYETTEVILLE - HANDICAP PERMIT. ORDINANCE NO. S1981-7.

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

Council next gave reconsideration of an amendment to Section 28-39 of the City Code of Ordinances concerning fixed fees for taxicab operation. This ordinance was adopted on first reading at the March 9th meeting and was scheduled at this time for second reading.

The recommended action was for adoption.

AN ORDINANCE AMENDING CHAPTER 28, TAXICABS OF THE CITY CODE OF THE CITY OF FAYETTEVILLE - OPERATOR TO BE OWNER, EMPLOYEE, OR AGENT OF OWNER. ORDINANCE NO. S1981-4.

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

A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book S1981.

Council next gave consideration to the acceptance of a deed and proposed lease back to Cross Creek Garden Club. The recommended action was to authorize a legal notice.

The City Attorney presented this matter and stated that under a warranty deed between Mrs. Mildred Poole, Widow, grantor; and the City the Grantee, conveys to the City a tract located on Pecan Drive adjacent to Bragg Boulevard to be used as a public garden. It is proposed through a lease arrangement that the City lease to the Cross Creek Garden Club this tract to provide for the public garden.

Mr. Hurley then offered motion to accept this offer from Mrs. Poole and that a letter of thanks be written to her and that legal notice be in the same is hereby authorized, seconded by Mr. McBryde and carried unanimously.

Council next gave consideration to an amendment to no parking and tow-away zone schedules. The recommended action was approval. The City Manager presented this matter and stated that this was being presented to Council this evening at the request of Councilmembers Williams and Hurley at the last regular meeting to prohibit parking and provide for tow-away of vehicles parking on the property being purchased by the City on Hay Street and Maiden Lane. He stated that this would be added to the no parking and tow-away zone schedule and that signs would be erected on the property.

Following brief discussion, Mr. McBryde offered motion, seconded by Mr. Williams and carried unanimously, to adopt the amendment.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 11 - "PARKING PROHIBITED". ORDINANCE NO. NS1981-11.

A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book NS1981.

Council next gave consideration to bids for playground equipment for the Recreation Department. The recommended action was award to the low bidder, "Play Systems, Inc."

The City Manager presented this matter and stated that through error, a complete sentence had been left out of his memo. The sense of the sentence was that no two manufacturers manufacture the same type of equipment. He stated that difficulty had been experienced with this bid and it is a problem inherent in bidding this type of equipment because when specification are written for specific items other companies must bid substitute items. In this case, the low bidder was a company bidding substitute items. The high bidder was recommended by the Recreation and Parks Director and was exactly what was specified. However, due to the difference in the price, \$2,519.55, he recommended the low bidder - Play Systems, Inc. The City Attorney feels that awarding to the low bidder would be a proper and legal action. Both City Purchasing Agent Al Jordan and Recreation and Parks Director concurred in this recommendation.

Mrs. Evans then offered motion to follow the foregoing recommendation of the City Manager and Purchasing Agent and award the bid to the low bidder, Play Systems, Inc. Motion seconded by Rev. Johnson and carried unanimously.

The next item was consideration of bids for body armor vests for the Police Department. The recommended action was award to the low bidder, Southeastern Supply Company.

Purchasing Agent Al Jordan presented this matter and stated that bids were received on March 10th for furnishing 50 body armor vests for the Police Department. He recommended the low bid of \$6,875 submitted by Southeastern Supply Company be accepted.

Mr. McBryde offered motion, seconded by Mrs. Evans and carried unanimously, to approve the foregoing low bid of Southeastern.

Council next gave consideration to taxi permits. The City Manager and Taxi Inspector, Sgt. Johnson, presented the matter and recommended the following individuals be approved for a taxi permit:

Bruce Lewis Bryant, Daniel Raymond Burke, Alberberry Debro, Carol Ann Locklear, James Daniel MacCumber, Jr., James Lee Mays, Marsha Barnhill Porter and Robert Wayne West

Mrs. Evans then offered motion to approve the foregoing taxi permits as recommended by the Taxi Inspector, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to appointments.

At the last meeting the following named had been nominated for appointment to the Human Services Commission: Mr. Vincent Shields, Terry Hutchens, Jesse Brayboy, and Catherine Adams.

Mr. McBryde offered motion, seconded by Rev. Johnson and carried unanimously, that the aforementioned be and they hereby are appointed to the Human Services Commission for terms of office of two years each, said terms to run to March 1983.

Mrs. Evans then nominated Mr. Theodore Kinney for a fifth appointment to the Human Services Commission. Mayor Finch stated this would be considered at the next regular meeting.

No nominations were made for one vacancy on the Building Code Review Committee. Mayor Finch stated this would be considered at the next regular meeting.

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

City Manager Reports

The City Manager informed Council that in addition to the four requests listed on the agenda for runs, races, and marches, he had received, too late to place on the agenda, a request from St. Patrick School for a bike-a-thon to be held on April 5. The other four requests listed on the agenda were from:

- A. The YMCA to hold a one-mile and a 6.2-mile run on Sunday, May 3rd in connection with "Sunday-on-the-Square" festivities
- B. Cape Fear Chapter of the "March of Dimes" Foundation to hold a "1981 Walk-America" on Saturday, April 25, 1981
- C. Fayetteville Area Runners' Association to hold a one-mile fun run and a 10 kilometer race from the Cross Creek Mall area during Memorial Day Weekend, Sunday, May 24, 1981
- D. The students of Fayetteville State University to stage a march on Saturday, March 28, 1981, 11:00 am, to show concern for the families of the murdered and missing 22 Black children in Atlanta, Georgia

He recommended approval of all requests.

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

The City Manager informed Council that he had issued a memo to return to City Council goal setting items at the next information meeting.

Matters of Interest to the City Council

Rev. Johnson requested permission to be excused from the April 13th meeting. There was no objection.

Mr. Dawkins offered the sage comment that for the next 8 days of the basketball season it would be "Go, 'Heels"!!!

Mr. Hurley offered in reply that it was "gracious" of Mr. Dawkins to recognize that there was more than one basketball team than the Demon Deacons.

Mr. McBryde asked about the lights on Village Drive and the City Engineer replied estimated completion date of from two to three weeks.

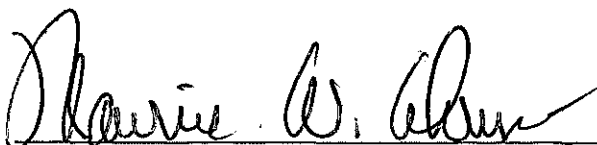
Mr. Hurley asked about the Bow Street Commons project. The City Engineer replied that it was 75% complete.

Mr. Hurley asked if the parking meters could be eliminated in this project and the City Manager stated he would check this out.

Mayor Finch reminded Council of the review by the City Attorney of the privilege license schedule and a parade ordinance and suggested that these be items for the next information meeting.

Mayor Finch informed Council that there had been dissatisfaction expressed with the curb side pick up system and suggested further that this matter be an item for discussion at the next information meeting and a possible new policy statement if desired by Council.

Thereafter, all matters of business having been completed this regular session was adjourned at 9:00 pm upon motion made and duly seconded.


Maurice W. Downs
City Clerk

MWD:jro

SPECIAL MEETING
CITY HALL COUNCIL CHAMBER
MONDAY, APRIL 6, 1981
7:00 PM

Present: Mayor Beth Finch

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

Not Present: Councilman Wayne Williams

Others Present: John P. Smith, City Manager
Roger L. Stancil, Assistant City Manager
Robert C. Cogswell, Jr., City Attorney

Mayor Finch called this special meeting to order at 7:00 pm. Rev. Aaron J. Johnson gave the invocation.

The first item of business was discussion by Council on the Revenue Sharing Budget amendments of the 1980-81 fiscal year. City Manager John Smith presented this matter to Council and asked for any questions or comments from them.

Mayor Pro-tem Dawkins commented on the \$2,500 designated for the fencing of the new Ceramics Building. Mr. Smith explained that the fencing is to be for the new parking lot at the Ceramics Building.

Councilman McBryde asked about ten (10) rifles with scope requested by the Police Department. Mr. Smith commented that he was recommending five (5) for the Police Department TAC unit.

Councilman McBryde also commented on the \$73,000 set aside for radio communications in the Fire Department. He suggested taking the \$25,000 from the Resource Recovery Project and adding it to the \$75,000 to make the total \$100,000 for radio communication.

Mayor Pro-tem Dawkins commented on the bridge for Rosehill Road. Mr. Smith explained that this was needed to complete the Rosehill Road project.

Councilmember Mildred Evans commented she was glad to see the money for Blount Street. She also commented that she would like to see any unused contingency fund monies used for sidewalks to go where they are most needed.

Councilman Hurley agreed with Mrs. Evans.

Mayor Pro-tem Dawkins said he would like to see some of this money (contingency fund) used to maintain streets.

Councilman Hurley asked about the progress on the City Garage and Warehouse. Mr. Smith said that the requested funds would establish a capital reserve fund for this purpose.

Councilman Johnson asked that consideration be given to the Savoy Heights Recreation Building. He also asked about the 16 replacement vehicles requested by the Police Department. Mr. Smith stated that the old cars will be turned in and auctioned off. He also wanted to know how many of the guns requested by the Police Department were replacements. Mr. Smith answered that the 25 model 66 guns were replacements.

Councilman Johnson also concurred with Councilman McBryde to have the \$25,000 budgeted for Resource Recovery to be put to use where it is better needed. He stated that he was also concerned with the termination of the CETA workers and wants consideration to be given to extending the deadlines.

Councilmember Evans asked the City Attorney for a description of the word processor he is requesting. Mr. Cogswell explained this to her. Mr. Smith then commented that he was in the process of doing a study on word processors for the entire City.

Mayor Pro-tem Dawkins commented that he was concerned with dropping out of the Resource Recovery Project. He stated that he did believe there was a problem with the percentages between the City and the County. After considerable discussion, Councilman Johnson requested that the City Manager communicate further with the County and find out the full extent of the County and their standing on this Project.

Mayor Finch suggested that it may be a good idea to create a policy between the City and the County on all participation in the future on a percentage basis based on population, etc.

After further discussion the matter was closed. No action was taken.

The next item of business was a presentation by Mr. Cogswell, the City Attorney, on the proposed privilege license revenue ordinance. After the presentation was made, Councilmember Evans expressed her concern with Section 17-14(c) and asked the City Attorney to check up on this. She also stated she would like recommendations as to the schedule of fees in relation to what other Cities are charging. She suggested the City Attorney choose three cities with similar populations and recent ordinances. No action was taken.

The third item of business was a presentation by the City Attorney on the proposed parade ordinance. He stated that the City pays a lot to have Policemen work overtime for parades, fun runs, etc. He suggested considering some way of recovering the money spent by the City.

Councilmember Evans stated that she feels that people pay enough taxes to have proper police protection for these special events.

Councilman Hurley agreed with Mrs. Evans but suggested that when more than 25 policemen are needed maybe work something out with the person(s) coordinating the activities.

Mayor Finch stated she would like to know how much overtime was paid by the City for these outside activities within the past year. No action was taken.

The next item of business was the setting of a public hearing for May 11, 1981. This motion was seconded by Councilman McBryde and carried unanimously.

There being no further business, Councilman McBryde made motion to adjourn at 8:17 pm.

Respectfully submitted,

Sharon Harris

Sharon Harris
Acting City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
APRIL 13, 1981
7:00 PM

Present: Mayor Beth Finch

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

Council Member Absent: Aaron Johnson

Others Present: Mr. John P. Smith, City Manager
Mr. Roger L. Stancil, Assistant City Manager

Mayor Finch called the meeting to order the the Rev. Charles L. Pollock of Christ United Methodist Church offered the invocation. Following this the Mayor 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 also announced to the public that some of the members of the City Council are going to be involved in a basketball game with the Youth Council Tuesday night.

The first item of business was approval of minutes.

Upon motion by Mr. McBryde, seconded by Mr. Dawkins and carried unanimously, minutes of the regular meeting of March 23, 1981, were approved as submitted by the City Clerk.

Upon motion by Mr. Dawkins, seconded by Mr. McBryde and carried unanimously, minutes of the special meeting of April 6, 1981, were approved as submitted by the Acting City Clerk.

Mayor Finch stated that Mr. Smith advised her of the need for a short executive session at the end of the meeting to discuss land acquisition.

Public Hearings to be Set

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

- A. Set for April 27, 1981, for consideration of land use plan for the 301 Eastern Boulevard area.
- B. Set for May 26, 1981, for consideration of the paving pursuant to petition of Sandhill Drive from the western line of Pleasant Valley, Section 8, Plat Book 31, Page 56 to Fargo Drive by the adoption of the following resolution:

PRELIMINARY RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION OF SANDHILL DRIVE. R1981-16.

- C. Set for May 26, 1981, for consideration of the paving pursuant to petition of Fargo Drive from the northern line of Plat Book 14, Page 38, C.C.R. to the northeastern corner of Lot 16, Plat Book 29, Page 53, C.C.R. by the adoption of the following resolution:

PRELIMINARY RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION OF FARGO DRIVE. R1981-17.

Copies of the foregoing resolutions are on file in the Clerk's Office in Resolutions Book R1981.

Mr. Dawkins then commented on the convenience of the new agenda packets.

Planning Board Matters

Upon motion by Mr. McBryde, seconded by Mr. Dawkins and carried unanimously, conditional approval was given to Windtree Subdivision, Section II, addition preliminary and final review located on the south side of Cliffdale Road and west of Buckhead Creek as recommended by the Planning Board.

Public Works Commission Matters

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, bid was awarded to Westinghouse Electric Supply, the low bidder, for the purchase of electrical distribution transformers of various types and sizes.

Upon motion by Mr. Williams, seconded by Mr. McBryde and carried unanimously, bids were awarded to Southern Wood Piedmont for the purchase of 140 30' Class 5 Pine Poles and 50 35' Class Pine Poles; and to Atlantic Wood Industries for the purchase of 6 40' Class 3 Pine Poles and 72 40' Class 4 Pine Poles.

Upon motion by Mrs. Evans, seconded by Mr. Dawkins and carried unanimously, approval was given for adoption of amendment number two of the 1980-81 PWC Budget, increasing budget for all items by \$7,201.

The next PWC item was consideration of one 4-inch sanitary sewer connection to existing main to serve lot on Moody Street (next to 2413 Moody Street).

PWC Manager Muench presented this item and recommended approval.

Mr. Williams offered motion to follow the recommendation of Mr. Muench to approve the request. The motion was seconded by Mr. Dawkins.

Following some discussion, Mayor Finch called for the vote and it was as follows: For the motion - Councilmembers Williams and Dawkins. Against the motion - Councilmembers McBryde, Evans and Hurley. The motion was declared defeated and the request was denied.

Upon motion by Mr. McBryde, seconded by Mrs. Evans and carried unanimously, approval was given to a request for one 1-inch water connection to existing main to serve residence at 2202 Roxie Avenue, outside City.

Upon motion by Mrs. Evans, seconded by Mr. Hurley and carried unanimously, approval was given to a request for one 1-inch water connection to serve existing residence on Owen Drive, outside City.

Upon motion by Mr. McBryde, seconded by Mrs. Evans and carried unanimously, approval was given to a request for one 1-inch water and one 4-inch sewer connection to existing main to serve existing residence at 3311 Rosehill Road, outside City.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, bid was awarded to Blue Construction Company, low bidder, in the amount of \$119,029 for the repair work to four dams on Little Cross Creek (part of the City of Fayetteville watershed).

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

The next item of business was consideration of a request from Victory Methodist Church for purchase of a City-owned lot at the corner of Camden Road and Quality Road.

City Manager John Smith presented this item and stated the offer by the Church is less than half of the appraised value. He further stated that they had received two telephone inquiries regarding the property as a result of the "for sale" sign, but no definite offers. He recommended continuing this to seek interested buyers to see if the City can get the appraised value for the property.

Mr. Williams offered motion to follow the recommendation of the City Manager, seconded by Mr. Dawkins and carried unanimously.

Mr. McBryde offered motion, seconded by Mr. Williams and carried unanimously, to adopt ordinance to amend Chapter 28 of the City Code of Ordinances concerning taxi certificates for handicapped carriers on second reading.

AN ORDINANCE CREATING A NEW ARTICLE VIII, "HANDICAPPED PERMITS" TO CHAPTER 28, "TAXICABS", OF THE CITY CODE OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1981-7.

A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book S1981.

The next item of business was consideration of filing a protest with Carolina Telephone and Telegraph regarding lease payments for public telephones at the Airport.

Steve Quiltey, Assistant Airport Manager, presented this and stated the commission received is presently 14% on local calls and 10% on long distance calls with a maximum of twenty cents (\$.20) per call. This commission is much lower than commissions paid by other telephone companies in the State of North Carolina (i.e. Southern Bell Telephone varies their rates from 15/15% to 25/25%).

The North Carolina Utilities Commission recently approved a rate increase for CT&T totaling approximately \$19.2 million. This increase included a reduction of those commissions paid on public telephones to 9% straight on local and long distance rates. The Airport Commission, at present rates, realize revenues of approximately \$1200 per year. At the CT&T proposed rate of 9% revenue projection would

be \$950. The petition to the North Carolina Utilities Commission would be for commissions paid of 25% on the monies collected for a revenue figure of \$2700 per year. He further stated the Airport Commission requested approval of filing the protest.

Mrs. Evans then offered motion to approve the request to file a protest, seconded by Mr. McBryde and carried unanimously.

The next item of business was consideration of budget ordinance amendment change 10 (revenue sharing).

City Manager John Smith presented this and stated this was to budget three quarters allotments not covered in the original Budget Ordinance due to expiration of the 1976 Revenue Sharing Bill and delayed adoption of the new Revenue Sharing Bill. He recommended adoption of the amendment.

Mrs. Evans offered motion for adoption of the ordinance amendment, seconded by Mr. Dawkins and carried, Mr. McBryde voting "no".

Next was an appearance by the Concerned Taxpayers Association.

Council recognized Mr. Walter Moorman, spokesman for the Association, who stated they were against the Maiden Lane Parking Deck. He stated it was not a good investment of tax dollars and it would be an eyesore. He further stated there was sufficient parking throughout the City. He then thanked the Council for the opportunity to appear.

Mayor Finch thanked Mr. Moorman for his presentation.

The next item was consideration of a request for the removal of a pay telephone at 120 Person Street.

City Manager Smith presented this matter and stated this request was from Kimbrell's, Inc., a furniture store at 120 Person Street. He stated they requested this because offensive language is used on that telephone and it is easily heard by many of his customers. Also, on March 23, 1981, someone pulled the receiver off the wire and threw it through the store window. Mr. Smith recommended for the Council to authorize him to contact the telephone company to remove the telephone and see if they could get another location for it.

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

The next item of business was consideration of establishment of a loading zone at 119 Hay Street.

City Manager John Smith presented this matter and stated the request was from Branch Banking and Trust Company. He stated they requested removal of a parking meter located immediately in front of the Main Office (119-121 Hay Street) and to redesignate the parking space a "Load Zone". He stated with approval of this, the vehicles that pick up the cash from the Main Office would be able to park in a closer proximity to the bank and reduce the risk of robbery. Mr. Smith recommended approval by the adoption of the following ordinances.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 13 - "PARKING METERS". ORDINANCE NO. NS1981-12.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE NUMBER 10 - "LOADING ZONES". ORDINANCE NO. NS1981-13.

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

Copies of the foregoing ordinances are on file in the Clerk's Office in Ordinance Book NS1981.

Next was consideration of a resolution authorizing the lease of City of Fayetteville property located near Pecan Drive and Bragg Boulevard to the Cross Creek Garden Club. Mr. Smith introduced this item and recommended approval of the lease.

RESOLUTION AUTHORIZING THE LEASE OF CITY OF FAYETTEVILLE PROPERTY. RESOLUTION NO. R1981-18.

Mr. Williams offered motion to follow the recommendation of the City Manager, seconded by Mr. Dawkins and carried unanimously, by adoption of resolution.

A copy of the foregoing resolution is on file in the Clerk's Office in Resolutions Book R1981.

Next was consideration of authorization of a release of liability for Lacy's Body Shop.

The City Manager presented this matter and stated that while police car number 176 was in the care and custody of Lacy's Body Shop, 1044 Bragg Blvd., various items of equipment were removed from this vehicle. Replacement and installation of missing equipment was arranged between Lacy's and Piedmont Communications with payment by Lacy to Piedmont.

Lacy's is prepared to pay Piedmont for their service but is requesting a release of liability from the Fayetteville Police Department before payment to Piedmont.

Mr. Williams then offered motion, seconded by Mr. Dawkins and carried unanimously, to authorize the City Manager to execute the requested release.

Next on the agenda was consideration of a resolution for condemnation of a tract of land on the east side of Pennsylvania Avenue for Ernest Street Extension.

Mr. Robert Bennett, City Engineer, presented this and recommended approval by the adoption of the following resolution.

RESOLUTION AUTHORIZING CONDEMNATION OF PARCEL OF LAND FOR ERNEST STREET EXTENSION. RESOLUTION NO. R1981-19.

Following brief discussion, Mr. Williams offered motion to acquire the tract of land outlined in blue on the map, which was just the strip of land in the middle of the entire piece of property where the street will be. The motion was seconded by Mr. Dawkins.

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

Mr. McBryde then offered motion to follow the recommendation of the City Engineer, to acquire the entire piece of property, seconded by Mr. Hurley and carried, Mr. Dawkins and Mr. Williams voting "no".

A copy of the foregoing resolution is on file in the Clerk's Office in Resolutions Book R1981.

Next on the agenda was consideration of award of Contract No. 246 - "Street Construction of Cude Street, Craven Street, and Burnett Avenue". City Engineer Robert Bennett presented this and recommended awarding of the bid to the lowest bidder, Johnson Brothers Utility and Paving Company, Incorporated, in the amount of \$166,675.10, and reserving \$192,000.00 (about 15% over the bid amount) for the project.

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

The next item of business was consideration of approval of issuance of taxi permits recommended by the Taxi Inspector. Sgt. W. C. Johnson, Taxi Inspector, recommended the following:

Approval - Teddy Marion Herring, Richard Thomas Martin, Darnell Jerome McLeod, Clifton Robinson, Willie Lee Webb. Disapproval - Charlie Blossom, Leroy Brown, Freddie Marshall Carlyle, and Henry Lee Williams.

Mrs. Evans offered motion for approval of the recommended, seconded by Mr. Hurley and carried unanimously.

APPOINTMENTS

Upon motion by Mrs. Evans, seconded by Mr. Williams and carried unanimously, Theodore Kinney was elected to the Human Services Commission for a 2-year term of office to run to March 1983.

The last appointment item was for three nominations for vacancies on the Building Code Review Committee.

Mayor Finch stated this committee had not met in three years and stated that maybe some review of this should be made to see if it is a functioning and useful committee, and if not, abolish it.

Mr. Williams suggested having the staff look at this for two weeks and talk with Mr. Albritton and Dohn Broadwell and come back in two weeks.

The City Manager suggested holding off on the appointments. Council had no objections to this.

Delegations

Mr. Clinton Harris, a local citizen was recognized with comments.

City Manager's Reports

City Manager John Smith presented these matters.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, approval was given to the Downtown Fayetteville Association for the following events:

1. Fourth of July parade at 10:30 am and a concert by the N.C. Symphony at Cross Creek Park at 7:00 pm on July 4, 1981.
2. Third International Folk Festival scheduled for Saturday, September 26, 1981.
3. Downtown Christmas Parade scheduled for Saturday, November 21, 1981, at 10:30 am.

Upon motion by Mr. McBryde, seconded by Mrs. Evans and carried unanimously, approval was given to the Fayetteville Urban Ministry for exemption from the Sunday "Blue Law" for Sunday, May 3, 1981, (Sunday-on-the-Square).

The next City Manager report was discussion of a proposal by Cumberland County for the merger of the County Human Relations Department and the City Human Services Department.

City Manager John Smith presented this and recommended not accepting the proposal as it had been put forward at this point.

Following some discussion, Mr. Williams offered motion to grant the City Manager the authority to negotiate with the County on this matter and report back to Council. Motion seconded by Mrs. Evans and carried unanimously.

The next City Manager report was that of a request from the Forest Lake Association, Inc. to the City for construction of a sedimentation basin upstream of Forest Lake. The City Manager presented this matter and stated the Association is requesting this because they are trying to dredge silt out of Forest Lake.

Following discussion, Mr. Williams offered motion, seconded by Mrs. Evans and carried unanimously, for Mr. Smith to continue on his path to solve this problem.

The next City Manager item was consideration of the following:

RESOLUTION APPROVING APPLICATION FOR AN ANNUAL CONTRIBUTIONS CONTRACT TO PROVIDE HOUSING ASSISTANCE PAYMENTS FOR 175 UNITS OF SECTION 8 EXISTING HOUSING. RESOLUTION NO. R1981-20.

Mr. Hawkins Stanton of the Fayetteville Housing Authority was recognized and stated there was a great need for housing, and for this reason, he requested approval of the preceding resolution.

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

A copy of the foregoing resolution is on file in the Clerk's Office in resolutions Book R1981.

Assistant City Manager Roger Stancil stated that under the Home Mortgage Disclosure Act of 1981, all lenders under SMSA are required to compile information on the home mortgage activity submitted to the Department of Housing and Urban Development. They have submitted a letter to the City of Fayetteville asking if we were interested in being a depository for that information for this SMSA. He further stated all the City would have to do is receive the information and make it available to the public. This information would also be helpful to the Planning Staff and Community Development staff. He suggested the Planning Staff as an appropriate place to compile that information.

Mr. Dawkins offered motion to follow the suggestion of the Assistant City Manager, seconded by Mr. Hurley and carried unanimously.

Matters of Interest to the Council

Mr. Williams stated he enjoyed the new agenda packet this evening.

Mr. Hurley commented on the new traffic lights and poles on Village Drive.

Mayor Finch stated that Joan Allen called her and stated that a group of citizens in the City have stated their concern of the City's lack of annexation power and were interested in forming an Annexation Study Task Force, to be appointed by Council. Council decided to think about it and put it on the agenda for the next regular meeting of April 27, 1981.

Mayor Finch stated her concern about the dangerous intersection at Law Road and Ramsey Street. She stated Mrs. Houston was struck and killed there this past weekend. Mrs. Houston's son called and requested installation of a traffic signal. He was understanding, however, of the City's lack of ability to install one due to the fact that it is a state highway. She said she intended to contact Mrs. Carl of the N.C. Transportation Commission and ask her to come down and view the situation.

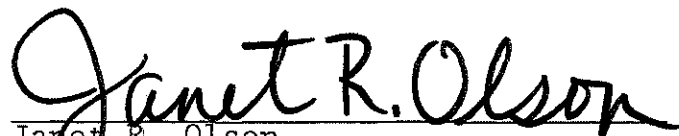
Mayor Finch reminded Council of the Mayors' Day for the League of Municipalities on April 29th.

Mayor Finch also reminded Council that May 4th begins Youth week.

At 8:36 pm Council, on motion and second, entered into executive session to discuss a land acquisition matter.

At 8:45 Council reconvened into regular session.

Thereafter all matters of business having been completed, this regular meeting was adjourned at 8:46 pm upon motion made and duly seconded.


Janet R. Olson
Acting City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
APRIL 27, 1981
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. John P. Smith, City Manager
Mr. Robert C. Cogswell, Jr., City Attorney

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 stated that beginning May 4th would be Youth Week and that the young people seated with the Mayor and Council tonight were their youth counterparts. Mayor Finch introduced her counterpart, Sam Fleishman. Mr. Hurley introduced Tina Hoffman. Mrs. Evans stated her counterpart, absent tonight, would be Donna Usher. Mr. McBryde introduced Debbie Waitman. Mr. Dawkins introduced Ann Yadusky. Rev. Johnson stated his counterpart was not present this evening. Mr. Williams introduced David Walker.

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

City Manager Smith then introduced Mr. Clark Dill, the City's new director of Sanitation and Garage. Mayor Finch welcomed Mr. Dill to the City and further recognized Mr. John Ray, Superintendent of Fleet Maintenance and Mr. Harold Hubbard, superintendent of Sanitation.

The Mayor stated the City Attorney had requested an executive session to consider a litigation matter and also a taxi driver permit matter at the end of this meeting. The Mayor stated she would consider a motion at that time.

Councilman Hurley requested permission to abstain from voting on agenda item 2B due to a conflict of interest. Permission was granted.

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 Council meeting of April 13th were approved as submitted.

Public Hearings

A public hearing had been published for this date and hour on an application by Bernard J. Carter, Jr., for a special use permit to construct a parking lot in an R10 Residential District as provided for by the Fayetteville zoning ordinance in an area located at 1522 Berkshire Road.

Planner Lloyd stated that the Planning Department was in receipt of a letter from Mr. I. B. Julian, trustee, of the Fayetteville Area Health Education Center, petitioner, that they wished this matter withdrawn.

Mayor Finch stated this was a public hearing and anyone interested would be heard.

Council recognized Mr. Harry Bolick, 1528 Dover Court, representing approximately 30 persons present in the audience opposed to this special use permit. Mr. Bolick requested that a vote be taken by the City Council on the matter.

Mr. Clinton Harris, a local citizen, was recognized with comments on the bad planning in this area.

Following brief discussion, Mr. Williams and his counterpart offered motion to deny the special use permit. Motion was seconded by Mr. Dawkins and his counterpart and upon being put to a vote, carried unanimously.

A public hearing had been published for this date and hour on an application by the Haymount United Methodist Church for a special use permit to construct a doctor's office in an R6 Residential District as provided for by the Fayetteville Zoning Ordinance in an area located at 1704 Ramsey Street. Planner Lloyd stated the Planning Board recommended conditional approval.

Council recognized Mr. Swain Hamlet, representing the petitioner, and informed Council that the Doctor was no longer interested in purchasing the property so the church wished to withdraw the petition for the special use permit.

Mr. Williams then offered motion, seconded by Mr. Dawkins, to deny the special use permit. Mr. Hamlet was again recognized and stated that the church only wished to withdraw petition until another buyer could be found for the property.

Following some discussion, Mrs. Evans offered substitute motion to allow the petitioner to withdraw the request. The motion received no second.

After some further discussion, Mr. McBryde offered a substitute motion to table the matter, seconded by Rev. Johnson and carried, Councilman Hurley abstaining to vote.

Council next gave consideration to a land use plan for the 301 Eastern Boulevard area. The recommended action was that Planning Board recommends approval with changes as recommended.

Council recognized Mrs. Dorrie Loyd from the Planning Department. Mrs. Loyd reviewed the history of the 301 Plan for the Council. She stated the Plan was prepared some time ago and that Council had referred it back to the Planning Board for additional public input. She stated that during the month of December the Staff held two public hearings with residents and business people of the area and as a result of these meetings, two changes have been requested. At the first public hearing 22 persons were present and at the second public hearing 11 persons were present. At the Joint Planning Board meeting 8 persons were present and the Planning Board recommended adoption of the plan with amendments. Mrs. Loyd stated that leaflets had been sent to persons in the area and that the Department had used the County's tax maps for the land use plan. Mrs. Loyd displayed a map of the area. She stated that the first change or amendment was located in the area of 'C' Street, west of the Holt Williamson property and that the residents of the area had requested that the Plan be changed from industrial to residential use. The second change was along U.S. 301 at Old Wilmington Road. The owner, M. M. Smith Moving and Storage, requested the future use be changed from commercial to industrial. Mrs. Loyd stated as a result of the design for N.C. 87 relocation and the C.B.D Loop the Staff recommended additional changes along U.S. 301 from proposed commercial uses to industrial uses. She stated that part of the service road, which now adjoins along the west side of U.S. 301 would be severed and that access along this road would be discontinued in the future. She stated the adoption of the amendment would be necessary to request the Redevelopment Commission to change the designed uses along Buxton Boulevard from residential to industrial.

Council recognized Mr. Matthew Smith, owner of M. M. Smith Storage, thanked the Council for hearing this matter last fall and for referring it back to the Planning Board for review and stated he has now whole-heartedly endorsed the Plan.

Council recognized Mrs. Anna Bell Walker of 210 Old Wilmington Road who requested a rezoning of her property from business to residential. Mayor Finch referred her to the Planning Department.

Another person from the area requested that the MacDaniel-Scarborough Street area be rezoned back to residential. Mrs. Loyd stated the area is residential on the Plan.

Following some discussion, Mr. Williams offered motion to adopt the Plan as presented, seconded by Mr. Hurley.

Following some discussion, Rev. Johnson moved to amend the motion that Mrs. Walker's lot at 210 Old Wilmington Road, in the Plan be adopted as R6 Residential. Mr. Williams declined the amendment and following some further discussion and information from Mrs. Loyd and Planner Loyd, Rev. Johnson withdrew the amendment. Mayor Finch then called for a vote on the motion to approve the Plan as presented, and it carried unanimously.

Public Works Commission Matters

PWC Manager Muench presented these matters. Mr. Muench stated that bids were received on April 7th for the purchase of three 3-phase sectionalizers for use on the PWC electrical distribution system. The recommendation was approval of the low bid by Mill-Power Supply Company in the amount of \$14,076.

Mr. Williams offered motion, seconded by Rev. Johnson, to approve the low bid as recommended. Motion carried unanimously.

Mr. Muench then presented a request for a joint meeting between City Council and Public Works Commission to consider City and PWC Commission policy regarding extensions of water and sanitary sewer mains outside the City; and connections to water and sanitary sewer; the extension of a 16-inch water main to the town of Spring Lake, at a total cost to Spring Lake for the sale of bulk water to that town; continuation of design engineering of Rockfish Wastewater Plant and Interceptors, now in progress, and funded by EPA; and of PWC's applications for preliminary permits to study five small hydro generation sites. Mr. Muench suggested that

Council select two or three dates and he would advise PWC.

Mr. Williams then offered motion that such special meeting be set, seconded by Rev. Johnson and carried unanimously.

Tentative meeting dates were set for Thursday, May 14th and Tuesday, May 19th at 7:00 pm at the PWC offices. The exact date would be determined later.

Mr. Williams commended Mr. Muench for the excellent job he and PWC are doing with utility service for the City of Fayetteville. Mr. Muench thanked Mr. Williams and expressed that there were lots of good people working for PWC.

Council next considered a demolition ordinance for property located 603 Mechanic Street. (This was a substandard structure and this item was given a 6-months extension at the regular meeting of October 27, 1980, at the request of the owner in order to give him time to bring the structure up to code standards.

The City Attorney introduced this matter and stated that the owner, Mr. A. E. Cook, stated to him he will not resist passage of the demolition ordinance.

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

The ordinance title appears below.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 603 MECHANIC STREET AND OWNED BY MR. A. E. COOK. ORDINANCE NO. NS1981-14.

A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book NS1981.

Council next considered an ordinance revising speed zones on U.S. 401 By-Pass per North Carolina D.O.T. request. The City Engineer presented this matter and stated that N.C.D.O.T.'s recommendation is to establish a 50 m.p.h. speed limit along U.S. 401 By-Pass except the section between Morganton Road and Cathy Street which is to remain 45 m.p.h. There are portions of the highway now posted at 55 m.p.h. and we concur that the uniform 50 m.p.h. is appropriate.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 8 - "SPEED CONTROL" U.S. 401 BY-PASS (PAMALEE DRIVE AND COUNTRY CLUB DRIVE). ORDINANCE NO. NS1981-15.

Mrs. Evans 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 NS1981.

Council next considered ordinances revising parking on Lamon Street per request of Mr. Jerry C. Kizzort of the Social Security Administration. The recommended action was approval.

The City Engineer presented this matter and stated that Mr. Kizzort's recommendation was that parking be allowed on the north side of Lamon Street rather than the south side because elderly and infirm people who visit the Social Security Office should not have to cross through traffic to get to the office. Also, those persons using the parking lot across the street from the office have no visibility for getting out of the parking lot into the street. They cannot see because of the cars parked on the street on that side. Mr. Bennett stated the proposed ordinances would accomplish these changes and also prohibit parking on both sides of Lamon Street between North Street and Ramsey Street and between Barges Lane and Ann Street to provide for left turning lanes at these intersections. 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. 11 - "PARKING PROHIBITED" - LAMON STREET SOUTH SIDE. ORDINANCE NO. NS1981-16.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE NO. 12 - "ONE HOUR PARKING" - LAMON STREET NORTH SIDE. ORDINANCE NO. NS1981-17.

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

Copies of the foregoing ordinances are on file in the Clerk's Office in Ordinance Book NS1981.

Council next considered a no-parking ordinance on Camden Road per request from Mr. Phillip Shafer, Safety Director, of the Cumberland County Board of Education. The recommended action was approval.

The City Engineer presented this matter and stated that Mr. Shafer recommended that an Ordinance be passed to prohibit parking on the Massey Hill Jr. High School side of Camden Road directly behind the school and adjacent to the school playground area. Parking on both sides of the street during ball games results in a serious pedestrian hazard for children from cars parked on the opposite side of the street. Also, cars are parking on the playground grass creating an additional hazard by backing out into the street. The City Engineer stated the problem can be eliminated by prohibiting parking along Camden Road and stated the best utilization of the roadway would be the prohibition of all parking on Camden Road. He recommended adoption of the ordinance as requested.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE NO. 11, PARKING PROHIBITED, CAMDEN ROAD BOTH SIDES. ORDINANCE NO. NS1981-18.

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

A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book NS1981.

Council next considered the removal of the CTS Bus Stop on Green Street in front of City Hall. The City Engineer presented this matter and stated the CTS Bus Service was being phased out. Therefore, the bus stop in front of City Hall was no longer needed and that the metered parking removed when the service was established, was needed again. Mr. Bennett stated the two proposed ordinances would accomplish both these purposes and recommended approval.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 1 - "BUS STOPS" - REMOVAL OF, GREEN STREET EAST SIDE. ORDINANCE NO. NS1981-19.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 13 - "PARKING METERS" - GREEN STREET EAST SIDE - 12 MINUTE. ORDINANCE NO. NS1981-20.

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

Copies of the two foregoing ordinances are on file in the Clerk's Office in Ordinance Book NS1981.

Council next considered bids received for furnishing two (2) "Tandem Rear Axle Trucks with Dump Bodies Mounted". The recommended action was award to the low bidder meeting specs, Du-Ral Ford Truck Sales for their bid of \$73,756.58.

The Purchasing Agent presented this matter and recommended award of the bid to Du-Ral because the low bidder, Ed Mac Truck Sales did not meet hardware specifications among other things.

Brief discussion followed during which time the submission of a local bill to the general assembly relating to bids was discussed. Also discussed was the granting of discounts by bidders to the City.

Following this discussion, Mrs. Evans offered motion to award the low bid meeting specifications to Du-Ral as recommended, seconded by Mr. Dawkins and carried, Rev. Johnson voting "no".

Council next considered bids received for furnishing one (1) truck mounted, hot asphalt pot-hole patching machine. The recommended action was to award to the low bidder, RGS Industries, Inc., for their low bid of \$41,936.70.

Mr. Dawkins offered motion to follow the recommendation of the Purchasing Agent and award the low bid to RGS Industries, Inc., seconded by Rev. Johnson and carried unanimously.

Council next considered a single bid received for the sale of two drive-in teller windows (used) and one depository vault (used). The recommended action was to sell to the single bidder - the Trophy House, Inc., in the amount of \$525.

Mrs. Evans offered motion to approve the sale and to accept the bid of Trophy House, Inc., in the amount of \$525 as recommended, seconded by Mr. Dawkins and carried unanimously.

Council next considered an ordinance amendment to the Second Hand Precious Metals Ordinance. The recommended action was adoption of the ordinance amendment. The City Attorney presented this matter and stated that the amendment is necessary to clear up the confusion in the current version dealing with license renewals. The amendment provides that there should be a renewal fee of \$100 which is necessary to cover the cost of updating the investigation on the applicant.

AN ORDINANCE AMENDING CHAPTER 17 LICENSES OF THE FAYETTEVILLE CITY CODE DEALING WITH SECOND HAND PRECIOUS METALS. ORDINANCE NO. S1981-8.

Mr. Hurley suggested the word "annually" be inserted in paragraph C, fifth line down, following the word renewed and before the word upon.

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

A copy of the foregoing ordinance is in the Clerk's Office in Ordinance Book S1981.

Council next heard the report from the Policy Committee regarding Taxi Ordinances.

Councilman Williams, Chairman of the Committee, gave the report. He stated at its last meeting the Policy Committee agreed upon a recommendation to the Council concerning the limit on the number of taxi franchises in the City. After much debate, the consensus was to not have a specific ceiling on the number of franchises that could be awarded. The committee made a further recommendation that before any franchise could be awarded, that there be a public hearing to determine the necessity of the franchise. This public hearing would be held regardless of whether the request for new franchises was initiated by the taxi inspector, or by a citizen. A compilation, done in 1977, indicated at that time that there were few cities that had no limit and to this date there are still a couple, one of which is Raleigh, and it uses the taxicab inspector as the source of all information to determine whether or not service is adequate. The recommendation of the Policy Committee would involve citizen input as well in determining whether or not to increase the number of available certificates.

Mr. Williams then moved, as chairman of the Policy Committee, that we do not have a specific ceiling on the number of taxi franchises to be awarded and for any franchise that can be awarded, or will be awarded, that there must be a public hearing to determine the necessity of the franchise and that the public hearing will be held regardless of whether the request for new franchises was initiated by the taxi inspector or by a citizen and that we approve this concept in order that the City Attorney can implement it into the proposed ordinance. Motion seconded by Mr. McBryde.

Attorney Sneed High, representing the Fayetteville Taxicab Owners' Association, was recognized with comments on the proposed ceiling and the granting of franchises according to necessity and convenience.

Mr. Al Wheatley, a taxicab company owner, was recognized with comments that there must be some limit.

Following some further discussion, Mrs. Evans offered substitute motion that the City Council have a public hearing on the one issue of limited or unlimited franchises. Motion seconded by Mr. Dawkins.

During discussion that followed, Sgt. William Johnson, the taxicab inspector, was recognized and gave results of a survey on the number of certificates conducted with the taxicab owners.

The City Attorney was then requested to draw two ordinances, one including a ceiling and the other without, for presentation to the Council at the public hearing. Mayor Finch then called for a vote on the substitute motion and it carried unanimously.

Council next considered a resolution abolishing the Building Code Review Committee. The recommended action was adoption of the resolution.

The City Manager presented this matter and stated that at the last meeting of the Council on April 13th, during discussion of appointments to the Commission, it was stated that the Commission had not met in several years, and that this circumstance be checked into. The City Manager stated he had communicated with Mr. Al Albritton, the City Building Inspector, regarding the Building Code Review Committee. The Committee was initially formed to review the Fayetteville Building Code. In 1966 the North Carolina state building code was not a uniform code and was not mandatory. This has since been changed to be mandatory statewide. Consequently, there is no further need for the Code Review Committee to be in existence. Mr. Albritton

recommended abolishing the Committee. The City Manager recommended that Council adopt the resolution dissolving the Committee.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, DISSOLVING THE FAYETTEVILLE BUILDING CODE REVIEW COMMITTEE. RESOLUTION NO. R1981-21.

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

A copy of the foregoing resolution is on file in the Clerk's Office in Resolutions Book R1981.

Council next gave consideration to a request from the Fayetteville Metropolitan Housing Authority on the proposed revision of unit distribution and the moderate rehabilitation project. The recommended action was to authorize the Mayor to make a favorable review. The City Manager presented this matter and stated a request had been received from the Housing Authority for review of a request to HUD for a technical amendment to their moderate rehabilitation project. The amendment would simply alter the distribution of the number of bedrooms. Federal regulations require that applications or amendments to applications be sent through the Mayor's Office for review and comment to insure that it is in keeping with the Housing Assistance Plan. On staff review indicates no impact on the Housing Assistance Plan, and he recommended that Council authorize the Mayor to comment favorably on the request.

Following brief discussion, Mr. Dawkins offered motion, seconded by Mrs. Evans, for approval as recommended, and that the Mayor be and she hereby is authorized and directed to make a favorable review. Motion carried unanimously.

Council next considered a tax matter. The City Manager presented this matter and stated that a request for a refund in the amount of \$39.00 had been received from Mrs. Doris E. Neweth of 1553 Mintz Drive under the elderly exemption provision. The recommended action was for approval of the refund.

Mr. McBryde offered motion for approval of the refund, seconded by Rev. Johnson and carried unanimously.

Council next considered taxi permit applications. The recommended action was to approve the issuance of permits as recommended by the Taxi Inspector.

The City Attorney presented this matter and stated the recommendation on Michael Ray Wallace had been changed from disapproval to approval.

The following names individuals had applied for permits with the taxi inspector:

Approval - Iva Carlos Anderson, Jr., Robert Earl Barron, John Henry Bunkley, Francis William Cross, James Edward Gaylor, Elgin Hobbs, George Isabel, Jr., Roscoe Samuel Lindsay, Johnny Wayne McCoy, Robert Junior McLeod, Alton Berry Meldin, Jr., Jasper Lawrence Musgrave, Willis Fletcher Pruitt, Ronald Otis Rector, James Edgar Smith, Michael Ray Wallace.

Disapproval - Chester Parker, James Earl Pope, Johnny Lee Tukes.

Following brief discussion, Mrs. Evans offered motion to accept the recommendation of the taxi inspector and award taxi driving permits to those recommended for approval and as amended to add Mr. Wallace, seconded by Mr. McBryde and carried unanimously.

Council next considered an appeal from Karl Jarvis Bullock on a request for a taxi driving permit. The taxi inspector stated that based on the driving and criminal history of Karl Bullock, it is requested that the City Council again disapprove a taxi driving permit.

Mr. McBryde then offered motion to follow the foregoing recommendation of the taxicab inspector and disapprove again a taxi driving permit for Karl Jarvis Bullock, seconded by Mr. Dawkins and carried unanimously.

Mayor Finch then stated that item 18 on the agenda, consideration of appeal of a taxi driving permit for Leroy Brown, was disapproved at the April 13th regular meeting would be considered in Executive Session.

Council next considered revocation of a taxi driving permit of John William Lee. The Taxi Inspector presented this matter and stated that the revocation of Mr. Lee's driving permit is based on the findings that the subject was driving in excess of 70 mph in a 40 mph zone and involved with an accident with a police car that had its emergency equipment engaged and the subject was involved in a chase of a car that had not paid a taxi bill of less than \$10 when driving at the excessive speed mentioned above.

Following brief discussion, Mr. McBryde offered motion to follow the recommendation of the Taxi Inspector and revoke the taxi driving permit of John William Lee, seconded by Mr. Williams and carried unanimously.

There was then a brief discussion of workers compensation policy as it pertains to police officers.

Delegations

Mr. Clinton Harris, a local citizen, was recognized with comments on taxicabs and other matters.

City Manager's Reports

The City Manager gave a report of a proposed Annexation Task Force.

At your last regular meeting the idea of Council establishing an Annexation Study Task Force was discussed briefly and it was suggested that this matter be placed on the agenda for discussion at the next meeting.

Annexation is certainly an issue very much on our minds at this point, however, before moving ahead with the appointment of a task force I think Council should first decide exactly what task it will assign. If the purpose is to study the feasibility and potential for annexation of large areas and the service requirements that need to be met, I would suggest that this could best be accomplished by the Annexation Technical Review Committee which represents City, PWC, and Planning Board staff. If the purpose is to sell the idea of annexation to the residents of the urban area, then I think City Council would want to determine what kind of mechanism the Council wants to act as the City's official representative; and how much members of Council want to be personally involved.

The purpose which Council hopes to achieve should be the first matter to be determined before deciding to create a new organization beyond what is already in place. With some general direction from Council, staff can be prepared to develop some specific proposals for consideration.

Mr. Hurley suggested letting the public know the advantages of being inside the City.

Mayor Finch stated that Mrs. Joan Allen is heading up a group dealing with annexation at the present and was the one who suggested selling the idea of annexation to the residents of urban areas.

Mayor Finch also stated the general assembly is now considering a two-year state-wide annexation program.

The City Manager was requested to invite Mrs. Allen to the next meeting of the Council to present her views on an annexation body.

Matters of Interest to the Council

Rev. Johnson stated he had received a call from a Senator Helms and his office is now monitoring the City's Transit Mall application.

Mr. Hurley again voiced his opposition to the placement of parking meters in the Bow Street Commons area and offered motion that we deny the use of parking meters in Bow Street Commons.

Mayor Finch ruled the motion out of order since it was not on the agenda.

Mr. Hurley replied that the meters were scheduled to be installed Tuesday morning. City Manager Smith stated to Council that he felt he had the consensus of opinions of City Council concerning the installation of these meters. There then followed a brief discussion on the removal of all parking meters in the City.

Mr. Hurley then thanked the Fayetteville Youth Council members for the basketball game earlier this month and stated he felt Council made a pretty good showing against them.

Mayor Finch extended her thanks to the Youth Council also for the upcoming Youth week and for their efforts in promoting City government and for their many beneficial projects.

Mayor Finch informed Council that she had recently met with Mrs. Jeanette Carl of the NCDOT concerning a traffic signal at the Law Road, Ramsey Street intersection. The last monitor of this location did not justify a signal, Mrs. Carl stated, but with the opening of the new supermarket and several other business places in the area, Mrs. Carl stated that DOT is going to remonitor and make a new new recommendation.

At this point Karl Jarvis Bullock appealed the decision of Council on the disapproval of his taxi permit. He was informed that the Council would reconsider it in Executive Session immediately.

Mr. Dawkins then offered motion at 9:20 pm that Council so enter into Executive Session to consider the matters as stated. Motion duly seconded and carried.

Council reconvened into regular session at 9:50 pm.

The City Attorney recommended that City Council settle the law suit involving Jessie B. DeVane, against Jerry Wayne Carlson, the City being the plaintiff, in the amount of \$2,059.17 involving damage for two vehicles.

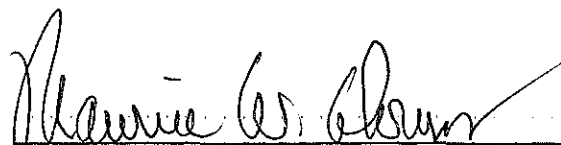
Mrs. Evans offered motion to follow the foregoing recommendation and approve the settlement for the sum stated, seconded by Mr. Dawkins and carried unanimously.

The City Attorney then recommended that City Council settle the claim of Mrs. Frances R. Willis for property adjacent to the landfill site in the amount of \$3,250 and protect her against erosion problems.

Mr. McBryde offered motion for approval of the foregoing settlement for the sum stated and with the erosion conditions, seconded by Mr. Dawkins and carried unanimously.

Mr. McBryde then offered motion to deny both the appeals for taxi driver permits for Karl Jarvis Bullock and Leroy Brown as recommended. Motion seconded by Mr. Hurley and upon being put to a vote, carried with Councilmembers Johnson and Williams voting against.

Thereafter all matters of business having been concluded, this regular session was adjourned at 9:55 pm upon motion made and duly seconded.


Maurice W. Downs
City Clerk

MWD:jro

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MAY 11, 1981
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. John P. Smith, City Manager
Mr. Robert C. Cogswell, Jr., City Attorney

Mayor Finch called the meeting to order and the invocation was given by the Reverend John Stephenson, Hope Harbor Christian Mission. Following the invocation, Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch recognized Youth Council representatives, John Kennedy, Sam Fleishman, and Lee Boughman, in the audience and they jointly presented to the City Council minutes of their youth week council meeting and a proclamation thanking the Mayor and City Council for their cooperation during Youth Week, just past. Mayor Finch extended thanks to the Youth Council representatives and wished them well in their future endeavors.

Mayor Finch then recognized the following City employees and presented them with Service Award Pins for their years of faithful service to the City. She particularly recognized the 25 and 30-year veterans:

Engineering: Michael L. Walker - 5 years; Willie Morrison - 5 years; I. G. Delcorro - 15 years; John F. Autry - 25 years
Fire: Harold D. Strickland - 15 years; James N. Strickland - 25 years; Hiram H. Hall - 30 years
Inspections: Emory C. Albritton - 15 years
Recreation & Parks: Catherine Toomer - 10 years

The first order of business was approval of minutes and upon motion by Mr. Williams, seconded by Mr. McBryde and carried unanimously, minutes of the regular meeting of April 27th were approved as submitted.

Mayor Finch stated the City Manager had requested an executive session at the end of this meeting on property acquisition; and Councilwoman Evans, on taxi driver permits.

Mayor Finch then recognized from the audience, Acting Chief of Police, Captain Paul Warner, who stated that Chief of Police Danny Dixon, who suffered a heart attack on Tuesday, May 5th, was now resting comfortably at Duke Hospital in Durham and was expected to be back home within 6 to 8 weeks.

Public Hearing

A public hearing was held as published for this date and hour on consideration of revision to the transit routes.

Council recognized City Manager John Smith who presented this item. Mr. Smith stated that you have scheduled a public hearing for tonight for possible reductions in transit service to accommodate the loss of eleven (11) CETA positions. I asked the Transit Department to come up with the recommended cuts last month so we could advertise the public hearing thirty days in advance in keeping with UMTA regulations. These Transit Department recommendations were advertised and will be presented to you tonight.

I also requested the assistance of North Carolina Department of Transportation working with George Cobb, the Transit Planner, and the staff of the Planning Board to conduct a detailed ridership survey and route analysis. The work on the survey and analysis was pushed up so that some preliminary findings would be available before the public hearing. Those findings were presented to me and the Transit Task Force on Friday, May 1. The planners from North Carolina Department of Transportation also reviewed the drivers' schedules to determine if more efficient use could be made of existing personnel.

The preliminary report of the planners indicated that the reductions in service recommended by the Transit Department may not be necessary if certain other changes are made. It is their feeling that significant reductions in personnel can be accomplished by reducing the hours of operation for most routes, several changes in the way drivers are assigned, and some reductions in service in areas of extremely high cost per passenger. The reduction in hours of service will require many more drivers operating on split shifts. This along with several other suggestions in changes in utilization of drivers' time, as well as some service reductions could

conceivably result in a reduction in personnel beyond the eleven CETA positions.

Tonight I will present to you three alternatives. Proposal A, in general, would reduce operating cost by taking off some peak hour buses and by eliminating service to some areas (generally outside the city limits on the ends of existing routes). Proposal A was developed by Transit and is the advertised route reduction plan.

Proposal B, in general, would reduce operating cost by reducing the hours of service (starting later in the morning and ending earlier in the evening), and fine tuning some of the existing runs, but generally keeping service to the areas Proposal A would eliminate. Proposal B would require significant changes in driver assignment practices, especially the use of more split shifts. The Transit staff has been instructed to develop drivers' schedules based on the reduced hours of operation, with the assistance of the North Carolina Department of Transportation staff.

My recommendations to you tonight are as follows:

Reduce the hours of operation as recommended in Proposal B, effective May 23, 1981.

Postpone any decision on route revisions to allow further study.

To hold another public hearing for additional route changes if they become necessary.

To grant up to 5% in pay increases to operators IF reductions in personnel can be made beyond the CETA allocations. This pay increase would be paid for out of reduced personnel costs. Other cost savings from reduced fuel consumption and maintenance would accrue to the City. The savings would be approximately \$170,000.

Further information was in your agenda packets. We have the route maps with the proposed revisions set up in the City Council chambers.

Mr. Smith also displayed maps of the existing routes and cost and of alternates A and B. He also presented a graph of runs by time of day and peak times. He concluded his presentation by stating that Council can take action tonight on the alternates or reconsider the meeting next Monday night.

Mayor Finch then recognized persons from the audience.

The first was Mr. Clinton Harris, a private citizen, who expressed opposition to any changes in the system and recommended that the City go to an entirely free type bus system.

Annie Lee Carver of Shaw Road was recognized in opposition. Julia Coleman, representing University Estates area, was recognized and asked if persons would be notified in time of any changes. The Mayor answered in the affirmative and the City Manager stated that if said changes are approved tonight, they will be effective May 23rd. Sybil Elliotte of Cedar Creek Road was recognized and stated she would have to walk a considerable distance if bus service was curtailed in her area. Luke Timms, Shaw Road, was recognized and asked if representatives would be allowed at future meetings. The Mayor replied this is the public hearing at which he can express his opinion but that he can contact the Transit Department at any time with suggestions. Another representative from University Estates was recognized with a question on when the ridership survey was conducted. He was so informed. Amy Forest from Bonnie Doone; Fran Hall, a student; James Bethea of Shaw Road; Geraldine Melvin of Elliotte Street, Marlene Shaw, a student; Trueman Chambers of East Fayetteville, and Mark Matthews of East Fayetteville, were all recognized with questions on how the times of the bus runs would be changed. Their questions were answered.

Mr. Ann Williams of Mann Street was recognized and requested that Council not discontinue the run on her street. Barry Murray, a student, was recognized and requested Council not to cut bus runs on Murchison Road. This concluded comments from the audience and following some discussion, Mrs. Evans suggested that the City Council not vote on the decision tonight. The City Manager informed Council that they can reconsider this issue at the information meeting next Monday night if desired and proposed schedules can be printed in the newspaper informing the public. Mayor Finch then explained this to the approximately 100 persons assembled in the Council Chamber.

Mr. Williams then offered motion to bring this issue back on Monday night, May 18th, at 7:00 pm in the Council Chamber and then go into special session for the purpose of voting. Motion seconded by Mr. McBryde and carried unanimously.

Council next considered the adoption of a resolution to consider the closing of a portion of Helen Street between Pamalee Drive and Boros Drive. The City Manager presented this and stated when the NCDOT was preparing for the reconstruction

of Helen Street to align with Cain Road, the City and DOT agreed by formal municipal agreement that the old portion of Helen Street would be closed. After Helen Street was reconstructed, DOT removed the pavement on this section. Mr. Sol Rose, representing an adjoining property owner, is requesting that the City take formal action to officially abandon the right-of-way of the unused portion. He recommended adoption of a resolution setting a public hearing to consider the closing.

Upon motion by Mr. Dawkins, seconded by Mr. McBryde and carried unanimously, a public hearing was set for June 22, 1981, on this closing of Helen Street by the adoption of the following resolution:

PRELIMINARY RESOLUTION AND NOTICE OF INTENT TO CLOSE A PORTION OF HELEN STREET.
RESOLUTION NO. R1981-22.

A copy of the foregoing resolution is on file in the Clerk's Office in Resolutions Book R1981.

Public Works Commission Matters

PWC Manager Muench presented these items.

The first item was consideration of one 2-inch water connection split for 4 meters to serve property on Ramsey Street outside the City. The recommended action was to approve the connection.

Mrs. Evans then offered motion to deny, seconded by Mr. McBryde.

Following some discussion, Mr. Williams offered substitute motion to continue this proposed connection and the next connection, a 1-inch water connection to serve an existing building at 420 McArthur Road, outside the City, to the next regular meeting of the Council. Motion seconded by Rev. Johnson and carried unanimously.

Mr. Muench stated that sealed bids were received May 5th for cleaning and painting the elevated water tank located on Russell Street. Low bid by Charlotte Tank and Lining Company, Inc. in the amount of \$23,390 was recommended.

Mr. McBryde offered motion, seconded by Rev. Johnson and carried unanimously, for approval of the foregoing low bid.

Mr. Muench then presented for Council's consideration a proposed ordinance approving an amendment to the PWC Retirement Plan providing one-time ad hoc cost of living increase applicable to those who have already retired, only, from the date of their retirement to June 30, 1981. He stated the PWC and the PWC Retirement Plan Board recommended approval.

Mr. Muench displayed a list of retirees who would receive these additional benefits.

AN ORDINANCE AMENDING THE AMENDED AND RESTATED EMPLOYEES RETIREMENT OF THE PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE, ORDINANCE NO. NS1981-21.

Mrs. Evans then introduced the foregoing ordinance and moved its adoption, and authorizing and directing the Mayor and Clerk to sign said ordinance in behalf of the City. Motion seconded by Mr. Williams and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book NS1981.

Mr. Muench stated that the proposed Joint City Council/PWC meeting had been set for May 14th at 7:00 pm at the PWC offices.

Following some discussion during which time several Councilmembers stated they could not be present at this date, this meeting was rescheduled for May 21st, same time, same place.

Planning Board Matters

Planner Mitchell presented for Council's consideration Cape Center Professional Center Group Development (Condominium) preliminary and final review located west of Oliver Street along Cape Center Drive (formerly Crestwood Drive), and stated that Planning Board recommended conditional approval per their memo of May 11th.

Mrs. Evans offered motion for approval as recommended, seconded by Mr. Hurley and carried unanimously.

Council next considered lease of the Senior Services Center. The recommended action was to advertise the lease. The City Manager presented this matter and stated that the proposed lease would be between the City of Fayetteville, lessor, and the Cumberland County Coordinating Council on Older Adults, Inc., the leasee. He

recommended advertisement of this for the next meeting of the Council.

Mr. Hurley moved to advertise this matter for the next Council meeting, seconded by Mr. Dawkins and carried unanimously.

Council next considered revision of Chapter 17, of the Fayetteville City Code, "Privilege License".

The City Attorney presented this matter and stated that Council could hold a public hearing, assign it to committee for study and recommendation, or set the fees individually or by using an across-the-board level (minimum, maximum, average, etc.) at this meeting. His recommendation and that of the City Manager was to set the fees at the maximum level for each category.

Following brief discussion, Mrs. Evans offered motion that the City Attorney fill in the amounts and present the revision to the City Council ahead of time, seconded by Mr. Dawkins and carried unanimously.

Council next considered a proposed ordinance amending chapter 32, "Zoning", of the City Code of the City of Fayetteville. The recommended action was to forward it to the Planning Board for their consideration. The subject of hazardous waste disposal.

The City Attorney presented this matter and stated that the State Legislature had before it a bill to consider a state law that would pre-empt any local ordinances or other regulations regarding the selection of these sites of hazardous waste disposal. The final form that the bill will take is speculative. It could involve a total pre-emption or a grandfather provision. In any event, it would behoove Council to attempt to adopt some type of local ordinance that would control the situation. He stated he had drafted such an ordinance and received input from the Planning Department and from PWC. Because it would require an amendment of Chapter 32, it is necessary that it go through the public hearing process beginning at the Planning Board. Therefore, he recommended that the proposed ordinance be forwarded to the Planning Board for their initial recommendation.

Rev. Johnson offered motion to follow the foregoing recommendation of the City Attorney and forward the proposed ordinance to the Planning Board, seconded by Mrs. Evans and carried unanimously.

Council next considered a statement of settlement of current taxes for the fiscal year 1979-80. The recommended action was acceptance of the settlement.

The City Manager presented this matter and stated that in searching the records of the City Council, he could not find that this report was ever officially received and accepted. North Carolina General Statute require that this be done after the closing of each fiscal year. The Finance Director has reviewed the report and found it in order. He recommended that it be officially accepted and spread on the minutes of this meeting.

Following brief discussion, Mr. McBryde offered motion that the report be and it hereby is officially accepted and that it be spread on the minutes of this meeting below. Motion seconded by Mr. Hurley and carried unanimously.

August 20, 1980

Mr. Bill Thomas, City Manager
City of Fayetteville
234 Green Street
Fayetteville, NC 28301

Settlement of Current Taxes
Cumberland County Tax Collector

This settlement is required under the provisions of General Statute #105-373 (a) (3) This covers the period from July 1, 1979, through June 30, 1980.

Charge

1979 Regular Charge	\$ 5,164,893.08
1979 Added Charge	314,122.17
Interest Collected	<u>12,375.26</u>

\$5,491,390.51

Credits

Deposit with Finance	\$ 5,146,598.75
Releases Allowed	68,980.96
Insolvent Allowed	119,796.23
Real Balance	143,655.81
Interest Collected	12,375.26
Auditors Adjustment	<u>16.50</u>

\$5,491,390.51

Charge 1978 Taxes		
1978 Real Balance	\$ 171,212.28	
1978 Insolvent Balance	54,202.60	
1978 Interest Collected	<u>2,285.57</u>	\$ 227,700.45

Credits		
1978 Real Collected	91,382.11	
1978 Releases Allowed	202.05	
1978 Insolvents Collected	23,971.48	
1978 Interest Collected	2,285.57	
1978 Real Balance	79,301.24	
Insolvent Balance	30,231.12	
Auditors Adjustment	<u>(326.88)</u>	\$ 227,700.45

Charge 1977 & Prior Taxes		
1977 & Prior Taxes	\$ 297,626.46	
Interest Collected	<u>25,556.28</u>	\$ 323,182.74

Taxes Barred by Statute		
Foreclosures	\$ 13,681.22	
Land Sales	4,254.68	
Insolvents	<u>10,587.85</u>	\$ 28,523.75

Credits		
Deposit With Finance	\$ 96,587.30	
Releases Allowed	1,219.60	
Balance 1977 & Prior Taxes	171,527.01	
Interest Collected	25,556.28	
Auditors Adjustment	<u>231.20</u>	\$ 294,658.99

The next item on the agenda was consideration of taxi permit applications. The recommended action was to approve the issuance of the permits as recommended by the Taxi Inspector. It had been decided at the beginning of this meeting to consider this item in Executive Session as well as the next item on the agenda, consideration of appeals of taxi permits applicants with the recommended action of consideration in Executive Session. Mayor Finch stated the two foregoing items would be considered in Executive Session at the end of this meeting.

Council next considered an appointment to fill one vacancy on the Board of Appeals on Dwellings and Buildings.

Following some discussion, it was decided to defer this item to the next regular meeting.

Delegations

Mr. Clinton Harris, a local citizen, was recognized and suggested that Council use disadvantaged youths on the pedestrian crosswalk project.

Cornelious H. Clark was also recognized and requested that Council install a traffic signal at the College Grill on Murchison Road and provide bus service in this location.

City Manager Reports

The first report was on parking and the City Manager stated that a feasibility study report on conversion of City parking lots to attendant parking had been completed by traffic engineering regarding the feasibility of converting several of the City's off-street lots from meters to attendants. The City Manager stated he had believed that this idea was worthy of strong consideration and would recommend in the preliminary budget for fiscal year 81-82 that Council appropriate sufficient funds for paying off the existing parking revenue bonds. The extra appropriation would be approximately \$4,700. This would totally remove any restriction which currently affect our operation of parking off street or on street.

There has also been considerable discussion of removing meters from on street, he stated. He suggested that before any final decision is made on this matter, that Council first try a trial period of up to 60 days without meters and then evaluate the impact of removing the meters permanently.

Mayor Finch expressed her extreme pleasure with the feasibility^{study} from City Engineering Department and special recognition was given to Mr. Louis Chalmers of that Department for the compilation of the report.

Rev. Johnson stated that the Streets and Roads Committee met today and recommended that Council pass this study onto the Revitalization Commission for their consideration and recommendation back to Council.

Rev. Johnson then offered motion to refer this matter to the Revitalization Commission, seconded by Mr. Hurley and carried unanimously.

The City Manager next commented on Sanitation services of the City. He stated he had discussed this matter with the Sanitation Department and had requested them to check into the enforcement of the current ordinance on rubbish pickups. He suggested a uniform standard be adopted and of the bagging of leaves and trash for curbside pickup. He suggested an extension of the leaf collection season, also.

Following considerable discussion of this subject, the City Manager was requested to come back to the City Council with a specific recommendation.

The next report by the City Manager was on the hire of a police officer. The City Manager stated that Council had been advised on this matter by the City Attorney. He recommended that Cecelia Gray be approved for hire and placed in the next available Police Academy and that her date of hire be the date of the beginning of the next Police Academy.

Following brief discussion, Mr. Williams offered motion for approval of the foregoing recommendation of the City Manager, seconded by Rev. Johnson and carried unanimously.

Matters of Interest to the Council

Mayor Finch stated that it had come to her attention that a number of cities in North Carolina were making all of their boards and commissions appointments at one time during the year. She suggested that Council give consideration to standardizing all boards and commissions appointments of the City to make them effective and to fall due at one time and suggested July 1, 1981, as that starting date. This would simplify matters, she stated, for the commissions and for the Council and for the various board members in keeping track of their appointments. The suggestion was received favorably by Council.

Mayor Finch also suggested that Council consider the development of an ordinance making the Mayor a voting member of the Council. This suggestion was enthusiastically received by the Council and the City Attorney was requested to make a research and report back.

Mr. Williams invited the City Council and the Board of County Commissioners to his home for a luncheon on Saturday, May 23rd from 11:00 am to 2:00 pm. Mr. Williams' invitation was enthusiastically accepted by the Council.

Thereupon upon motion by Mr. Dawkins and duly seconded, Council entered into executive session for the purpose of considering property acquisition and taxicab permits at 9:10 pm.

Council reconvened into regular session at 9:40 pm.

Mrs. Evans then offered motion to follow the recommendation of the taxicab inspector in the issuance of taxi driving permits for applicants. The listing appears below:

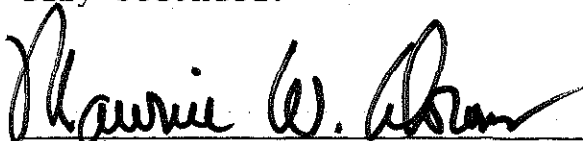
Approval - Cynthia Thedora Brooks, Samuel Lee Burell, Ed Eldrandge Draughon, Brigitte Davis Hall, James Earl Johnson, Johnny Lee Jones, Herman Kelly, Wildgres Jean King, Robert Douglas Lindsay, Victor Mangum, Alonzo Feiliano, Monteiro, Walter Francis Powers., Sr., Patricia Ann Smith, William Wesley.

Disapproval - Robert Leslie Fleming, James McArthur, Roy Lee McDole, Marion McLaughlin, William Orlains Mills, Herbert Paul Morgan, Tony Shaw and Arthur Lee Williams, and Delma Walter Aman.

Mr. Hurley then offered motion to continue the appeal for a taxi permit of Johnny Lee Tukes, pending his court case, seconded by Mrs. Evans and carried unanimously.

Mr. Hurley then offered motion to deny the appeal for a taxi permit for Chester Parker, seconded by Mr. McBryde and carried unanimously.

Thereafter all matters of business having been completed, this regular session was adjourned at 9:45 pm upon motion made and duly seconded.


Maurice W. Downs
City Clerk

SPECIAL MEETING
CITY HALL COUNCIL CHAMBER
MAY 18, 1981
7:00 PM

Present: Mayor Beth Finch

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

Others Present: Mr. John P. Smith, City Manager
Mr. Robert C. Cogswell, Jr., City Attorney

Mayor Finch called the meeting to order and the invocation was given by Councilman Wayne Williams.

The first item on the agenda was consideration of transit route revisions.

City Manager John P. Smith presented this item and stated the recommended action was to leave the transit routes intact, but to reduce the number of runs, particularly early morning and late afternoon runs as indicated in the agenda packets.

This proposal would reduce the number of current bus operators from 41 to 29. It would reduce the total weekly bus hours by 186 hours or 17% and bus mileage 21%. The initial emphasis which brought about the need to look at the need for these reductions was the elimination of the CETA program by the federal government.

The City Manager further stated that since administration now has the results of the ridership survey and route analysis, they will shortly be coming back to Council within the budget process with some other recommendations which essentially would fine tune some of the routes and make some minor revisions to them, which might result in some further savings.

Since this proposed revision was published in the newspaper, the City Manager's Office received a telephone call, which was a request to keep the 6:00 am Ft. Bragg, F.T.I., Eutaw run. This request was by a person who does rely on the bus to get to work in the morning. Mr. Smith stated there are only 3 people who ride that bus in the morning.

The City Manager's Office also received a petition from Tera Gardens Apartments concerning concern there of losing bus service to Tera Gardens Apartments. Mr. Smith informed them this would not terminate bus service there. It would simply eliminate the early morning and late afternoon run. This was satisfactory to the petition spokesman.

City Manager Smith stated that based on survey results, those runs which were carrying four or fewer riders were recommended for possible termination. Any run which was carrying five or more riders was not recommended for termination. He stated he still recommended termination of the 6:00 am Ft. Bragg - F.T.I. - Eutaw run.

Mrs. Evans inquired about the possibility of eliminating the 6:30 am run instead of the 6:00 am run. She stated that she believed it would be better for those people who have to be there a little later to come a little earlier so that those people who have to be to work earlier can keep their jobs. Mr. Hurley stated he would support such a motion.

Mr. Williams stated that possibly a van could be used for this run because it would be less expensive to operate.

Mr. Smith stated that after an analysis, possibly one of the three morning runs - 6:00, 6:30, or 7:00 - could be eliminated.

Mr. Smith stated he had suggested for this to take effect May 23rd, but now he would suggest it to take effect May 27th in order for administration to properly schedule drivers, since that would be at the beginning of a pay period.

Mrs. Evans then offered motion for approval of the plan as presented by the City Manager with the exception of keeping the 6:00 am Ft. Bragg - F.T.I. - Eutaw run with a possibility of eliminating a different run sometime during the day, seconded by Mrs. Dawkins and carried unanimously.

The next item of business was the consideration of the hiring of firefighters. City Manager John Smith presented this item and recommended the hiring of the following named as recommended by Fire Chief Thurman Bishop:

Patricia A. Kelley, William C. Elmore, Jr., Rodney Brown, James E. Phillips, Rodney McKay, Calvin E. Bishop, Jeffrey B. Wright, Wayne L. Moulden, William D. McLean, Randy L. Nobles, and Lee C. Sudia


Mr. Dawkins offered motion to follow the recommendation of the City Manager and Fire Chief to hire the aforementioned, seconded by Mr. Williams and carried unanimously.

The last item of business was setting a public hearing on Taxi Ordinance.

City Attorney Robert C. Cogswell, Jr., presented this and recommended setting the public hearing for May 26th.

Mr. McBryde offered motion to follow the recommendation of the City Attorney to set the public hearing for May 26th, seconded by Mr. Williams and carried unanimously.

Thereafter all matters of business having been concluded, Mr. Williams moved for adjournment at 7:15 pm, seconded by Mr. Dawkins and carried unanimously.


Janet R. Olson
Acting City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MAY 26, 1981
7:00 PM

Present: Mayor Beth Finch

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

Others Present: Mr. John P. Smith, City Manager
Mr. Robert C. Cogswell, Jr., City Attorney

Mayor Finch called the meeting to order and the Rev. Sandy Saunders of Gethsemane Baptist Church offered the invocation. Mayor Finch then led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch recognized Fayetteville Youth Council representative FannFowler present in the audience to observe Council proceedings. Mayor Finch also recognized Junior League Ladies in the audience.

First order of business was approval of minutes. And upon motion by Mr. Williams, seconded by Mr. McBryde and carried unanimously, minutes of the regular meeting of May 11th were approved as submitted by the Clerk. Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, minutes of a special meeting of May 18 were approved as submitted.

Mayor Finch stated an executive session had been requested to act upon taxicab matters at the end of this meeting.

Public Hearings

A public hearing had been published for this date and hour on the consideration of a final resolution requiring the paving pursuant to petition of Sandhill Drive from the western line of Pleasant Valley, Section 8, Plat Book 31, Page 56 to Fargo Drive. The Clerk certified that all persons subject to assessment had been mailed notice of this public hearing by first class mail.

The City Engineer presented this matter and stated that a petition had been submitted requesting this paving. Assessment was at \$4.00 per lineal foot. He recommended approval.

Mayor Finch recognized Mr. Robert Westbrook, an area property owner, in favor of the paving. There was no opposition present.

FINAL RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION OF SANDHILL DRIVE
FROM THE WESTERN LINE OF PLEASANT VALLEY, SECTION 8, PLAT BOOK 31, PAGE 56,
CUMBERLAND COUNTY REGISTRY TO FARGO DRIVE. RESOLUTION NO. R1981-23.

Mr. McBryde introduced the foregoing resolution and moved its adoption, seconded by Mr. Williams and carried unanimously. Mayor Finch reminded those property owners present that their property would be assessed for this paving at the rate of \$4.00 per front foot.

A copy of the foregoing resolution is on file in the Clerk's Office in Resolutions Book R1981.

A public hearing had been published for this date and hour on consideration of final resolution requiring the paving pursuant to petition of Fargo Drive from the northern line of plat book 14, page 38, Cumberland County Registry, to the northeastern corner of lot 16, plat book 29, page 53, Cumberland County Registry. The Clerk certified that all persons subject to assessment had been mailed notice of this public hearing by first class mail.

The City Engineer presented this matter and stated this paving was by petition from the property owners and the assessment rate would be \$4.00 per front foot.

Mayor Finch recognized Rochelle Emory, an area property owner, in favor of the paving. There was no opposition present.

FINAL RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION OF FARGO DRIVE
FROM THE WESTERN MARGIN OF PLAT BOOK 14, PAGE 38, CUMBERLAND COUNTY REGISTRY,
TO THE NORTHEASTERN CORNER OF LOT 16, PLAT BOOK 29, PAGE 53, CUMBERLAND COUNTY
REGISTRY. RESOLUTION NO. R1981-24.

Mr. Williams introduced the foregoing resolution and moved its adoption, seconded by Rev. Johnson and carried unanimously. Mayor Finch also reminded the property owners present that their property would be assessed for the paving at the rate of \$4.00 per front foot.

A copy of the foregoing resolution is on file in the Clerk's Office in Resolutions Book R1981.

Council next gave consideration of taxicab ordinance. The recommended action was adoption of draft no. 3.

The City Attorney presented this item and stated to Council that draft no. 1 was the original ordinance and incorporated the reaction by taxicab owners and recommended changes. He stated draft no. 2 contained from having a limit on the taxicab franchises to no limit. He stated further that draft no. 3 contains a provision for meeting once a year to consider taxi matters and the provision for a taxicab review board. Mayor Finch stated this was a public hearing and asked if there were proponents. There were none.

Mayor Finch recognized attorney Sneed High representing the Fayetteville Taxicab Owners Association. Mr. High stated they were opposed to the over regulation contained in the drafts. He stated his clients were also opposed to the schedule of rates charged, the maintenance of offices on their lots by taxicab owners, and of the use of such lots for taxicabs only; the indemnification by the certificate holder requirement; the provision for service at the municipal airport. He stated the ordinance is ambiguous with application information and financial statements. Also, renewal insurance premiums, quarterly summary of manifests, color schemes for cabs, identification numbers for cabs; also the restriction of the number of passengers on a share-ride basis, the solicitation of passengers, also the taxi review board, the appeal procedure and cross examination, the provision regarding suspension of operation. He concluded by requesting City Council to reconsider the matter.

Mayor Finch then recognized Attorney Randy Gregory representing Dr. Walker and the Cumberland Cab Company. Mr. Gregory stated that what is proposed is not what the policy committee agreed upon. There were no set limits as to the number of cabs. Also, the committee did not agree that the taxicab inspector be authorized to limit the number of cabs. He stated he also sees the same problems as Mr. High. He objected to the provision regarding public need and necessity when the cab business is the principal income. He objected to fees being paid between the taxicab inspector and the Finance Department and stated that all fees should be paid to the Finance Department. He objected to the hearings provisions. He raised a question regarding revocation and suspension of license and the nature of the violation. He concluded by requesting Council to reconsider the policy committee recommendations.

Mayor Finch then recognized Mr. Al Wheatley, a taxicab company owner, who requested a chance to review the proposed ordinances. He requested Council not take action tonight.

Following considerable discussion, Mr. Dawkins offered motion to follow the recommendation of the City Attorney and adopt draft no. 3. The motion was lost for lack of a second.

Following some further detailed discussion, Mrs. Evans offered motion to continue this matter and that the City Attorney call one more meeting with all interested parties and report back to the Council at the first meeting in June. Motion seconded by Mr. Dawkins.

The City Attorney then responded to the objections voiced by the two attorneys present representing the cab owners. Following some further discussion Mayor Finch called for a vote on the motion and it carried unanimously.

City Council then moved to set the following public hearings.

Upon motion by Mr. Williams, seconded by Rev. Johnson and carried unanimously, public hearings were set for June 8, 1981, on the budget and the 1981-82 transit operating grant. 1981-82 revenue sharing/

For June 22, 1981, the following public hearings were set:

- A. The annexation by petition of property located at 3311 Rosehill Road.
- B. A hearing on the preliminary assessment roll for the paving of Lucerne Street from existing pavement to cul-de-sac by the adoption of the following resolution:

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENTS ON LUCERNE STREET. RESOLUTION NO. R1981-25

- C. A public hearing on the preliminary assessment roll for the paving of Groton Avenue from Pugh Street to the southern line of Lot 5. Groton Estate, Deed Book 385, Page 139, Cumberland County Registry by the adoption of the following resolution:

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENTS ON GROTON AVENUE. RESOLUTION NO. R1981-26.

Copies of both of the foregoing resolutions are on file in the Clerk's Office in Resolutions Book R1981.

- D. The rezoning from R5A Residential District to P2 Professional District or to a more restrictive zoning classification of an area located at 107 and 109 Jasper Street.
- E. The rezoning from R5 Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located on southeast corner of Ramsey Street and Lamon Street.
- F. The rezoning from C(1)P Planned Shopping Center District to C1 Local Business District or to a more restrictive zoning classification than presently zoned of an area located on the southwest side of Murchison Road northwest of Springfield Road.

Council next considered a resolution authorizing the Mayor to vote on all matters before the Council in accordance with the provisions of Section 160A-101(8), option (a). The recommended action was to set a public hearing for June 22, 1981. The City Attorney presented this matter and stated it would require a charter amendment. He recommended adoption of the resolution by setting the public hearing and stated that Council cannot adopt the change on the same date as the public hearing.

Following brief discussion, Mr. Williams offered motion, seconded by Mr. Dawkins and carried unanimously, to adopt the resolution and set the public hearing for June 22, 1981.

RESOLUTION AUTHORIZING THE MAYOR TO VOTE ON ALL MATTERS. RESOLUTION NO. R1981-27.

A copy of the foregoing resolution is on file in the Clerk's Office in Resolutions Book R1981.

Public Works Commission Matters

PWC Manager presented these matters. The first two items, 5A & B, were requested to be considered at the same time. They were: approval of one 1-inch water connection to existing main to serve residence at 3507 Rosehill Road, outside City; and one 1-inch water connection to an existing main to serve residence at 4270 Rosehill Road, outside City. He stated PWC recommends approval of both of the foregoing. He reminded Council of the two previous connections he had presented at the last regular meeting which they had continued pending the joint meeting with Public Works Commission.

Following brief discussion, Mr. Hurley offered motion to continue all these matters pending the meeting with the PWC, seconded by Mrs. Evans and carried unanimously.

Mr. Muench stated that since a meeting proposed for May 21st had not been held due to conflicts, he suggested a meeting on May 28th at 8:00 pm or Friday, May 29th at 10:00 am.

This was discussed at some length and finally tentative date of June 1st, 6:00 pm in the Kyle House with the budget meeting, was decided upon.

Mr. Muench next presented bids for a capsule to be used for containment of the hydro generator at Cross Creek hydro generating station. The low bid by DAVCO of \$17,061 was recommended.

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

Mr. Muench stated that bids had been received for 12 outdoor Interruptor Switches. The low bid was submitted by Rigby Electric Supply Company, Inc. in the amount of \$18,368 and was the bid recommended.

Mr. McBryde offered motion for acceptance of the Rigby Electric Supply bid as recommended, seconded by Mr. Williams and carried unanimously.

This concluded the PWC matters.

Planning Board Matters

Upon motion by Mr. McBryde, seconded by Rev. Johnson and carried unanimously, conditional approval as recommended by the Planning Board was given Valleydoah Professional Center Phase II Group Development and Subdivision preliminary and final review located on the north side of Village Drive and west of Friendship Road.

Upon motion by Mr. McBryde, seconded by Mr. Williams and carried, Mrs. Evans voting 'no', conditional approval, deleting condition number 6 (that the subdivision

be redesigned to provide connection to Calla Street, which would provide a desirable street pattern as well as provide for future utility extensions) was given Northumberland subdivision Subdivision preliminary and final review located along Tryon Drive extension and north of Swann Street.

Council next considered a resolution amending the resolution authorizing the operation and management of the Senior Service Center by the Cumberland County Coordinating Council on Older Adults, Inc., as adopted June 9, 1980.

The recommended action was adoption of the amending resolution.

The City Manager presented this matter and stated some new minor changes had been requested by CCCCOA. These changes were: that paragraph 6 (A) be amended to delete the words "director and secretary/bookkeeper" and that paragraph 6 (B) be amended by deleting the words "subject to space availability" and substitute therefor the words "or as required". The City Manager stated he had no objections to these changes and recommended adoption of the resolution.

RESOLUTION AMENDING THE RESOLUTION AUTHORIZING THE OPERATION AND MANAGEMENT OF THE SENIOR SERVICES CENTER BY THE CUMBERLAND COUNTY COORDINATING COUNCIL ON OLDER ADULTS, INC. RESOLUTION NO. R1981-28.

Mr. McBryde 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 R1981.

Council next considered a resolution authorizing the lease of the Senior Services Center to the Cumberland County Coordinating Council on Older Adults, Inc. The recommended action was adoption of the resolution.

The City Manager presented this item and recommended approval by the adoption of the resolution.

RESOLUTION AUTHORIZING THE LEASE OF CITY OF FAYETTEVILLE PROPERTY TO THE CUMBERLAND COUNTY COORDINATING COUNCIL ON OLDER ADULTS, INC. RESOLUTION NO. R1981-29.

Rev. Johnson introduced the foregoing resolution and moved its adoption, seconded by Mr. McBryde and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's Office in Resolutions Book R1981.

Council next considered award of contract no. 249 - Ceramic Building Parking Lot.

The recommended action was award of the contract to Triple A Construction.

The City Engineer presented this matter and stated that Triple A Construction was the low bidder in the amount of \$14,519.50 and was recommended. He stated the contract is based on estimated quantities, therefore, the final total price will vary somewhat from the bid amount. Also, there is some minor fine grading that should be done to improve drainage adjacent to the parking lot. The grading should be accomplished in this project. For these reasons, we would like to reserve \$16,700 (15% over the bid amount) for the project. Mr. Basinger, Director of Recreation and Parks, and I recommend awarding the contract to the low bidder, Triple A Construction Company.

Following brief discussion, Mr. Hurley offered motion to award the foregoing contract to Triple A as recommended, seconded by Mr. McBryde and carried unanimously.

Council next considered the extension of Ray Avenue between Hay Street and Russell Street. The recommended action was - A) Authorization of staff to proceed with extension of Ray Avenue as part of the Critical Mass package of projects; B) Approval of corridor for extension of Ray Avenue; and C) Authorization of formal request to Seaboard Coastline Railroad and Southern Railroad for necessary track adjustments and/or acquisitions of necessary right-of-way.

The City Manager presented this matter and stated that it was presented at the information meeting of May 18th. He stated the City Engineer and Revitalization Director had met with the Seaboard Coastline officials in their offices in Rocky Mount. He stated the east side crossing would be acceptable and preferred by the railroad. The City Engineer displayed projections of the proposed extension. It was recommended by the City Manager, the City Engineer and the Revitalization Director to proceed with the east side extension and with the following:

1. Include Ray Avenue extension, from Hay Street to Russell Street, on the list of active downtown circulation projects.
2. Select a corridor for the street extension, and authorize City Administration to begin negotiations for right-of-way along that corridor.
3. Authorize City Administration to file formal requests with Seaboard Coastline Railroad and Southern Railway System for track adjustments and/or acquisition of right-of-way necessary to accommodate the street alignment selected.

In general terms, the City Manager continued, a corridor east of the spur track would avoid costly track realignment to remove a bow in the spur track. The expense estimated to be approximately \$400,000 or \$450,000 would be borne by the City if the street were aligned west of the spur track. Right-of-way between Hay and Franklin Streets would probably cost more for a corridor east of the spur track than for a corridor west of the track, however, based on current tax values. The City would also have to relocate the railroad's loading platform from its present site near Russell Street to Milan Yard, at City expense, if a corridor east of the spur track is chosen at an estimated cost of \$88,000. In our judgment, he stated, the City's total cost for a street alignment east of the railroad spur would be no greater than the total cost for a street alignment west of the railroad spur, and it would be significantly less, depending on the requirements imposed by the railroad.

Mrs. Evans then offered motion to follow the foregoing recommendation of the City Manager, City Engineer, and Revitalization Director, and approve the east side extension and the three recommendations. Motion was seconded by Mr. Hurley.

Following some discussion of the item, Mayor Finch called for a vote on the motion and it carried unanimously.

Council next considered a resolution and renewal of the contract and upgrading user agreement of the Police Information Network terminal in the Police Department. The recommended action was adoption of the resolution and approval of the contract.

The City Manager presented this matter and stated that the Chief of Police had been advised that the North Carolina Police Information Network Advisory Policy Board had approved the increase of the PIN terminal rent from \$175 to \$200 per month effective July 1, 1981. It is necessary that we renegotiate the contract and municipal agreement with the City and the North Carolina Department of Justice. He requested Council's approval. The City Manager recommended approval.

RESOLUTION THAT THE INSTALLATION OF A PIN TERMINAL BE AND IT HEREBY IS FORMALLY APPROVED BY THE CITY COUNCIL OF FAYETTEVILLE AND THEY ARE HEREBY EMPOWERED TO SIGN AND EXECUTE THE REQUIRED AGREEMENT BETWEEN THIS MUNICIPALITY AND THE NORTH CAROLINA DEPARTMENT OF JUSTICE POLICE INFORMATION NETWORK. RESOLUTION NO. R1981-30.

Mrs. Evans moved for approval of the contract by the adoption of the foregoing resolution, seconded by Mr. McBryde and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's Office in Resolutions Book R1981.

Council next considered acceptance of a grant to the Recreation and Parks Department for the Fayetteville Youth Theater. The recommended action was acceptance of the grant award.

The City Manager presented this matter and stated that there had been considerable public discussion regarding the status of the Fayetteville Summer Youth Theater for this summer. The recommended 1981-82 budget included the exact amount of funding as the current year. Neither the budget request from the Recreation Director nor my budget recommendation to you cuts the youth theater budget. In past years, the Fayetteville City Schools have supplemented the youth theater budget. That subsidy has been paid to the City and was added to the City's appropriation. It appears that the City School subsidy will not be available for 1981-82, thereby reducing the Youth Theater budget by \$3500.

The grant award from the Arts Council of Fayetteville/Cumberland County, Inc., in the amount of \$2,978 would supplement the City's appropriation and along with private contributions, would allow the youth theater to operate this summer. The City's appropriation from the general fund has been neither reduced nor increased in the 1981-82 recommended budget, the City Manager stated. The grant from the Arts Council would partially make up the loss from the City Schools appropriation. The City Manager recommended approval.

Following brief discussion, Mr. Williams offered motion to accept the grant from the Arts Council of \$2,978 for the Fayetteville Youth Theater, seconded by Mr. McBryde and carried unanimously.

Council next gave consideration of authorization for salary adjustment for bus operators. The recommended action was approval.

The City Manager presented this matter and stated that one part of the recommendations submitted regarding route revisions and drivers' schedules was to share some of the savings with the bus operators in the form of a pay increase. The actual reduction in drivers as a result of scheduling changes is one more than the 11 CETA drivers. Further cost reductions would result from reductions in bus mileage. Actual driving time per driver is being increased 19%. He recommended that he be authorized to approve a 5% increase to bus operators wages effective May 27, 1981, to coincide with the implementation of the revised drivers' schedules. This increase would partially compensate the operators for their increased productivity and is a good policy. The additional annual cost of this action in pay and fringe benefits is \$13,900. The represents a vary small part of the cost reductions accomplished through revisions in drivers' schedules, he concluded.

Following brief discussion, Mr. Hurley offered motion to follow the foregoing recommendation of the City Manager, seconded by Mr. Dawkins and carried unanimously.

Mayor Finch then announced that the next two items on the agenda, 14 and 15, dealt with a request to revoke a taxi driving permit and appeals from denial of taxi driving permits by Roy Lee McDole, Marion McLaughlin, Tony Shaw, and William O. Mills would be considered in Executive Session at the end of the meeting.

Council next considered request for taxi driving permits. The recommended action was to approve the issuance of permits as recommended by the taxi inspector.

Following brief discussion, Mr. McBryde offered motion to follow the recommendation of the Taxicab Inspector and approve and disapprove taxi driving permits for the following named, seconded by Mr. Williams and carried unanimously.

Approval: Charlie Dean Beard, Judy Evelyn Boatman, Rufus Calhoun Clemons, Willie Washington Frazier, Robert Lee Johnson, Richard Wayne Lewis, Curley Alfonso Monroe, Leonard Van Oates, Nathaniel Herman Parker, Thomas Graham Walters, Aaron Williams

Disapproval: Muriel Milton Hilliard, Stacy Mayrone Stubbs

Appointments

Council next considered a nomination to fill one vacancy on the Board of Appeals on Dwellings and Buildings, which expires this month. Mr. McBryde stated that Mr. Calvert Ray informed him that he declined to serve again and does not wish to be reappointed.

Mr. Williams then nominated Gerald Williams for this vacancy.

There were no further nominations and Mayor Finch stated this would be reconsidered at the next regular meeting.

Delegations

Council recognized Mr. Clinton Harris, a local citizen, who asked about the employment of youths for the sidewalks and crosswalks. The City Manager replied that he was in the process of putting a contract together for this purpose.

City Manager's Reports

The City Manager requested that consideration of hire of fire fighters in the Fire Department be postponed until the next regular meeting. This was satisfactory with the Council.

The City Manager stated the Inspection Department was in receipt of a request from Dickenson Buick for a sign variance with a setback of 33 feet for their new location on North McPherson Church Road. The inspection superintendent recommends approval of the variance.

Mr. McBryde offered motion to follow the recommendation of the City Manager and Building Inspector and approve the variance as requested, seconded by Rev. Johnson and carried unanimously.

The City Manager distributed volume 1 of the recommended 1981-82 budget to the City Council. He expressed regret that he was only providing volume 1 tonight, but it was caused by a breakdown in the collating machine. It would be repaired shortly and the balance of the budget would be provided. Mr. Smith stated that the budget had been budgeted without the tax rate increase. He commented on the various aspects of the coming year. He stated that a 5% cost of living increase had been included for all City employees. Also, the reclassification of certain positions. He stated that the increase over last year amounted to 1.1% and that the total budget was in

amount of \$95,732,136.00. He stated a number of personnel changes are also proposed in the new budget. He stated he was recommending the establishment of a new position of Assistant City Manager for community and economic development and proposing that the positions of Administrative Assistant to the City Manager, Director of Revitalization and Secretary for the Revitalization Director be eliminated. The new position would provide staff assistance to the Revitalization Commission, coordinate implementations of major development projects such as a transit mall, circulation improvements as well as other economic development activities.

Council next recognized Assistant City Manager Roger Stancil, who presented a resolution to Council for consideration and passage which would authorize the City Manager to execute grant contract agreements on behalf of the City with the United States Department of Transportation for aid and financing of the downtown transit mall.

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT AGREEMENT CONTRACT ON BEHALF OF THE CITY FOR THE DOWNTOWN TRANSIT MALL. RESOLUTION NO. R1981-31.

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

A copy of the foregoing resolution is on file in the Clerk's Office in Resolutions Book R1981.

Matters of Interest to the City Council

Mr. Williams asked the City Engineer to check the traffic signal at the intersection of Churchill Drive and Morganton Road in that it was not working properly. The City Engineer acknowledged the request.

Rev. Johnson asked about the new classification study and the City Manager stated he would present this on Monday.

Rev. Johnson extended thanks to Assistant City Manager Roger Stancil for his work on the Transit Mall project.

Mr. Dawkins extended thanks to the City Engineer and the Revitalization Director for their work on the Ray Avenue Extension.

Mr. Hurley asked Sgt. Pirro, of the Fayetteville Police Department, who was in the audience, for a report on Chief Danny Dixon's condition. Sgt. Pirro stated that Chief Dixon was up and around in his room at the hospital and expected to return to Fayetteville very shortly.

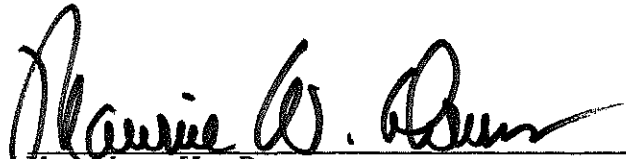
Mayor Finch reminded Council of her suggestion to make all Boards and Commissions appointments in June or July to standardize such appointments. She asked that this be considered by the Council. Mr. McBryde suggested that such appointments be changed to January 1st of each year since the new Council comes in November and December. Mayor Finch asked Council to have recommendations for presentation at the next regular meeting.

Mr. Dawkins then offered motion, seconded by Mr. Williams, that Council convene into executive session at this time to consider taxicab matters at 9:00 pm. Motion carried unanimously.

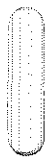
Council reconvened into regular session at 9:45 pm and Mr. Williams offered motion that the 4 applicants for appeal of their taxi driving permits, Roy L. McDole, Marion McLaughlin, Tony Shaw, and Willaim O. Mills, be granted a 6-months conditional permit to drive a taxi in the City of Fayetteville, conditioned upon their having no violations of local, state, or federal law during that 6-months period of time and they can reapply at the end of 6 months and be considered again, seconded by Rev. Johnson and carried unanimously.

Mr. Hurley then offered motion to follow the recommendation of the Taxicab Inspector and revoke the taxi driving permit of Elijah Hair, seconded by Mr. McBryde and carried unanimously.

Thereafter all matters of business having been concluded, this regular session was adjourned at 9:46 pm upon motion made and duly seconded.


Maurice W. Downs
City Clerk

MWD:jro



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JUNE 8, 1981
7:00 PM

Present: Mayor Beth Finch

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

Others Present: Mr. John P. Smith, City Manager
Mr. Robert C. Cogswell, Jr., City Attorney

Mayor Finch called the meeting to order and the Rev. Robert Allen of Saint James Lutheran Church offered the invocation:

All Mighty God,

The day that you have made is ending and the shadows of the night are closing in about us. We acknowledge with gratitude that life does not come of its own initiative. The sun does not shine by its own will. The grass does not grow by its own secret. The law of gravity is not maintained by its own whim. Instead, we recognize that in and through life, there is a power and a purpose that transcends the monotony of earth, a power and a purpose that are rooted and grounded in you. Help us to have an increased appreciation of the majesty of your created world and to be reasonably dedicated to extending and protecting it. We thank you, Father, that one of the orders of your world is government. Help this assembled governing body to take its mandate to public accountability seriously. As the Council negotiates its business, take the mind of its members and think through them. Take their lips and speak through them, and then when everything is said and done, take their hearts and set them on fire for those things that are right and true and noble. Help these men and women not to go to sleep under the pressure to make decisions and to conduct business. Enable them to see in their work that there is a direct connection between paving streets, picking up garbage containers, and assessing taxes, and also being honest and compassionate and understanding. When the Council is weary, encourage it. When it does a good job, use that experience as a stepping stone to something greater. When there is uncertainty and threat of confusion, give it a fresh invasion of patience. Gracious Lord, guide and guard our Mayor, give her wisdom, strength and vision, not to do the impossible, but to be an honorable servant of him not who rules by public election, but by influence of our hearts. In Jesus Christ, who is your Son our Lord, Amen.

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 approval of minutes. Upon motion by Mr. McBryde, seconded by Mr. Dawkins and carried unanimously, minutes of the regular meeting of May 26, 1981, were approved as submitted by the Clerk.

Public Hearings

The first public hearing was consideration of a taxicab ordinance. The recommended action was adoption of Draft number 3.

Mr. McBryde then offered motion for adoption of draft number three with two changes:

1. Elimination of Section 28-16 (d) which refers to how many members are required to change the limit on the number of taxicabs.
2. Change Section 28-130 to read: "There is hereby established a Taxicab Review Board whose function is to hear appeals from any decision of the Taxicab Inspector or City Manager pursuant to this chapter. The Board shall be composed of the Assistant City Manager, two members of the Police Department of the rank of captain or higher to be chosen by the Chief of Police, and two members from the taxicab industry to be appointed by the City Council. All members except the Assistant City Manager shall serve for a period of two years and no member shall serve more than two consecutive terms. The Taxicab Inspector shall serve as advisor to the Review Board."

The motion was seconded by Rev. Johnson.

Mr. Cogswell then clarified Mr. McBryde's motion. He stated that once a year the Council is mandated to determine the number of cabs for the next 12 months. But if at any other time of the year, upon initiation of the taxi inspector or any one of the businesses, they may petition the Council if they feel there is a need for more taxicabs. By eliminating the original paragraph, it would then take a simple majority instead of 3/4 vote for passage.

The other part of the motion is to take Section 28-130 to the end of draft 3 which sets up a taxicab review board. The review board set up would consist of three people: the Assistant City Manager and two captains of the Police Department.

Mr. Cogswell stated there was some confusion in Section 28-24 "Transfer of Certificate". This could be cleared up by deleting the words "certificates may be transferred" in sub paragraph (b). Then subparagraph (a) would read "It shall be unlawful for any franchise operator to sell, assign, lease, or mortgage Certificates of Public Convenience and Necessity unless by approval and authorization of the City Council."

Mrs. Evans stated she could not support draft number three. She stated she felt draft number four is the one Council should adopt.

Following some discussion, Mr. Williams offered an amendment to Mr. McBryde's motion that the process should go through the review board.

Mr. McBryde asked if there still was a proposal for the right of final appeal to City Council. Mr. Cogswell stated 'no'.

Mr. Dawkins stated he supported the motion.

Mr. Williams offered an amendment to Mr. McBryde's motion that the Board shall be composed of the Assistant City Manager, 2 members of the Police Department of the rank of Captain or higher to be chosen by the Chief of Police, and two members from the taxicab industry. All of these persons are to serve 2-year terms except the Assistant City Manager. No one is to serve more than 2 consecutive terms.

Mr. McBryde accepted the amendment.

Mr. Cogswell then stated that Section 28-136, 138, and 139 must be included in Mr. McBryde's motion. He stated these were not in draft number three. They came about afterwards.

Mr. McBryde accepted the amendment.

Mr. Cogswell then suggested that a change be made in Section 28-2 (e), which would be to add a phrase to allow necessary facilities such as a drink machine, or snack machine to be located on the sites, telephones for parking, dispatching taxicabs, and necessary ancillary facilities. There were no objections from Council.

Mayor Finch called for a vote on the motion. The vote was five to one, with Mrs. Evans voting in opposition. The Mayor declared the ordinance adopted on first reading.

Mr. Cogswell then stated that in Section 28-28 (d) the word "City" should read "Taxi Inspector". Mr. Dawkins offered motion to accept the amendment to Section 28-28 (d), seconded by Mr. Williams and carried, Mrs. Evans voting "no".

Mr. Cogswell then clarified the entire action:

1. Section 28-2(e) - delete "solely" and after "taxicabs" in first sentence, add: "and any necessary ancillary facilities."
2. Section 28-16 - eliminate subsection (d)
3. Section 28-24 - omit subsection (b) so that subsection (a) reads: "It shall be unlawful for any franchised operator to sell, assign, lease, or mortgage Certificates of Public Convenience and Necessity unless approved by the City Council."
4. Sec. 28-28(d) - change "City" to read "Taxi Inspector".
5. Sec. 28-130 - reads: "There is hereby established a Taxicab Review Board whose function is to hear appeals from any decision of the Taxicab Inspector or City Manager pursuant to this chapter. The Board shall be composed of the Assistant City Manager, two members of the Police Department of the rank of captain or higher to be chosen by the Chief of Police, and two members from the taxicab industry to be appointed by the City Council. All members except the Assistant City Manager shall serve a period of two years and no member shall serve more than two consecutive terms. The Taxicab Inspector shall serve as advisor to the Review Board."
6. Section 28-131 to Section 28-136 - will be the same as those in Draft #3
7. Section 28-136 from Draft #4 becomes Sec. 28-138

8. Sec. 28-138 from Draft #4 becomes Sec. 28-139

9. Sec. 28-139 from Draft #4 becomes Sec. 28-140

The second public hearing was application for 1981-82 Transit Operating Assistance Grant from Urban Mass Transit Administration.

Assistant City Manager Roger Stancil presented this and stated that since Council already authorized submission of the application, the only purpose of this public hearing is to hear any public comment on it.

Mr. Clinton Harris, a local citizen, was recognized in opposition and requested Council to construct sidewalks at all bus stop locations.

The last public hearing was Fiscal Year 1981-82 City of Fayetteville Operating, Revenue Sharing and Special Tax District Budgets.

City Manager John Smith stated this has been presented to the Council in accordance with the Budget Fiscal Control Act and the public hearing is to receive public input on these budgets prior to taking final action before July 1, 1981.

Dr. Charles Speegle, President of Downtown Fayetteville Foundation, was recognized in favor of the budgets.

Geraldine Lyons, Julie Coldwell, and Walter Moorman were also recognized with comments. ~~Walter Moorman~~ was recognized with comments, especially concerning a proposed bond referendum on the parking deck. He was not in favor of the parking deck.

No action was required by Council and this concluded the last public hearing.

Public Hearings to be Set

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

- A. Set for June 22, 1981, for consideration of petition for annexation of property located at 2659 Owen Drive.
Set for July 27, 1981:
- B. Consideration of adoption of a resolution to consider closing Allens Alley.

PRELIMINARY RESOLUTION AND NOTICE OF INTENT TO CLOSE ALLEN'S ALLEY. R1981-32.

- C. Set for July 27, 1981, for consideration of adoption of a resolution to consider the closing of a portion of Pershing Street.

PRELIMINARY RESOLUTION AND NOTICE OF INTENT TO CLOSE A PORTION OF PERSHING STREET. R1981-33.

Copies of the foregoing resolutions are on file in the Clerk's Office in Resolutions Book R1981.

Planning Board Matters

Planner Mitchell presented these matters.

Upon motion by Mrs. Evans, seconded by Mr. Dawkins and carried unanimously, conditional approval was given Pleasant, Inc., Office Sites (Condominium) group development review located along the west side of Ravenhill Drive and north of Raeford Road.

Upon motion by Mr. Williams, seconded by Rev. Johnson and carried unanimously, conditional approval was given Woodlea Apartment maintenance shop group development review located at 2420 Bragg Boulevard.

Public Works Commission Matters

The first PWC item was consideration of an interim policy on water and sewer extensions and connections.

PWC Manager Muench presented the policy as outlined below:

INTERIM POLICY ON WATER AND SANITARY SEWER MAIN EXTENSIONS AND CONNECTIONS, OUTSIDE THE CITY OF FAYETTEVILLE

No extensions of water and sanitary sewer mains shall be made or contracted to be made to provide water and sanitary sewer utilities to land or subdivisions of land outside the City, with the following exceptions, for water and sanitary sewer services to:

1. Qualified industrial applicants
2. Cumberland County buildings located in the urban area of Fayetteville
3. Other municipalities
4. Urban areas within close proximity to the City of Fayetteville which may have severe health hazards.
5. Existing and new subdivisions which are or will be along or within close proximity to interceptor sanitary sewers which were financed by Federal or State funds and were constructed within the past five years.
6. Other unusual cases which are approved by Public Works Commission and City Council.

Applicants for water and sanitary sewer connections to existing water and sanitary sewer mains, outside the City, will be considered as follows:

- 1) If land or subdivision of land is contiguous to the city limits so that, under current law, it could be annexed to the City by petition, no water and sanitary sewer connections shall be made or contracted to be made until such annexation is accomplished or secured to be accomplished.
- 2) If land or subdivision of land is not contiguous to the City limits, water and sanitary sewer connections may be made, observing the following procedure:
 - A. Owner(s) of property must secure permit from County Plumbing Inspector for such connection(s).
 - B. All applicable tapping fees, service lateral charges, account deposit, service charge, etc., must be paid to Public Works Commission.
 - C. Owner(s) of property must execute an agreement with Public Works Commission, providing that any such property or subdivision of property to be served by water and sanitary sewer connections will be annexed into the City if it becomes contiguous to the City and the City Council requests such annexation.

Revision 3 (Supercedes all previous outside-city water and sanitary sewer extension/connection policies).

Mr. Muench recommended adoption of the policy.

Rev. Johnson offered motion to adopt the interim policy on water and sewer extensions and connections, seconded by Mr. Williams and carried unanimously.

Upon motion by Mrs. Evans, seconded by Mr. Hurley and carried unanimously, approval was given for one 4-inch sanitary sewer connection to existing main to serve lot on Moody Street (next to 2413 Moody Street).

Upon motion by Mrs. Evans, seconded by Mr. Dawkins and carried unanimously, approval was given for one 1-inch water connection to existing main to serve residence at 3507 Rosehill Road, outside City.

Upon motion by Mr. Dawkins, seconded by Mrs. Evans and carried unanimously, approval was given for one 1-inch water connection to existing main to serve residence at 4270 Rosehill Road, outside City.

The following 10 applications for water connections to existing mains were presented for approval by PWC.

1. 1-inch water connection for location on Moody Street (foregoing)
2. 1-inch water connection for 3507 Rosehill Road (foregoing)
3. 1-inch water connection for 4270 Rosehill Road (foregoing)
4. 1-inch water connection for 420 McArthur Road
5. 2-inch water connection for 4620 Ramsey Street
6. 2-inch water connection for Pinecrest Apartments on Rosehill Road
7. 1-inch water connection for 4050 Rosehill Road
8. 2-inch water connection for 203 Airport Road
9. 1-inch water and 4-inch sewer connections for Legion Road Produce
10. 1-inch water connection for location on West Mountain Drive

Mr. Williams then offered motion for approval of the foregoing 10 connections, seconded by Rev. Johnson and carried unanimously.

The last PWC item was a proposal by PWC for 25% increase in water and sewer rates, outside City.

Mr. Williams was then excused from the meeting for about 15 minutes.

The next item of business was consideration of retirement system transfer for Police Officer Peter Hathaway.

City Manager Smith presented this and stated that Officer Hathaway requested that he be permitted to transfer his membership from the Local Government Employee's Retirement System to the Law Enforcement Officer's Benefit and Retirement Fund. Mr. Smith recommended approval.

Mr. McBryde then offered motion to follow the recommendation of the City Manager to approve the transfer, seconded by Mrs. Evans and carried, Mr. Williams absent from voting.

Next was consideration of a request for legal representation.

City Attorney Cogswell presented this and stated that it had been requested that legal council be given on behalf of the Chief of Police pertaining to the arrest of students in drug related activities. The City Attorney recommended approval.

Mrs. Evans offered motion for approval of the request, seconded by Mr. McBryde and carried, Mr. Williams absent from voting.

Next was consideration of a lease of railroad property to Seaboard Costline Railroad, including the existing railroad passenger station on Hillsboro Street.

City Attorney Cogswell presented this and recommended authorization to advertise for the lease of property.

Mr. Dawkins offered motion to follow the recommendation of the City Attorney to advertise for lease of property as recommended, seconded by Mr. McBryde and carried, Mr. Williams absent from voting.

Next on the agenda was consideration of a request to purchase property located in Alexander McArthur Subdivision, portion of Block Q. Plat Book 8, Page 2 and 3, Cumberland County Registry.

City Attorney Cogswell presented this and recommended advertisement of this to try to get a better price for the property.

Mr. Dawkins offered motion for approval for advertisement, seconded by Rev. Johnson and carried, Mr. Williams absent from voting.

The next agenda item was consideration of authorization to advertise and receive proposals for implementation of propane conversion of all gasoline powered City vehicles.

The City Manager presented this matter and recommended the conversion of all the City's gasoline vehicles as early as possible during the fiscal year 1981-82. He recommended that City Council authorize City Administration to advertise and receive bids for the conversion, so that a contract can be awarded in July.

Rev. Johnson offered motion for approval of the City Manager's recommendation, seconded by Mr. Dawkins and carried, Mr. Williams absent from voting.

Next was consideration of bids received for furnishing ten (10) each units of self-contained breathing apparatus.

Purchasing Agent Alfred Jordan presented this and recommended approval of the low bid of \$6,117 from Jones Supply Company.

Mr. Hurley offered motion for award of the low bid to Jones Supply Company, seconded by Mr. McBryde and carried unanimously.

Council next gave consideration to take necessary action to correct substandard housing conditions at the following addresses:

A. 510 Davie Street (Mr. & Mrs. Johnny L. Jones, owners)

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY AT 510 DAVIE STREET. ORDINANCE NO. NS1981-22.

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

B. 325 Ingram Street (Roscoe Cobb, owner)

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY AT 325 INGRAM STREET. ORDINANCE NO. NS1981-23.

Mr. Dawkins introduced the foregoing ordinance and moved its adoption, seconded by Mr. McBryde and carried, Mr. Williams absent from voting.

Copies of the foregoing ordinances are on file in the Clerk's Office in Ordinance Book NS1981.

Next was consideration of the opening of Dupont Street.

City Manager Smith presented the item and stated that on December 22, 1980, representatives from the County came before City Council and outlined the proposed new Highsmith-Rainey Hospital project. Among the things City agreed to do were: 1) Close a portion of Pershing Street east of Dupont Alley; and 2) construct a new street in the general location of where Dupont Alley exists.

The County and City staffs have reviewed the new street proposal and would like to recommend an alignment that would intersect Pershing Street at the present intersection with Dupont Alley and align the Hay Street intersection opposite Hillside Avenue. He recommended for Council to give Administration authority to begin acquisition of right-of-way of this project.

Mr. McBryde offered motion for administration to begin acquisition for the right-of-way for the project, seconded by Mr. Dawkins and carried, Mr. Williams absent from voting.

Next was consideration of approval to proceed with the design and advertisement for bids on Bow Street extension and bridge.

City Manager John Smith presented this and stated that there has been some controversy by business over this proposed project, however, he recommended for Council to proceed with the bridge, and street extension.

street extension &
Mrs. Evans offered motion to proceed with the/bridge project, seconded by Mr. Hurley. Vote was delayed on this matter at Mr. Dawkins' request pending return of Mr. Williams.

Next was consideration of an appeal of a taxi permit application, which was continued from the May 11 regular meeting, concerning Johnny Lee Tukes.

City Manager John Smith presented this and stated that the appeal was continued pending the outcome of a court case which was to be heard on June 8th. He further stated administration has not yet received the outcome of this case; therefore, he recommended continuing this item to get the information.

Mr. McBryde offered motion to continue this item, seconded by Mrs. Evans and carried, Mr. Williams absent from voting.

APPOINTMENTS

Upon motion by Mr. McBryde, seconded by Mr. Dawkins and carried, Mr. Williams absent from voting, Gerald Williams was appointed to fill one vacancy on the Board of Appeals on Dwellings and Buildings for a three-year term to run to May 1984.

Next were nominations for three vacancies on the Airport Commission. Mr. Dawkins nominated Mr. Buzz Ward. Mr. Hurley nominated Cyrus Faircloth. Mrs. Evans nominated Bob Hasty. Mr. McBryde nominated Mr. Bernard Stein.

Next were nominations to fill one vacancy on the Public Works Commission. Mr. Hurley nominated Mr. Tom McCoy.

The next appointment item was nominations for one vacancy on the Public Works Commission Retirement Plan Board of Trustees. Rev. Johnson nominated Mr. Robert Butler.

Next on the agenda was nominations for one vacancy on the Joint Planning Board. Mr. Hurley nominated Mr. Swayne Hamlet. Rev. Johnson nominated Mr. J. A. McCoy.

The last appointment item was for nomination for two vacancies on the Fayetteville Revitalization Commission. Mr. McBryde nominated Fred Deem. Rev. Johnson nominated Helen Moress.

Delegations

Mr. Clinton Harris, a local citizen was recognized with comments.

City Manager's Reports

City Manager John P. Smith presented these matters.

Upon motion by Mr. Hurley, seconded by Mr. McBryde and carried, Mr. Williams absent from voting, approval was given a request to change the time originally set for the Fourth of July parade from 10:30 am to 2:00 pm, and also the North Carolina Symphony Patriotic Concert should be at 5:00 pm rather than 7:00 pm.

Upon motion by Mr. McBryde, seconded by Mr. Hurley and carried, Mr. Williams absent from voting, James A. Freda, Willis R. Santiago, and Eric M. Tipton were approved for hire by the Fayetteville Fire Department.

Mr. Williams then returned to the Council meeting at 8:29 pm.

The next two items were consideration of reinstatement of a fire fighter and a police officer.

City Manager John Smith presented this and recommended the ^{re}instatement of James F. Johnson to the Fire Department and Sammie Durden to the Police Department in accordance with Section 22-34 of the Personnel Ordinance.

Mr. McBryde then offered motion for reinstatement of the two foregoing named, seconded by Mr. Dawkins and carried unanimously.

Next was consideration of a request from TEENS to hold a walkathon on June 13th. Mr. Hurley offered motion to grant the request, seconded by Mr. Dawkins and carried unanimously.

Mr. Williams having returned to the meeting, Council returned to item 14 which was consideration of approval to proceed with the design and advertisement for bids on Bow Street extension and bridge.

Following some discussion, Mayor Finch called for the vote on Mrs. Evans' motion, to approve the extension and bridge, which was seconded by Mr. Hurley. It was carried unanimously.

Matters of Interest to Council


Rev. Johnson acknowledged the fact that Mrs. Janet Olson, Stenographer to the City Clerk, was resigning from her position with the City. Council stated they enjoyed having her at the Council meetings and wished her well.

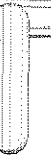
Mr. Dawkins inquired about the possibility of having the heavy trucks rerouted away from the Market Square, so they don't keep hitting the Market House and wall.

Mr. McBryde inquired about the patching of some pot holes on Pond Street. Mr. Bennett stated this had been accomplished.

Mr. Hurley asked about the change-over of appointment dates for all Boards and Commissions. Mr. Cogswell asked for deferment of discussion of this matter.

Thereafter, all matters of business having been completed, this regular meeting of the Fayetteville Council was adjourned at 8:35 pm upon motion made and duly seconded.


 Janet R. Olson
 Acting City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JUNE 22, 1981
7:00 P.M.

Present: Mayor Beth Finch

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

Others Present: Mr. John P. Smith, City Manager
Mr. Robert C. Cogswell, Jr., City Attorney

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 recognized Fayetteville Youth Council members and Junior League representatives present in the audience.

First order of business was approval of minutes. Upon motion by Mr. Williams, seconded by Mr. McBryde and carried unanimously, minutes of the regular meeting of June 8th were approved as submitted.

Public Hearings

A public hearing had been published for this date and hour on the closing of old Helen Street between Pamalee Drive and Boros Drive.

The City Engineer presented this matter and stated that the property owners had been notified of this public hearing.

There were neither proponents nor opponents present.

Councilman Williams raised the question of access to Lots 224 and 225 and of the possibility of reimbursing the property owner. The City Engineer pointed out that accessibility would be provided along the old street right-of-way. The City Attorney informed Council that this proceeding is according to law. The City Engineer stated that this action also came about as a result of the 401 By-Pass project by the DOT.

Following some further discussion Mrs. Evans offered a motion to adopt the resolution to close this portion of Helen Street. The motion was lost for lack of a second.

Following some further discussion, Mr. Williams offered a motion to continue this public hearing until next regular meeting on July 13th, seconded by Mr. Hurley and carried unanimously.

A public hearing had been published for this date and hour on a petition for annexation of property located at 3311 Rosehill Road. Planner Mitchell stated the Annexation Technical Review Committee recommended approval.

There were neither proponents nor opponents present.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE
3311 ROSEHILL ROAD. ORDINANCE NO. 81-6-238

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

A public hearing had been published for this date and hour on the consideration of an ordinance confirming the assessment roll for the paving of Lucerne Street from existing pavement to Cul-De-Sac.

The Clerk certified that all property owners had been notified by first class mail.

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

There were neither proponents nor opponents present.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER
IMPROVEMENT OF LUCERNE STREET. ORDINANCE NO. NS 1981-24.

Mrs. Evans introduced the foregoing ordinance and moved its adoption at 7:15 PM, seconded by Mr. McBryde and carried unanimously.

A public hearing had been published for this date and hour on consideration of an ordinance confirming the assessment roll for the paving of Groton Avenue from Pugh Street to the southern line of Lot 5 Groton Estate, Deed Book 385, Page 139, Cumberland County Registry.

The Clerk certified that all property owners had been notified by first class mail.

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

A Mrs. Emma Thomas of Pugh Street asked if the assessment must be paid all at once. She was informed that it may be paid in installments if desired.

There were no opponents present.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENTS OF GROTON AVENUE. ORDINANCE NO. NS 1981-25.

Mr. Dawkins introduced the foregoing ordinance and moved its adoption 7:17 PM, seconded by Mr. McBryde and carried unanimously.

A public hearing had been published for this date and hour on the rezoning from R5A Residential District to P2 Professional District or to a more restrictive zoning classification of an area located at 107 and 109 Jasper Street.

Planning Board recommended approval.

Mr. Roosevelt Irby petitioner, partner with Mr. Luther McMannas, was recognized and requested approval of the rezoning for the purpose of using the property for a counseling center.

Mrs. Louise Jenkins and Mr. Arthur Davis, area residents, were recognized in opposition, stating they did not want their property rezoned P2.

Following some discussion, Mr. Williams made the motion to deny the petition for rezoning. Seconded by Rev. Johnson and carried unanimously.

A public hearing had been published for this date and hour on the rezoning from R5A Residential District to C1 Local Business District or to a more restrictive zoning classification of an area located on the southeast corner of Ramsey Street and Lamon Street. The Planning Board recommended approval.

Attorney George Herndon was recognized for the petitioner. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R5 RESIDENTIAL DISTRICT TO C1 LOCAL BUSINESS DISTRICT AN AREA ON THE SOUTHEAST CORNER OF RAMSEY STREET AND LAMON STREET. ORDINANCE NO. NS 1981-26.

Rev. Johnson introduced the foregoing ordinance and moved its adoption. Seconded by Mr. Williams and carried unanimously.

A public hearing had been published for this date and hour on the rezoning from C1P Planned Shopping Center District to C1 Local Business District or to a more restrictive zoning classification of an area located on the southwest side of Murchison Road northwest of Springfield Road. Planning Board recommended denial.

Mr. Lee Garvin representing the petitioner was recognized in favor of the rezoning.

Mr. Clinton Harris, a local citizen was recognized in opposition.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM C1P PLANNED SHOPPING CENTER DISTRICT TO C1 LOCAL BUSINESS DISTRICT AN AREA LOCATED ON THE SOUTHWEST SIDE OF MURCHISON ROAD AND NORTHWEST OF SPRINGFIELD ROAD. ORDINANCE NO. NS 1981-27.

Mr. Williams introduced the foregoing ordinance and moved its adoption. Seconded by Mr. Dawkins and carried, Mr. McBryde voting "no".

A public hearing was held as published on a resolution authorizing the Mayor to vote on all matters before the Council in accordance with the provisions of Sections 160A-101 (8), option (a). The recommended action was to hold a public hearing only this evening and to take no action.

The City Attorney presented this matter and stated that this was only a public hearing and that Council could take action at its next regular meeting.

There were neither proponents nor opponents present. Mayor Finch declared the public hearing over on this matter and stated it would be reconsidered at the next regular meeting on July 13.

A public hearing had been published on this date and hour on the consideration of a petition for annexation of property located at 2659 Owen Drive. Planner Mitchell stated the Annexation Technical Review Committee recommended denial.

There were neither proponents nor opponents present.

Following some discussion Mr. Williams offered motion to deny the foregoing annexation. Seconded by Mr. McBryde and carried unanimously.

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

Public Hearings To Be Set

Upon motion by Mr. McBryde, seconded by Mrs. Evans and carried unanimously, public hearings were set for July 27, 1981 on the following matters:

- A. To receive public comment on experimental service changes implemented February 10, 1981 on Transit Route 5 (Methodist College).
- B. An ordinance to amend Chapter 32-35 "Zoning" of the Fayetteville City Code.
- C. Consideration of a Resolution and Order to file and publish preliminary assessment roll for the paving of Brainerd Avenue from Ramsey Street to Dead End.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENTS ON BRAINERD AVENUE. RESOLUTION NO. R1981-35

- D. Consideration of a Resolution and Order to file and publish preliminary assessment roll for the paving of Freeman Street from Kirkland Drive to Brainerd Avenue.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENTS ON FREEMAN STREET. RESOLUTION NO. R1981-36.

Copies of the two foregoing resolutions are on file in the City Clerk's office.

Public Works Commission Matters

Mr. Tim Wood, Assistant Manager presented the single PWC matter which was consideration of an application for one 4-inch sanitary sewer connection to existing main to serve a commercial building on 401 By-Pass outside the City. Public Works Commission recommended approval.

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

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

Planning Board Matters

Planner Mitchell presented the two Planning Board matters:

Upon motion by Mr. McBryde, seconded by Mr. Williams and carried unanimously, Highsmith-Rainey Hospital group development review located on the northwest quadrant of Robeson Street and Russell Street intersection was given conditional approval as recommended.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, Cumberland Psychiatric Hospital group development review located south of Melrose Road and west of Owen Drive was given conditional approval as recommended by the Planning Board.

Council next gave reconsideration to the taxicab ordinance (second reading). Continued from the regular meeting of June 8th. The recommended action was approval.

The City Attorney presented this matter and recommended adoption.

Mr. McBryde offered motion for adoption of the ordinance on second reading with one change regarding Section 28-130 - the taxicab inspector being advisor to the board. Motion seconded by Mr. Dawkins and carried, Mrs. Evans voting "no".

AN ORDINANCE AMENDING CHAPTER 28, "TAXICABS" OF THE CITY CODE OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1981-9.

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

Council next considered a lease of railroad property to the Seaboard Coastline Railroad. (This matter continued from the regular meeting of June 8th.) The recommended action was approval.

The City Engineer presented this matter and recommended approval and that the Mayor be authorized to sign.

Following brief discussion Mrs. Evans offered motion to approve the foregoing lease and authorize the Mayor to sign for the City. Seconded by Mr. Dawkins and carried unanimously.

Council next gave reconsideration of an appeal of a taxi permit application for Johnny Lee Tukes (this matter continued from the regular meeting of June 8th).

The City Manager presented this matter and stated the court case had been resolved and the permit recommended.

Mr. McBryde offered motion for approval of the permit. Seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a resolution to sell Community Development property, Lot A3 Wilmington Road NDP, Section 1, Project NCA-10.

The recommended action was adoption of the resolution and advertisement.

The City Attorney presented this matter and stated that the property is not needed by Community Development and recommended advertising for sale.

Mr. Dawkins made a motion for adoption of the resolution to authorize the advertisement for sale of the foregoing. Seconded by Rev. Johnson and carried unanimously. *R1981-34*

Council next considered Amendments to Section 21-30.1 through 21-30.9 of the Fayetteville City Code. (Noise Ordinance). The City Attorney presented this matter and requested deferment until a later date.

Mrs. Evans offered motion to defer action on this matter as requested. Seconded by Mr. McBryde and carried unanimously.

Council next gave consideration of an amendment to Section 32-22 and 32-5 of the Fayetteville City Code (Zoning - Parking of Large Vehicles in Residential Areas). The recommended action was referral to the Planning Board.

The City Attorney presented this matter and stated that complaints were being received that large vehicles were being parked in driveways preventing one property owner from seeing his neighbors homes or any area up and down the street. The proposed amendment to the zoning ordinance would not prohibit the storage or parking of these vehicles on someone's residential lot but would require them to be parked in such a manner that they would not cause aesthetic problems. He recommended forwarding this to the Planning Board for a public hearing.

Following brief discussion, Mr. Williams offered motion to refer this matter to the Planning Board, seconded by Rev. Johnson and carried unanimously.

Council next gave consideration of approval of granting easements to Seaboard Coastline Railroad for: 1) operation for the Fort Bragg Garner Railroad track by Kimbrell's Furniture on Hay Street; 2) Communications operations parallel with the main track.

The recommended action was to authorize the Mayor to execute the easements.

The City Attorney presented these matters.

Following brief discussion, Mr. Williams offered motion, seconded by Mr. McBryde and carried unanimously for approval of the foregoing easements and that the Mayor be authorized to sign for the City.

Council next gave consideration to the appointment of a Deputy City Clerk. The recommended action was to appoint the Assistant City Manager.

The City Manager presented this matter and stated that in order to have someone always available to certify official documents it would be helpful to have someone officially designated as Deputy City Clerk. Former City Manager Bill Thomas had that designation when he was Assistant City Manager and Mr. Smith suggested the designation of the Assistant City Manager (Operations) as Deputy City Clerk to certify documents when the City Clerk is unavailable.

Mr. McBryde offered motion for approval of the foregoing and for the appointment of the Assistant City Manager (Operations) as Deputy City Clerk, seconded by Mr. Dawkins, and carried unanimously.

Council next gave consideration to authorizing the City Manager to lease advertising space for taxicabs at the Airport for periods less than one year. The recommended action was approval. The City Attorney presented this matter.

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

Council next gave consideration to renewal of three rental car leases (Hertz, Avis, and National) at the Airport. The recommended action was to advertise.

The City Attorney presented this matter. Mr. Williams offered motion to advertise the foregoing as recommended, seconded by Mr. McBryde and carried unanimously.

Council next gave consideration to a request to lease Airport property to D & G Air Service, Ltd; Sullivan Wholesale, Inc.; and Powell Avionics.

The recommended action was authorization to advertise.

The City Attorney presented this matter.

Following brief discussion Mr. Williams offered motion, seconded by Mr. McBryde, and carried unanimously, for approval to advertise the foregoing.

Council next gave consideration to amendments to Section 9-14, 11-15, 15-6, and 23-106.1 of the City Code (various Inspection fees). The recommended action was adoption of the ordinance.

The City Attorney presented this and stated that this request came from the Inspection Superintendent who stated that the fee schedule for these services for the Inspection Department had only been raised one time in the past twenty years, that being in February, 1979. And the fee schedule is still below those of other cities and counties of comparable size. The new proposed fees would be approximately a 20% increase for all inspections where a permit is required. This would bring the permit fees up to those which was proposed by MICA in 1978.

AN ORDINANCE AMENDING SECTION 9-14, 11-15, 15-6 and 23-106.1 OF THE FAYETTEVILLE CITY CODE OF ORDINANCES. (INSPECTION FEES). ORDINANCE S1981-10.

Mrs. Evans 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.

The Council next gave consideration to an ordinance imposing a lien against the property located at 159 Telegraph Street. The recommended action was adoption of the ordinance.

The City Attorney presented this matter and stated that the sub-standard dwelling at this location had been demolished and recommended adoption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN AGAINST PROPERTY LOCATED AT 159 TELEGRAPH STREET AND OWNED BY THE JOHN KELLUM "HEIRS" AND IN THE AMOUNT OF \$400.00. ORDINANCE NO. NS1981-28

Mr. McBryde introduced the foregoing ordinance and moved its adoption at 8:15 P.M., seconded by Mr. Dawkins and carried unanimously.

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

Council next gave consideration to the adoption of Amendment 11 of the 1980-81 Budget Ordinance. The recommended action was approval.

The City Manager presented this matter and stated that the amendment is the final adjustments for the fiscal year 1980-81 and the amendment includes final distribution of funds from other appropriations to individual departmental accounts. Also included in the amendment are transfers within the budget from some accounts where funds would be left over to accounts that appear to be running over.

Following brief discussion, Mr. McBryde offered motion for approval of the foregoing amendment, seconded by Mr. Hurley and carried unanimously.

Council next gave consideration to the adoption of the 1981-82 Budget Appropriations Ordinance. Recommended action was adoption.

The City Manager presented this matter and stated that the amounts in the ordinance reflect all of the revisions made during Council's budget workshops as well as the allocation of each department of the 5% cost of living pay adjustment that appears in other appropriations in the City Manager's recommended budget. In addition, all calculation errors had been corrected.

Councilman Williams then precipitated a discussion on the cost of advertisement in the yellow pages for the bus system in the amount of \$2,000.00 and also in the amount of \$5,500.00 per month for thirty-nine (39) different telephones for various City offices. He stated he was of the opinion that the new telephone system installed in May of 1980 where one number was adopted would serve the entire City. The City Manager responded that the bus system ad had also appeared in last year's directory and that the additional telephone numbers were for night service after the switchboard had closed.

There was extensive discussion and Mrs. Evans offered recommendation that the City Manager scrutinize these items and report back to the City Council. The City Manager stated that he would do so.

Mrs. Evans then offered motion for adoption of the Budget Ordinance as presented, seconded by Mr. Hurley, and carried unanimously.

1981-82 BUDGET APPROPRIATION ORDINANCE. ORDINANCE NO. NS1981-29.

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

Council next gave consideration to the approval of the 1981-82 Financial Plan for Internal Intragovernmental service fund - garage. The recommended action was approval.

The City Manager presented this item.

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

Council next considered an appeal of removal from the City Rotation Wrecker List in accordance with Sections 20-156 and 20-157 of the Fayetteville City Code by Carl's Body Shop.

The City Attorney presented this matter and requested that the contents of the letter dated May 29, 1981 of Sgt. W. C. Johnson, the Wrecker Inspector be spread upon the minutes of this meeting.

May 29, 1981

Carl's Body Shop
450 Franklin Street
Fayetteville, N. C.

Dear Sir:

This letter is to officially inform you that the City Manager has approved the request from Wrecker Inspector to remove your wrecker from the City Rotation Wrecker List. Your removal is effective upon receipt of this letter. You have the right to appeal this decision to the City Council if you so desire. If you wish to appeal this decision, it must be done in writing to the Wrecker Inspector no later than 15 June 1981.

The reasons for your removal were previously stated to you in a letter, however, they are restated below:

1. In March 1981 your wrecker failed to respond when called on seven (7) different occasions.
2. In April 1981 your wrecker failed to respond when called on four (4) different occasions.
3. On 7 May 1981 your wrecker was called to remove a vehicle at Clark Park and was unable to do so after trying for over one (1) hour. Another Rotation Wrecker was called and removed the vehicle within five (5) minutes.

If you have any questions concerning this action, do not hesitate to contact the Wrecker Inspector at telephone number 323-1500, ext. 259.

Sincerely,

Sgt. W.C. Johnson
Wrecker Inspector

Mr. Carl Woodard, owner of Carl's Body Shop was recognized and stated to Council in his behalf that he responded to the call but could not remove the automobile without damaging it.

Sgt. Johnson was recognized and stated that Carl's Body Shop could not remove the automobile after one hour of trying so another wrecker was called, that of Johnson's 66 Service, who removed the wrecked automobile in 5 minutes.

Mr. Ricky Johnson, of Johnson's 66 was recognized and stated that he was called to the scene and removed the car without any problem.

Following some discussion, Mr. McBryde offered motion to follow recommendation of the Taxicab Inspector that Carl's Body Shop be permanently removed from the City's Rotation Wrecker List. The motion was lost for lack of a second.

Following some further discussion, Mr. Hurley offered motion to reinstate Carl's Body Shop to the Wrecker Rotation List, seconded by Mrs. Evans, and carried unanimously.

Council next considered Tax Matters.

The recommended action was approval.

The first two items A and B were the removal of the late listing penalty for the Canton Station restaurant and the removal of the late listing penalty for Gulf Oil Corporation.

The City Manager stated the Tax Department had discovered a number of properties that were annexed in 1977 but which have not been paying City taxes. In accordance with General Statutes for discoveries, the tax department had notified the property owners and sent out bills for back taxes, interest and late listing penalties. Some of these properties have requested relief from the late listing charges. He recommended that the late listing charges be waived if the taxes and penalties are paid. He stated no consideration should be given to any request for relief from the taxes and interest since all of these properties had been receiving City services from the date of annexation.

Mr. Hurley then offered motion for approval of the two foregoing late listing penalties as recommended, seconded by Mrs. Evans, and carried unanimously.

Upon motion by Mrs. Evans, seconded by Mr. McBryde and carried unanimously, a refund in the amount of \$27.61 was approved to J.E. Peacock for a home trailer parked in the county at 507 Trailertown, 932 Country Club Drive.

Council next considered appointments.

Mayor Finch stated that the nominees would be appointed by Council vote.

Mr. Buzz Ward, Mr. Robert Hasty, and Mr. J. Bernard Stein were appointed to the Airport Commission for two year terms of office, said terms to run to June, 1983.

Mr. Tommy McCoy was reappointed to the Public Works Commission for a three year term of office to run to June, 1984.

Mr. Rober H. Butler was reappointed to the Public Works Commission Retirement Plan Board for a five year term to run to June, 1986.

Mr. Swayne Hamlet was appointed to the Planning Board for a four year term of office to run to June, 1985.

Mr. Fred Deem and Mrs. Helen Moress were appointed to the Revitalization Commission for three year terms of office to June, 1984.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, Mr. Thurman C. Bishop was reappointed Fire Chief for the next four years running to June, 1985.

Delegations

Mr. Clinton Harris, a local citizen was recognized with comments on the bus system yellow pages advertising cost.

Mr. Bobby Wiggs, Jr., a property owner at 813 West Rowan Street, was recognized on a complaint against DOT that the state owned property adjacent to his property on the CBD Loop was rat infested and in an extremely unkept condition. He requested the City Council to contact the State about having it cleaned up. The Mayor asked Mr. Wiggs if he had attempted to contact DOT and he stated he had not since he did not know who to contact. Mayor Finch informed Mr. Wiggs of his contact at DOT and requested that he take action first and if he obtains no results then City Council would request DOT to act.

City Manager Reports

The City Manager reported that he had received two requests for July 4th fireworks displays. One from the Cross Creek Merchant's Association at Cross Creek Mall and the second from Eutaw Shopping Center Merchant's Associations, Inc. All of the necessary requirements concerning liability insurance had been met, he stated, according to the Fire Department and both exhibitions are recommended for approval.

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

The City Manager stated that he had received a request from Mr. Stacy Weaver, Jr. requesting the Council to appoint six (6) directors to the Central Arts Facility of Fayetteville/Cumberland County, Inc. He suggested that Council may wish to agree to make such appointments at the next regular meeting.

Following some discussion, Mr. Williams offered motion, seconded by Mr. Hurley and carried, Council members Evans and Johnson voting "no", that Council agree to consider these appointments at the next regular meeting on July 13.

The City Manager was also requested to secure additional information from the Arts Council concerning this matter and the City Manager stated he would contact them for more information and present it to Council at a later date.

The City Manager stated that at the last meeting of the Council on June 8, a July 4th celebration was approved for the Downtown Fayetteville Association, Inc., the sponsor of an Independence Day celebration. They failed to ask that Bow Street be closed from 2:00 to 7:00 P.M. and Ann Street from 4:00 to 7:00 P.M. in their original request. This request was presented this time. Mr. McBryde offered motion for approval of the foregoing street closings, seconded by Mr. Williams and carried unanimously.

The City Manager informed Council that the report on the proposed parking facility was ready for presentation and if they decided that this report be presented at an information meeting on July 6th or July 20th. July 20th is the date of the next regular information meeting.


This was discussed briefly and it was decided that this report be presented at the July 20th meeting, the regular information meeting date.

Matters of Interest to the City Council:

Rev. Johnson commented that the incumbent whose term had expired on the Planning Board was a black representative and that consideration be given to the black representatives on boards and commissions of the Council. Planner Mitchell stated that there was at this time a newly appointed black representative on the Planning Board.

Mr. Dawkins, commenting on the recent death of long time Fayetteville Attorney Lacy Collier, stated that he was a good citizen, a faithful church leader and a former court officer and requested that his family be remembered in their hour of bereavement and that Council not forget the memory of this esteemed community leader, Mr. Lacy Collier.

Thereafter, all matters of business having been completed, this regular session was adjourned at 9:20 P.M. upon motion made and duly seconded.


Maurice Downs
City Clerk

MD/bj

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JULY 13, 1981
7:00 P.M.

PRESENT: Mayor Beth Finch

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

Others Present: Mr. John P. Smith, City Manager
Mr. Robert C. Cogswell, Jr., City Attorney

Mayor Finch called the meeting to order and City Attorney Cogswell offered 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.

The first item of business was approval of minutes and upon motion by Mr. McBryde, seconded by Mr. Dawkins and carried unanimously, minutes of the regular meeting of June 22, 1981 were approved as submitted by the Clerk.

Public Hearings To Be Set

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

For July 27, 1981:

A. To receive final citizen input for the Collier-Drive Redevelopment Plan;

For August 24, 1981:

- B. Consideration of annexation of property located at 2202 Roxie Avenue;
- C. Consideration of annexation of property located at 3108 Phillies Circle;
- D. Consideration of annexation of property located at the Southeast corner of Ramsey Street at Treetop Drive;
- E. Consideration of annexation of property located at 5304 Bragg Boulevard;
- F. Consideration of annexation of a tract of land on the East side of Legion Road;
- G. Consideration of a resolution and Order to file and publish preliminary assessment roll for the paving of the following streets:
 - 1) Cochran Avenue from Ramsey Street to Sherrerd Avenue.
 - 2) Sherrerd Avenue from 20 feet South of the Southern margin of Kirkland to 20 feet North of the Northern margin of Kirkland Drive.
 - 3) Caldwell Street from Cochran Avenue to Kirkland Drive.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENTS ON COCHRAN AVENUE. RESOLUTION NO. R1981-37.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENTS ON SHERRERD AVENUE. RESOLUTION NO. R1981-38.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENTS ON CALDWELL STREET. RESOLUTION NO. R1981-39.

A copy of the three (3) foregoing Resolutions are on file in the Clerk's office.

Public Works Commission Matters

The Public Works Commission matters were presented by PWC Manager Ray Muench.

The first item was consideration of an application for one 1-inch water connection to an existing main to serve Moore's Chapel Disciple Church on Rural Road 1723 (across from PWC Point of Delivery No. 2). The recommended action was approval.

Mr. Williams moved for approval as recommended, seconded by Rev. Johnson and carried unanimously.

The next PWC matter was consideration of bids received June 23, 1981 for the purchase of 130 sets of sanitary sewer manhole rings and covers. The recommended action was approval of the low bid by Dewey Brothers in the amount of \$10,425.45.

Mr. McBryde moved for approval of the Dewey Brothers bid as recommended. Seconded by Mr. Dawkins and carried unanimously.

Mr. McBryde moved for approval of the Dewey Brothers bid as recommended. Seconded by Mr. Dawkins and carried unanimously.

The next PWC matter was consideration of bids received June 30, 1981, for asphalt resurfacing of the PWC Operations Center yard area. The recommended action was approval of the low bid by Crowell Constructors Inc.

Mr. Williams offered motion for approval of the Crowell Constructors bid in the amount of \$16,065.50. Motion seconded by Mr. Dawkins and carried unanimously.

The last PWC item was consideration of bids received June 30, 1981 for the purchase of electrical distribution transformers of various sizes and shapes.

The recommendation was as follows:

- (1) Westinghouse Electric Supply
 - (15) 15 KVA, 7.2 KV CSP Transformer
 - (1) 100 KVA, 7.2 KV Conv. Transformer
 - (5) 25 KVA, 14.4 KV CSP Transformer
 - (10) 50 KVA, 14.4 KV CSP Transformer
- (2) Eastern Electric Supply
 - (1) 300 KVA, 7.2 KV Padmount Transformer
- (3) Mill-Power Supply
 - (1) 500 KVA, 7.2 KV Padmount Transformer

Following some discussion, Mrs. Evans offered motion to follow the recommendation of PWC and approve the foregoing Westinghouse, Eastern and Mill-Power Supply bids. Seconded by Mr. Williams and carried unanimously.

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

Council next gave consideration to an ordinance authorizing the Mayor to vote on all matters before Council in accordance with the provisions of Section 160A-101(8) option (a).

The City Attorney presented this matter and reminded Council that the public hearing was held at the last regular meeting and this was before them for action at this time.

AN ORDINANCE AMENDING CHAPTER III OF THE FAYETTEVILLE CITY CHARTER PURSUANT TO N.C.G.S. 160A-102 - MAYOR TO VOTE ON ALL MATTERS. ORDINANCE NO. S1981-11

Mrs. Evans introduced the foregoing Ordinance and moved it's adoption, seconded by Mr. Dawkins and carried unanimously.

Council next considered additional taxicab ordinance amendments (continued from the regular meeting of June 22) dealing with the Taxicab Review Board, Section 28-130 and Denial of Permit Appeal Section 28-66. The first section was up for second reading and the second section was up for first reading.

The City Attorney presented these matters and stated that Section 28-130 was before Council for reconsideration on its second reading. He recalled that at the last meeting Council approved the entire ordinance deleting one sentence that came out of this section and Section 28-66 covers the appeal from an initial denial of a taxi driver permit or the refusal to renew one. It was inadvertently left out of the taxi ordinance when Council adopted it. He recommended adoption of both sections.

Following brief discussion, Mr. McBryde offered motion seconded by Mr. Dawkins for adoption of section 1 on second reading. Motion carried, Mrs. Evans voting "No".

Mr. McBryde then offered motion, seconded by Mr. Dawkins for the adoption of section two on first reading. Motion carried, Mrs. Evans voting "No".

Council next gave consideration to amendments to Section 21-30.1 through 21-30.9 of the Fayetteville City Code (Noise Ordinance), as continued from the regular meeting of June 22, 1981.

The City Attorney presented this matter and requested deferral for two weeks inasmuch as some witnesses who had been tentatively scheduled to appear before Council tonight with pertinent information could not be present.

Mr. McBryde then offered motion, seconded by Mr. Dawkins and carried unanimously to defer this matter until the next regular meeting of the Council.

Council next gave consideration to renewal of three rental car leases (Hertz, Avis, and National) at the Airport as continued from the June 22 regular meeting. The recommended action was approval. Following brief discussion, Mrs. Evans offered motion, seconded by Mr. Hurley and carried unanimously for the approval of resolutions authorizing the lease of City of Fayetteville property to Car Rental, Inc. and J. Howard Clark (Hertz), Avis Rent-A-Car System, Inc. and to National Car Rental System, Inc.

Council next gave consideration to a request to lease Airport property to D&G Air Service Limited, Sullivan Wholesale, Inc. and Powell Avionics.

The City Attorney presented this matter and recommended approval as requested by the Airport Commission.

Mr. Dawkins offered motion, seconded by Mr. McBryde for approval of the foregoing leases by the adoption of resolutions authorizing the lease of City of Fayetteville property to D&G Air Service Limited, Sullivan Wholesale, Inc. and Powell Avionics.

Council next gave consideration to an amendment to FAA Grant Agreement 6-37-0021-07 for \$33,552.00 to add a taxiway in the corporate hangar area at the Airport.

The recommended action was approval.

Council recognized Mr. Earl Dennis, Airport Manager, who presented this matter and requested approval.

Following brief discussion, Rev. Johnson offered motion for approval of the foregoing, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to an amendment to the taxicab ordinance (Section 28-65) dealing with Taxi Driving Permits on first reading.

The recommended action was adoption.

The City Attorney presented this matter and stated that Section 28-65 requires that this permit be displayed in full view of the passengers. The City of Fayetteville has the option of staying with the old type permit and having it displayed or switching to the new type permit and changing the ordinance to read "be carried on the person operating the taxicab." It was requested that the new type permit be adopted and the City Council be requested to amend the ordinance.

Following brief discussion, Mrs. Evans offered motion, seconded by Rev. Johnson for approval of the foregoing amendment on first reading. Motion carried unanimously.

Council next gave consideration to the adoption of a taxi meter rate schedule and a \$25.00 non-refundable fee for processing an application for certificates. The recommended action was adoption.

The City Attorney presented this matter and stated that this amendment dealt with the use of a shared-ride meter. It does not increase the current rates permitted. He recommended that Council adopt the rate schedule that appears below:

Our current ordinance sets the rate of \$.95 drop and \$.10 for each additional 1/10 mile for a total of \$1.95 for the first mile and \$1.00 for each additional mile.

The proposed ordinance makes provisions for the use of a shared ride meter to be utilized, however, no rate schedule was attached. Therefore, it is recommended that the following rate schedule be presented:

Rate #1 - One (1) person - \$.95 drop and \$.10 for each 10th of a mile for a total of \$1.95 for first mile.

Rate #2 - Two (2) people - \$.95 drop and \$.10 for each 2/11th of a mile for a total of \$2.90 for first mile.

Rate #3 - Three (3) people - \$.95 drop and \$.10 for each 1/4th of a mile for a total of \$4.05 for first mile.

Rate #4 - Four (4) people - \$.95 drop and \$.10 for each 2/7th of a mile for a total of \$5.00 for first mile.

Following brief discussion, Mr. McBryde offered motion for approval of the foregoing as recommended, including the \$25.00 fee, seconded by Mr. Williams and carried unanimously.

Council next gave consideration to bids received for furnishing a vacuum street cleaner. The recommended action was approval of the low bid by Public Works Equipment and Supply in the amount of \$79,439.00.

Purchasing agent Al Jordan presented this matter and recommended acceptance of low bid.

Mr. Dawkins offered motion, seconded by Mr. Williams and carried unanimously for the acceptance of the Public Works Equipment and Supply bid.

Council next gave consideration to bids received for purchasing of 73 new .357 magnum revolvers in exchange for 73 used .38 caliber revolvers. The recommended action was approval of the low bid by Davidson Supply Company in the amount of \$4,453.46. Purchasing agent Al Jordan presented this matter and recommended approval of the low bid.

Mr. McBryde offered motion seconded by Mr. Dawkins for approval of the low bid by Davidson Supply Company. Motion carried unanimously.

Council next gave consideration to a resolution authorizing condemnation of Parcels N-1 and S-1 for the paving of Wall Street.

The City Engineer presented this matter and stated that the property owner had been offered the full appraised amount of \$1,250.00 for N-1 and \$1,100.00 for S-1. The property owner had thus far refused to state how much she wants for the property and only states that "The offers are all inadequate." He stated he believed the only way to acquire the needed right-of-way is by adoption of the condemnation resolution.

RESOLUTION AUTHORIZING CONDEMNATION OF PARCELS OF LAND FOR WALL STREET PAVING.
RESOLUTION NO. R1981-40

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

Council next gave consideration to a resolution authorizing condemnation of Parcel E-6 for widening of Ray Avenue. The recommended action was adoption.

The City Attorney presented this matter and stated that according to the City Engineer, Parcel E6 is a tract of land on the East side of Ray Avenue on the North side of Cross Creek. This tract is needed for future Ray Avenue improvements including the linear parkway along Cross Creek. The City needs immediate possession in order to construct a pedestrian bridge over Cross Creek. The proposed bridge is to be located immediately downstream from the existing timber pedestrian bridge which is in a serious state of decay. The property owner had been offered the full appraisal amount of \$27,000.00 but has rejected this offer and in fact requested that the City proceed with legal action.

RESOLUTION AUTHORIZING CONDEMNATION OF PARCEL OF LAND FOR RAY AVENUE WIDENING.
RESOLUTION NO. R1981-41.

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

Copies of both of the foregoing resolutions are on file in the Clerk's office in Resolution's Book R1981.

Council next gave consideration to the adoption of a truck route ordinance (subject to NCDOT approval). The recommended action was Transportation Advisory Committee recommends adoption.

Councilman Dawkins, of the Transportation Advisory Committee presented this matter and stated that implementation of the Truck Route Ordinance would lessen the impact of large trucks on residential streets and other minor streets but will allow for the necessary deliveries of cargo. Therefore, it was recommended that the ordinance be tentatively adopted by council and submitted to DOT for their review and approval after which it will be resubmitted to the council for final adoption.

Following brief discussion, Mrs. Evans offered motion, seconded by Mr. Hurley and carried unanimously for the tentative adoption of the ordinance subject to DOT approval.

PROPOSED TRUCK ROUTE ORDINANCE, CITY OF FAYETTEVILLE, CODE OF ORDINANCES
CHAPTER 20, ARTICLE VI

Council next gave consideration to a resolution authorizing the sale of City property A-3, Wilmington Road NDP, Section 1, Project NCA-10.

The recommended action was approval.

The City Attorney presented this matter and recommended adoption. Discussion followed during which time Mrs. Evans raised the question as to whether or not a sign or signs had been placed on the property advertising the sale in order that the City realize the greatest revenue.

Following this discussion, Mrs. Evans offered motion, seconded by Mr. Dawkins and carried unanimously that if the property was advertised in some fashion other than in the newspaper, by placing a sign on the property, then this resolution would be approved. If it was not, then we would readvertise as we had previously done and place a sign on the property.

Regarding the foregoing, the City Attorney stated that Thomas Wood had made an offer to purchase this property for the \$1,250.00 which had been duly advertised on the 26th day of June, and no upset bids received.

Council next gave consideration to a resolution to sell property located in Alexander McArthur Subdivision, portion of Block Q, Plat Book 8, Pages 2 and 3, Cumberland County Registry. The recommended action was approval. The City Attorney presented this matter and stated that Willie Nixon had made an offer to purchase this property for \$1,136.41 and the offer was duly advertised on the 22nd day of June with no upset bids being received.

Following brief discussion, Mrs. Evans again moved, seconded by Mr. Dawkins and carried unanimously that if the property was advertised in some fashion other than in the newspaper by placing a sign on the property then this resolution would be approved. If it was not, then we would readvertise as we had previously done and place a sign on the property.

Council next gave consideration to requesting continuing designation of the Fayetteville-Hope Mills-Spring Lake urban cluster as a state-wide growth center under the governor's balanced growth policy. The recommended action was to authorize the Mayor to request the designation.

The City Manager presented this matter and stated that a resolution was adopted by Council on April 14, 1980, and evidently we must annually request the designation. Mr. Clifford Strassenburg, the Planning Director, had informed the Mayor that he had been notified by the Interior Balanced Growth Board that the annual review of designated growth areas had begun. The Division of Policy Development has requested that designated jurisdictions forward letters by August 15 requesting continued designation.

Following brief discussion, Rev. Johnson offered motion, seconded by Mr. Dawkins and carried unanimously that the Mayor be, and she hereby is authorized to request the foregoing designation.

Council next gave consideration to a proposed ordinance concerning parades, motorcades, special events and demonstrations. The recommended action was approval. The City Attorney presented this matter and stated that this ordinance was originally proposed in March of this year. He stated Council will recall that this matter was referred back to staff for further study to determine the actual cost incurred by the City in putting on such activities. These cost figures had been obtained from the Police Department. The ordinance would create a new Article XIII Parades, Motorcades, Special Events and Demonstrations to Chapter 20 of the Fayetteville City Code. The ordinance would cover such things as parades and motorcades, permits and permit procedures, standards for issuance, rejection, surety and insurance, revocations, picketing, prohibition of firearms and dangerous weapons and reimbursement of cost to the City.

Council entered into a discussion of this proposed ordinance and it was suggested that on page 4 that the wording be changed to read "City Manager or his designee" and on page 6, "no profane language" be allowed and on page 8, deleting the cost figures and on page 4, prohibition of dangerous animals.

Following this detailed discussion, Mr. Dawkins offered motion to defer action on this proposed ordinance to the next regular meeting to allow the City Attorney to make the necessary changes and to allow for some further study. Motion seconded by Rev. Johnson and carried unanimously.

Council next gave consideration to an agreement of assignment of lease between Seaboard Coastline Railroad Company and the City of Fayetteville. The recommended action was approval. The City Attorney presented this matter and stated the agreement of assignment was for the Seaboard Coastline Railroad Station property on Hay Street and Hillsboro Street. He recommended approval.

Following brief discussion, Mr. Williams offered motion, seconded by Mrs. Evans for approval as recommended. Motion carried unanimously.

Council next gave consideration to a method of control of parking on Bow Street Common's parking lot.

The City Manager presented this matter and stated that at a previous City Council meeting the subject of control of parking at the Bow Street parking lot was raised and concern was expressed over using parking meters. Now that the lot is open a decision needs to be made as to how parking will be controlled.

In order to insure that the lot is used for short term parking, some method of control is necessary. He recommended one or two possible alternatives:

- 1) Two hour free parking with tire marking on an experimental basis and
- 2) Parking meters enclosed in a box designed by the Engineering Department.

Mr. Bennett displayed a parking meter enclosed in a concealing box.

Following brief discussion, Mrs. Evans offered motion that the Council approve the two hour free parking with tire marking on an experimental basis to begin with. Motion seconded by Mr. Williams and carried unanimously.

Council next considered appointments to various boards and commission.

The first were nominations to appoint six directors to the Central Arts Facility of Fayetteville/Cumberland County, Inc. This request came from Mr. Stacy Weaver, Jr. Mr. Weaver was not present in the audience so Council deferred discussion on this matter for him to arrive and make his presentation.

Council next considered nominations to fill four vacancies on the Board of Adjustment.

Mr. McBryde nominated Mr. Dick Detter. Mr. Dawkins nominated Mr. Don Nelms. Rev. Johnson nominated Mr. William R. Hill, Mrs. Evans nominated Mr. Tommy McCoy.

Council next considered a nomination to fill the unexpired term of Mr. Stephen Hurr, of the Fayetteville Appearance Commission, who had resigned because he was relocating in another city.

No nominations were made to fill this position.

Council next considered nominations to fill the unexpired term of Mr. Randy Gregory on the Energy Study Task Force because Mr. Gregory had found it necessary to tender his resignation due to his business schedule.

Mr. McBryde nominated Mr. Jim Hankins.

Council next considered nominations to fill the unexpired term of Jessica Steward on the Fayetteville Human Services Commission because Mrs. Steward had found it necessary to resign because she was relocating in another city.

Rev. Johnson nominated Dorothy Kimbrough.

Council next considered nominations to establish two terms of office for the Taxicab Review Board.

Rev. Johnson nominated Mr. Joe Marshall and Mr. Johnnie Godwin.

This completed the nominations and Mayor Finch stated they would be considered for election at the next regular meeting of the Council.

Mr. Stacy Weaver, Jr. was present at this time and invited to come forward and make his presentation concerning the nominations to the Central Arts Facility. Mr. Weaver did so and presented a suggested slate of officers for Council's consideration. He stated he would be happy for Council to consider these and any other nominations they so chose.

Mrs. Evans nominated Mr. Bruce Pulliam. Mr. Williams nominated Mrs. Virginia Thompson. Rev. Johnson nominated Mr. Joseph Pillow. Mr. Hurley nominated Mr. J. Bernard Stein, Mrs. Joan Allen, Mr. Cecil Carlyle, and Mrs. Mary Grace Cain - the remaining suggested members. Mr. Dawkins nominated Mrs. Joy Cogswell.

Mayor Finch thanked Mr. Weaver for his suggestions and the Council for their nominations and stated the foregoing would be considered for appointment at the next regular meeting of the Council.

Delegations

No delegations responded to the invitation by Mayor Finch for audience before the Council.

City Manager Reports

The City Manager reported that he had received a request from Operation Sickle Cell, Inc. to hold a Flea Market and Auction on July 18 from 10:00 A.M. until 6:00 P.M.

And an additional request from the Cumberland County Association for Indian People to hold its Annual Pow-Wow on September 4th and 5th, 1981 and to hold a parade

on Saturday, September 5th. And a request from the YMCA and WKFT-TV40 for a road race and fun run on Saturday, September 19th from 9:00 A.M. until 10:00 A.M.

The City Manager recommended approval of all of the three foregoing requests.

Mr. McBryde offered motion for approval of the three (3) foregoing requests as recommended. Seconded by Mr. Williams and carried unanimously.

The City Manager reminded the City Council of their information meeting on Monday, July 20th in the Council Chamber.

This completed City Manager reports.

Matters of Interest To The City Council

Mr. Williams inquired about the closing of Helen Street. The City Engineer replied.

Mr. Williams introduced Mr. Ben Berry, an associate of his, present in the audience.

Rev. Johnson commented on the latest Legislation enacted by the General Assembly regarding the additional appointment to the Public Works Commission. He asked when Council would consider this appointment. Mayor Finch suggested the next meeting of the Council but that she would receive nominations now if there were any to be presented. Rev. Johnson nominated Mr. Robert C. Williams to this post.

Mayor Finch stated this will be considered at the next regular meeting.

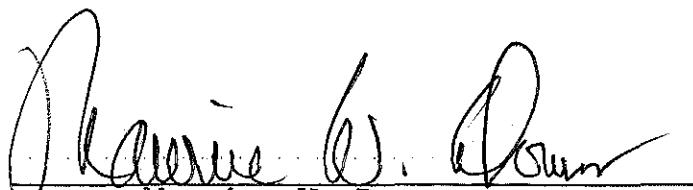
Rev. Johnson informed Council that he was in receipt of a petition signed by 265 residents on Ramsey Street in the Eastwood Avenue area where The Baby Blues night club is located. Rev. Johnson stated the petitioners are requesting that the privilege license of this club not be renewed due to disturbance being created by noise from the band.

Following some detailed discussion of this matter, Rev. Johnson offered motion that the petition be referred to the City Attorney for consideration of conducting a public hearing on whether the privilege license of the club should or should not be revoked. Motion seconded by Mr. Hurley.

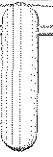
Considerable discussion then followed with the City Attorney being requested to read excerpts from the City Code regarding revocation of privilege licenses for cause. The City Attorney was requested to investigate this matter and report back to the Council at the next regular meeting. Mayor Finch then called for a vote on Rev. Johnson's motion and it carried unanimously.

Mr. Dawkins extended thanks to the City Engineer, Mr. Bob Bennett and to the Planning Department and Mr. Al Mitchell for their excellent work done on the Truck Route Ordinance.

Thereafter, all matters of business having been concluded, this regular session of the Council was adjourned at 8:20 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

MWD/bj



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JULY 27, 1981

Present: Mayor Beth Finch

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

Others Present: Mr. Roger Stancil, Asst. City Manager
Mr. Robert C. Cogswell, Jr., City Attorney

Mayor Finch called the meeting to order and Rev. Jerry Daly, of the Manna 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 members present in the audience.

The first order of business was approval of minutes. Upon motion by Mr. McBryde, seconded by Rev. Johnson and carried unanimously, Minutes of the Regular Meeting of July 13, 1981 were approved as submitted. Mayor Finch said an executive session would be held on Item 15 at end of the meeting. Rev. Johnson received permission of the Council to abstain from voting on Item 24 due to personal interest.

Public Hearings

A public hearing had been published for this date and hour on the closing of Allen's Alley running south off Blount Street at Highland Lumber Company. City Engineer presented this matter stating that some years ago a request was made but no official action was taken and is recommending closing.

Mr. W.A. Bissett, Vice President of Highland Lumber Company appeared and requested the closing due to the alley not being in use for a number of years. He also stated that Mr. Cohen was present in the audience and is also in favor of the closing.

There being no one present in opposition, Mr. Williams made a motion that the Allen's Alley be closed by adoption of resolution, seconded by Mr. Dawkins and carried unanimously.

RESOLUTION AND ORDER CLOSING ALLEN'S ALLEY. RESOLUTION NO. R1981-42

The next item to be considered is the adoption of a resolution to consider the closing of a portion of Pershing Street. Mr. Bennett presented this and stated that full width utility easement reservation would be made and recommended the closing.

Mr. Doug Barfield, Attorney representing J.J. Barnes and Marvin Dickens, owners of abutting property with two apartment dwellings, appeared in opposition to the closing due to the fact that Dupont Street had not been opened and the closing of Pershing would essentially cut off his client's apartments from the downtown area that is being revitalized.

After some discussion, Mr. McBryde made a motion that a resolution be adopted to close Pershing Street coordinating with the opening of Dupont Street. Seconded by Mr. Williams and carried unanimously.

RESOLUTION AND ORDER CLOSING PORTION OF PERSHING STREET. RESOLUTION NO. R1981-43

The next item was to receive public comment on experimental service changes implemented February 10 on Transit Route 5 (Methodist College). Mr. Roger Stancil, stated that it was difficult at this time to reroute and recommended that it be made permanent for at least the next 60 days due to the cost in changing until he can bring more information on what is entailed in making the change.

Mr. Roy Whitmire, Business Manager at Methodist College and Dr. William Bell appeared in favor of the route.

Mr. Clinton Harris appeared to request sidewalks from bus stops for safety of riders.

Mrs. Evans made motion to follow recommendation of Assistant City Manager, seconded by Mr. Hurley.

At this point, Mr. Cogswell advised Mayor Finch to wait 30 days before voting due to it being subject to referendum.

After considerable discussion, a substitute motion was made by Mr. Dawkins to defer until August 10 meeting, seconded by Rev. Johnson. Motion carried with Mr. McBryde and Mr. Williams opposing.

Mr. Al Mitchell, Planner, presented the next item which was consideration of an ordinance to amend Chapter 32-35 "Zoning" of the Fayetteville City Code (Disposal of Hazardous Waste) and recommended approval. There was no one present in the audience for or against.

Mr. Williams made a motion that the amendment be adopted, seconded by Mr. Dawkins and carried unanimously.

AN ORDINANCE AMENDING CHAPTER 32, "ZONING" OF THE CITY CODE OF THE CITY OF FAYETTEVILLE (DISPOSAL OF HAZARDOUS WASTE). ORDINANCE NO. S1981-12

The next item was consideration of an ordinance confirming assessment roll for paving of Freeman Street from Kirkland Dr. to Brainerd Ave. Mr. Bennett explained that all property owners had been notified and the recommended action was approval.

Mr. Dawkins made a motion for approval of the assessment roll, seconded by Mr. Williams and carried at 8:48 p.m.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF FREEMAN STREET. ORDINANCE NO. NS 1981-30

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

The next item was consideration of assessment roll for paving of Brainerd Avenue from Ramsey Street to the Dead End. Mr. Bennett recommended approval.

Mr. William Murray, 109 Brainerd Avenue appeared before Council to express thanks for the paving being done.

Mr. Dawkins made a motion to approve assessment roll on Brainerd Avenue, seconded by Rev. Johnson and motion carried at 8:49 p.m.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF BRAINERD AVENUE. ORDINANCE NS 1981-31

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

Mr. Richard Herrera, Community Development Chairman presented the consideration of final citizen output for the Collier Drive Redevelopment Plan and asked for a deferrment until August 24 so that ample advertisement could be done.

Upon motion by Mr. McBryde and seconded by Mr. Hurley, all voted to continue this matter until August 24 meeting.

The final item on public hearings was consideration of adoption of a resolution closing a portion of Helen Street. Mr. Cogswell presented this item and stated that he had verbal approval from Mr. Cecil Highsmith, property owner on this portion of Helen Street. Mr. Highsmith was present and confirmed his approval. None opposed.

Mr. Williams made motion and seconded by Mr. Dawkins to approve the resolution upon Mr. Cogswell's recommendation to close a portion of Helen Street. Motion carried.

RESOLUTION CLOSING PORTION OF HELEN STREET. RESOLUTION NO. R1981-44

Public Hearings To Be Set

Upon motion by Mr. McBryde, seconded by Mr. Hurley and carried unanimously, the following public hearings were set and resolutions adopted for August 24.

A. Consideration of a resolution and order to file and publish preliminary assessment roll for paving Lynn Avenue from Broadview Drive to Myrtle Street and Broadview Drive from Post Avenue.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENTS ON LYNN AVE. RESOLUTION NO. R1981-45

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENTS ON BROADVIEW DRIVE. RESOLUTION NO. R1981-46

B. Consideration of rezoning from R5 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification an area located on East side of Ames Street South of Bragg Boulevard.

C. Consideration of rezoning from R10 Residential District to R6 Residential District or to a more restrictive zoning an area located at 3107 Ramsey Street.

D. Consideration of initial zoning to R10 Residential District or to a more restrictive zoning an area located at 3311 Rosehill Road.

E. Consideration of ordinance amending Chapter 32 "Zoning", Section 32-15 Street Access of Fayetteville City Code.

Public Works Commission Matters

The first item presented by Mr. Ray Muench was consideration of an application by Dorothy Robinson for one 1-inch water connection to existing main to serve residents at 4817 Murchison Rd., outside City. Sanitary sewer service is not available. PWC recommends approval, provided Ms. Robinson petition for annexation into City.

Mrs. Evans made a motion, seconded by Mr. Williams that approval be made with conditions set by PWC. Motion carried unanimously.

The next item was an application by Joe Stout for water connection to existing main to serve residents on Raleigh Road (property bounded on east by US401 North and on west by McArthur Rd.) outside City. Sanitary sewer is not available.

Motion was made by Mr. Williams and seconded by Rev. Johnson to follow PWC recommendation. Motion carried unanimously.

Mr. Muench also presented two additional items that came up after the agenda was completed:

An application for outside City connection for area of Cedar Creek Road and I95 By-Pass. There is a contract existing between the City, PWC and County to extend facilities in that area. The Pearsall Company has executed their formal application for outside City connection. Application pending since 1978.

Mr. Hurley made a motion to follow PWC recommendation, seconded by Mrs. Evans and motion carried.

The second item is an emergency request from J.P. Riddle for Lake Crest Subdivision just off 401 By-Pass now being serviced by Trailertown and this is not adequate. Mr. Muench stated that they are requesting temporary service at no cost to City until a well can be completed.

After some discussion, Mr. Dawkins made a motion to approve temporary connection for water. Seconded by Mr. McBryde Motion carried, Rev. Johnson opposed.

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

Planning Board Matters

Planner Al Mitchell presented the three matters from the Planning Board.

A) Consideration of Windwood on Skye Subdivision (Townhouse Project) located at intersection of Skye Drive and Summertime Road. Planning Board recommends approval with conditional approval and that all building setbacks shall conform to requirements from proposed Cain Road Extension as if roadway actually exists.

Upon motion by Mrs. Evans, seconded by Mr. Dawkins, the Council voted unanimously to approve with the conditions set forth by the Planning Board.

B) Upon motion by Mrs. Evans and seconded by Mr. McBryde, Council approved consideration of Hillendale Plaza Shopping Center (Condominium Project) formerly Rosehill Road Shopping Center located on west side of Rosehill Rd., and south of Tamarack Drive upon Planning Board's recommendation of conditional approval and carried unanimously.

C) The last item was consideration of Rivercliff Subdivision preliminary extension review located east of Norfolk Southern Railroad at Eastwood Avenue and the Planning Board recommends conditional approval.

Upon motion by Mrs. Evans, seconded by Rev. Johnson, the Council voted unanimously to approve the Planning Board's recommendation with conditions.

Mr. Cogswell presented the second reading and recommended an ordinance amending Chapter 28-66, "Taxicabs", of the City Code.

Upon motion by Rev. Johnson, seconded by Mr. Williams, the Council voted unanimously to approve the following ordinance with Mrs. Evans dissenting:

AN ORDINANCE AMENDING CHAPTER 28, "TAXICABS", OF THE CITY CODE OF THE CITY OF FAYETTEVILLE (PERMIT APPEALS). ORDINANCE NO. S1981-13

A copy of the above ordinance on file in the Clerk's office.

Council next gave consideration to an amendment to the taxicab ordinance (Section 28-65) on second reading, dealing with Taxi Driving Permits being carried on person.

Upon motion by Mr. Williams, seconded by Rev. Johnson and carried unanimously, the Council adopted the following ordinance:

AN ORDINANCE AMENDING CHAPTER 28, "TAXICABS", (PERMIT TO BE CARRIED ON PERSON) OF THE CITY CODE OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1981-14

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

Mr. Cogswell gave the second reading of a taxi meter rate schedule.

Upon motion by Mr. McBryde, seconded by Mr. Dawkins, the motion was carried unanimously to adopt the rate schedule presented at the last meeting.

Mr. Cogswell presented amendments to Section 21-30.1 through 21-30.9 of the Fayetteville City Code (Noise Ordinance).

Mr. John Memory, Assistant District Attorney appeared and distributed a memo from Dr. L. Brooks Gore, Southeastern School of Hearing, regarding notes on measuring sound. Council requested that Mr. Memory give a brief summary of the memo. Mr. Memory stated that octave band levels can be measured by attaching a filter to their meter. He recommended that the Chief of Police handle this so that police procedures can be followed due to court action. The cheapest way is to get a filter for \$425.00. There should be no extensive training for using this equipment. He also recommended that the Council specify that if 1/10 of reading is over the level, then there is a violation.

Following lengthy discussion, Mrs. Evans made a motion that we adopt amendments to Section 21-30.1 through 21-30.9 of the Fayetteville City Code. 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. S1981-15

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

Council next considered acceptance of 1981-82 transit operating grant and amendments to 77-78 and 78-79 transit operating grants.

Mr. Stancil presented this matter and recommended approval of the Urban Mass Transportation Administration grant and moved that Council adopt the resolution of Transit Operating Grant Awards.

Upon motion by Rev. Johnson, seconded by Mrs. Evans the resolution was adopted unanimously.

RESOLUTION AUTHORIZING EXECUTION OF TRANSIT OPERATING GRANTS. RESOLUTION NO. R1981-46a

The next item was presented by Mr. Al Jordan, Purchasing Agent. Mr. Jordan requested that low bid for proposed vehicle conversion to propane be awarded to low bidder, Pargas of Fayetteville for \$97,459.00. He stated that this is a three year contract and will save approximately one quarter of a million dollars.

Rev. Johnson made motion for approval as recommended and Mr. Dawkins seconded. Motion carried unanimously.

The next item Council considered was Budget Ordinance Amendment Change No. 1 presented by Mr. Stancil. This involves the following actions:

- 1) Appropriates \$121,568 from Street Construction Reserve to Street Construction Equipment for the purchase of a motor grader and used dragline.
- 2) Appropriates \$608.00 from Other Appropriations to City Buildings for the construction of a small, air conditioned office in the central supply area located on the third floor of City Hall.
- 3) Appropriates \$2,100. from Other Appropriations to Finance to cover the lease of a parking lot from Eloise Jenkins.

After brief discussion, Mrs. Evans made a motion for approval of the foregoing as recommended, seconded by Mr. McBryde and carried unanimously.

Council next gave consideration to a request that the Planning Board consider the area incorporated in the Downtown Tax District for certification as a redevelopment area pursuant to N.C.G.S. 160A-513.

Mr. Cogswell presented this item and requested approval.

Upon motion by Mr. Williams, seconded by Mr. McBryde the Council unanimously approved the above request.

Council next gave consideration to a request for a parking deck on Maiden Lane. Mr. Tom Stewart presented this matter and showed a map with data which demonstrated that without this parking deck, there will be essentially no parking spaces, especially if any type of business is opened in this area.

After lengthy discussion, Mr. Dawkins made a motion to defer until August 10 meeting so City Manager can present indepth information upon his return from vacation. Seconded by Rev. Johnson, and carried, Mrs. Evans and Mr. McBryde voted against.

Council next considered the approval of transfer of Certificates of Public Convenience and Necessity which was presented to Council by Mr. Cogswell.

Motion by Mr. McBryde, seconded by Mr. Williams and carried unanimously to approve the following transfers:

- A) Certificate belonging to Neill Watson Capps be transferred to Linwood McLaurin
- B) Certificate belonging to John H. Kellum be transferred to Carlton Stewart.
- C) Certificate belonging to L. L. Grantham be transferred to William Grady Baxley.
- D) Certificate belonging to Hugene Walters be transferred to William Grady Baxley.
- E) One certificate belonging to Hazel Warren Capps be transferred to William Grady Baxley and one certificate to David Leon Autry.
- F) Certificate belonging to Robert N. Howard be transferred to William G. Baxley.

Council next considered an ordinance limiting parking to two hours on City Parking Lot No. 9 (Bow Street Commons).

Mr. Cogswell stated that if approved this will make this location an offstreet parking lot and therefore a tow-away zone. He said that the City Engineer would make signs the least offensive as possible because of the area.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA ARTICLE XI
CITY OFF-STREET PARKING LOTS (BOW STREET COMMONS) ORDINANCE NO. S1981-16

Mr. McBryde moved for adoption, seconded by Mr. Hurley and carried unanimously.

Copy of foregoing ordinance is in Clerk's office on file.

Mr. McBryde made a motion that the consideration of real estate transaction for Wall Street right-of-way be placed at the end of the meeting due to it being Executive Session business, seconded by Mr. Williams and carried unanimously.

Council next gave consideration of approval for list of streets for annual resurfacing project. The Streets and Roads Committee recommends approval of resurfacing Hillsboro Street, Ft. Bragg Road, Commerce Street and Emeline Street to completion.

Rev. Johnson made a motion to approve advertising for bids for the resurfacing, seconded by Mr. Williams and carried unanimously.

Council next gave consideration of a proposed ordinance concerning parades, motorcades, special events and demonstrations, presented by Mr. Cogswell.

Upon motion by Mr. Williams, seconded by Mr. Dawkins, the ordinance was adopted unanimously.

AN ORDINANCE CREATING A NEW ARTICLE XIII, "PARADES, MOTORCADES, SPECIAL EVENTS AND DEMONSTRATIONS, TO CHAPTER 20, FAYETTEVILLE CITY CODE. ORDINANCE NO. S1981-17

Copy of foregoing ordinance on file in Clerk's office.

Mr. Cogswell presented the next two items for consideration of a resolution authorizing the sale of City property, Lot A-3, Wilmington Road NDP, Section 1, Project NCA-10. Also property located in Alexander McArthur Subdivision, Portion of Block Q, Plat Book 8, Pages 2 and 3, Cumberland County Registry. He stated that a sign was not put on the Wilmington Road lot until last week even though he requested it the day after the last meeting and he has had someone contact him that is interested in the Alexander McArthur Subdivision property.

After brief discussion, Mrs. Evans made a motion that this matter be deferred until August 24 until a sign had been up for 30 days. Seconded by Rev. Johnson and carried unanimously.

The next matter before Council was consideration of a request for a Corporate Hangar Lease to ACS, Inc. presented by Mr. Cogswell.

Upon motion by Mr. Dawkins, seconded by Mr. Williams the Council unanimously approved advertisement of the foregoing lease.

Council next considered a request to purchase the Latta-Thornton House.

Mr. Cogswell presented this matter and reminded Council that this has to be advertised. He also stated that Richard R. Allen has made an offer to purchase the house for the price of moving and restoration and Mr. Cogswell quoted a price of approximately \$25,000.00 for this to be done.

Motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously for the advertisement of the Latta-Thornton House sale.

Item 22, the next item on the agenda, consideration of a request for legal representation from a member of the police department was withdrawn at the request of the City Attorney.

Council next considered a petition from residents adjacent to the Baby Blues club for revocation of privilege license.

Mr. Cogswell notified Council that based upon his investigation, there was insufficient basis at the present time, upon which a call for a public hearing to consider revocation could be made.

Mr. Marshall Gaddy appeared as a concerned citizen and requested that Council assist the residents in that area in getting assistance from the police when needed.

Council advised him that the City Manager would speak with the police department regarding this and the new Noise Ordinance. The Mayor instructed Mr. Cogswell to take unified message to the police department that someone should be available within a reasonable time to take action.

The Council explained to the audience that hopefully the Noise Ordinance that was passed at this meeting would help with the problem all over town.

Council next considered a recommendation for endorsement of 100 units of Section 8 Housing on the corner of Murchison Road and Springfield Road.

Ms. Mary McAllister presented this matter representing the membership of Mt. Sinai Baptist Church requesting this endorsement.

After brief discussion, Mr. McBryde made motion to endorse this project and was seconded by Mr. Williams. The motion carried with Rev. Johnson abstaining.

Council next considered appointments.

Mayor Finch stated that the nominees would be appointed by Council vote.

Mr. Joseph Pillow, Mr. Bruce Pullium, Mrs. Virginia Thompson, Mrs. Joy Cogswell, Mr. J. Bernard Stein, and Mrs. Joan Allen were appointed to the Central Arts Facility of Fayetteville/Cumberland County, Inc.

Mr. Dick Detter, Mr. Don Nelms and Mr. William R. Hill were appointed to the Board of Adjustment and Mr. Tommy McCoy as Alternate.

There were no nominations for the Fayetteville Appearance Commission.

Mr. Jim Hankins was appointed to the unexpired term of Randy Gregory on the Energy Study Task Force.

Mrs. Dorothy Kimbrough was appointed to the unexpired term of Jessica Steward on the Fayetteville Human Services Commission.

Mr. Robert C. Williams was appointed to the PWC for a four year term.

Mr. Joe Marshall and Mr. Johnnie Godwin were appointed to the Taxicab Review Board.

There were no nominations to the Education Development Advisory Council.

Delegations

Clinton Harris appeared and inquired when and if Council was going to designate the Prince Charles Hotel for Senior Citizens use. He was advised that nothing could be done legally at this point.

Mr. Harris also inquired if the Mayor would be serving on all the committees that have been formed or would they be abandoned. The Mayor replied that this would be a decision for the next Mayor to Make.

Matters Of Interest To Council

Mr. McBryde asked if a time limit could not be put on delegates. Mary McAllister, County Commissioner present in the audience, was asked what procedure is used by County Commissioners and she stated there is no item on the Agenda for Delegations. Everyone is required to fill out a form to be put on the Agenda, she further stated.


Council requested that Mr. Cogswell check into this for use on the City Council Agenda policy.

Upon motion by Mr. Dawkins, seconded by Mr. Hurley and carried unanimously, Council went into executive session to consider real estate transaction for Wall Street right-of-way.

Council then reconvened into regular session. Mr. Dawkins made a motion, seconded by Mr. McBryde to purchase the recommended parcels of land from Mrs. Catherine R. Everitt for two lots at the intersection of Wall and Ramsey Streets for \$1,210. and \$1,320. respectively.

The motion carried unanimously.

Thereafter, all matters of business having been concluded, this regular session of the Council was adjourned at 10:28 p.m. upon motion made and duly seconded.


Bobbie Joyner
Acting City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
AUGUST 10, 1981

Present: Mayor Beth Finch

Councilmembers: Wayne Williams, Aaron Johnson, Milo McBryde, Mildred Evans,
and Bill Hurley

Absent: Councilman J. L. Dawkins

Others Present: Mr. John Smith, City Manager
Mr. Bob Cogswell, Jr., City Attorney

Mayor Finch called the meeting to order and the Rev. Charles Pittman, Associate Minister, Hay Street Methodist 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 members present in the audience to observe Council proceedings. A special guest this evening with the Youth Council members was Sabrina Stephens, a French exchange student. Mayor Finch extended a cordial welcome to her and wished her a pleasant visit while in Fayetteville.

Mayor Finch also recognized young Carlos Williams, son of Councilman Wayne Williams, 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, Minutes of the Regular Meeting of July 27, 1981 were approved as submitted.

Mayor Finch stated that City Attorney Cogswell had requested an executive session at the end of this meeting to consider a property matter. Mayor Finch said she would accept a motion on this at that time.

Public Hearings

Council gave reconsideration of experimental service changes implemented February 10, 1981 on Transit Route 5 (Methodist College) (continued from the regular meeting of July 27, 1981) The recommended action was to include in the regular route structure September 1, 1981 through May 15, 1982.

Mayor Finch stated the public hearing was actually held on this matter at the last regular meeting and was back before Council for Council consideration only this evening.

City Manager Smith presented this matter and stated that this experimental service was set up under a DOT Grant. Ridership of this route had been analyzed several times. The City Council wanted to continue four (4) buses per day on an experimental basis. Analysis indicated that the ridership with four (4) buses per day during the regular school term was somewhat lower than system average in cost per ridership. A recent survey after regular school term was out indicated the route was quite costly during summer months.

He recommended that experimental services of four (4) trips per day be continued as a permanent route during regular school term at Methodist College and discontinued during the summer term since there aren't any riders and that section of the route that goes to Tera Gardens be continued as a permanent route. The regular school term begins September 1, 1981, three weeks from tonight and if Council's decision is to make it a permanent service only during the regular term, you may want to consider whether or not to discontinue during the next three weeks or simply maintain it and run during the regular school term and cut off next May 15. He recommended making it a permanent service during regular school term from September 1, 1981 through May 15, 1982.

Following some discussion, Mrs. Evans offered motion to follow the recommendation of the City Manager in that we make this route permanent. Include it in our regular route structure September 1, 1981 through May 15, 1982 and since it is just a short three weeks that we continue as we are now.

Rev. Johnson stated he would second the motion and did so if Councilmember Evans would agree to discontinue three weeks. Although it is a short period, it is 60 trips, he stated.

The amendment was accepted by Mrs. Evans and the vote when called for by Mayor Finch was unanimously in favor of the motion.

Public Hearings to be Set

Upon motion by Mr. McBryde, seconded by Rev. Johnson and carried unanimously, a public hearing was set for the consideration of Annexation of Donald Stephens property on Longview Drive for September 28, 1981.

Public Works Commission Matters

PWC Manager Muench presented the PWC matters.

Upon motion by Mr. McBryde, seconded by Mr. Hurley, and carried unanimously, an application by Bessie S. Bruton for one 1-inch water connection to an existing main to serve a residence at 3900 Dayton Road, outside the City, was approved. Sanitary sewer service is not available stated Mr. Muench.

Upon motion by Mr. Williams, seconded by Rev. Johnson and carried unanimously, an application by Sunwest, Inc. for water and sanitary sewer utilities to serve a residential subdivision adjacent to Evergreen South Subdivision (off Glenwick Drive) was approved as recommended.

PWC Manager Muench stated that bids had been received July 28 for the purchase of electrical conductor/cable. The overall low bid by Westinghouse Electric Supply Company in the amount of \$16,674.62 for 25,000 feet of 3/6 street light cable, 6,000 feet of 3/0 triplex and 5,600 pounds of 1/0 Aluminum was recommended.

Mr. McBryde moved for approval of the Westinghouse bids. Seconded by Mr. Hurley and carried unanimously.

Upon motion by Mr. McBryde, seconded by Rev. Johnson and carried unanimously, an outside the City water connection for John P. McCormick at 5603 Ramsey Street was approved subject to an annexation agreement and petition.

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

Planning Board Matters

Upon motion by Mrs. Evans, seconded by Rev. Johnson and carried unanimously, Parker-Baldwin Music Center ClP Shopping Center District Review, located at 532 McPherson Church Road was given conditional approval as recommended by the Planning Board.

Council next considered quotes for Airport Liability Insurance. The City Attorney presented this matter and stated the Airport Commission recommends that the insurance coverage be awarded to Neill Lindsey Insurance Agency at a three year guaranteed premium of \$11,088. to be paid annually.

Mr. McBryde moved for approval of award of the insurance coverage to Neill Lindsey Insurance Agency as recommended. Seconded by Mr. Williams and carried unanimously.

Council next gave consideration to a resolution authorizing the lease of Airport property to ACS Construction, Inc. The recommended action was approval. The City Attorney presented this matter and stated this had been advertised.

RESOLUTION AUTHORIZING THE LEASE OF CITY OF FAYETTEVILLE PROPERTY AT THE MUNICIPAL AIRPORT TO ACS CONSTRUCTION COMPANY, INC. RESOLUTION NO. R1981-47

Mr. Williams introduced the foregoing resolution and moved its adoption. Seconded by Mr. McBryde and carried unanimously.

A copy of the resolution is on file in the Clerk's office in Resolution s Book R1981.

Council next gave consideration to a resolution authorizing the sale of City property, the Latta-Thornton House located on Maiden Lane behind the Anderson Street Library. The City Attorney presented this matter and recommended authorizing the sale. He stated the ad that was placed in the newspaper required that the Latta-Thornton House be moved on or before November 15, 1981. The request to purchase had been made by Richard R. Allen for the price of moving and restoration and Mr. Allen had agreed to move the house on or before November 15 at no cost or liability to the City of Fayetteville.

RESOLUTION AUTHORIZING THE SALE OF CITY OF FAYETTEVILLE PROPERTY - LATTA-THORNTON HOUSE. RESOLUTION NO. R1981-47a

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

A copy is on file in the Clerk's office in Resolutions Book R1981.

Council then recognized Mr. Reggie Barton, Secretary of the Historic Fayetteville Foundation, who extended thanks to the City Council for this action this evening.

Council next gave consideration to a resolution authorizing the sale of City property being Lot A-3 Wilmington Road NDP, Section 1, Project NCA-10. The City Attorney presented this matter and stated Mr. Tom Wood had offered to purchase the property at the appraised value of \$1,250. He stated a "For Sale" sign was placed on the property on July 22 and since that date he had received one telephone call concerning the matter. No other bids had been received. He recommended the sale to Mr. Wood.

RESOLUTION AUTHORIZING THE SALE OF CITY OF FAYETTEVILLE PROPERTY LOT A-3 WILMINGTON ROAD NDP, SECTION 1, PROJECT NCA-10. RESOLUTION NO. R1981-48

Mr. Hurley introduced the foregoing resolution and moved its adoption for the sale of the property for the amount quoted, seconded by Mrs. Evans and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolution Book R1981.

Council next gave consideration to bids received for electronic distance measuring equipment with Theodolite and Accessories for the Engineering Department. The recommended action was to award the bid to the low bidder Southern Photo Print and Supply Company.

City Purchasing Agent Al Jordan presented this matter and recommended that the low bid of \$9,700 submitted by Southern Photo Print and Supply Company be accepted.

Following brief discussion, Mrs. Evans offered motion for approval of the Southern Photo Print and Supply Company bid as recommended, seconded by Mr. Hurley and carried unanimously.

Council next gave consideration to a resolution authorizing the sale of surplus radio communications equipment under the provisions of N.C.G.S. 160-267. The recommended action was to authorize the purchasing agent to negotiate the private sale under this State Law.

The City Attorney presented this matter and recommended adoption of the resolution. In response to question the City Purchasing Agent stated this radio equipment was from the old City buses.

Following brief discussion, Mrs. Evans offered motion to authorize the purchasing agent to negotiate the sale as recommended under provisions of the State Law by the adoption of the following resolution. Motion seconded by Mr. McBryde, and carried unanimously.

RESOLUTION AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY CONSISTING OF THIRTY (30) MOBILE RADIO UNITS WITH ANTENNAS AND BASE STATION. RESOLUTION NO. R1981-49.

A copy of the foregoing resolution is on file in the Clerk's office in Resolution s Book R1981.

Council next gave consideration to an agreement for the maintenance of the Village Drive/Railroad crossing signal. The recommended action was to authorize the Mayor to execute the agreement.

The City Engineer presented this matter and stated that the Aberdeen and Rockfish Railroad is asking the City for an agreement to share equally with the railroad in the maintenance of this railroad signal. The annual maintenance cost is established by a NCDOT schedule and is presently \$650. per year for this type of signal. The City's portion would be \$325. annually beginning July 1, 1981. This is consistent with all other railroad signal installations since January 1, 1972. Therefore, we recommend approval, he stated.

Following brief discussion, Mr. Williams offered motion, seconded by Rev. Johnson and carried unanimously, authorizing the Mayor to execute the agreement as recommended.

Council next gave consideration to a resolution authorizing the condemnation of Parcel N-9, Wall Street Right-of-Way. The recommended action was adoption of the resolution.

The City Attorney and the City Engineer presented this matter and the City Engineer stated that for several months now the City had been negotiating with

the owner of the subject parcel which is needed for improvements planned for Wall Street. The owner had rejected the appraised value of \$7,750. for the parcel and no counter offer had been made. We believe the only way for the City to obtain this parcel is by adoption of the resolution.

In an attached memo, Mr. Richard Herrera, Executive Director of the Community Development Department stated that regarding the relocation of Mrs. Georgianna James, 131 Wall Street, HUD regulations would not allow them to selectively provide benefits to Mrs. James to the exclusion of the other residents of that area. It was his understanding that 80% of right-of-way in that project had been purchased. However, Re-development Commission would still be interested in waiving the residency time requirements. At this time, it is all the assistance they could offer.

There then followed a lengthy discussion of this matter. During the discussion, Rev. Johnson suggested delaying action and that the Community Development work further with Mrs. James. Mr. Williams also suggested paying what the property is worth and the City not get involved in relocation matters.

Following this discussion, Mr. McBryde offered motion that Council give the City Attorney two (2) weeks to have a house that is City owned appraised and come back to the Council with a recommendation. Motion seconded by Rev. Johnson and carried unanimously.

Council next gave consideration to a resolution authorizing the destruction of records. The recommended action was adoption of the resolution.

The City Manager presented this matter and stated that it concerned the destruction of City Personnel Department records which has been recorded on microfilm.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA
ORDERING THE DESTRUCTION OF RECORDS. RESOLUTION NO. R1981-50

Mr. McBryde introduced the foregoing resolution and moved its adoption. Seconded by Rev. Johnson and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolution Book R1981.

Council next gave consideration to Budget Ordinance Change 2, for Fiscal Year 1981-82.

The City Manager presented this matter and stated that the change is a re-appropriation of funds for the Beldon-Horne House Landscaping project.

Following brief discussion, Mr. McBryde offered motion, seconded by Mr. Williams and carried unanimously, for approval of the foregoing Budget Ordinance Change 2.

Council next gave consideration to a request for a sign variance at 223 Fairway Drive. The recommended action was approval.

The City Manager presented this matter and stated that the request was from Plan-Co Corporation of Fayetteville and stated that an office building owned by them was constructed to accommodate seven (7) distinct and separate businesses. The location being at 223 Fairway Drive and in a P2 Professional District. In a meeting with the Inspection Superintendent, P2 allows as a maximum, 10 square feet per sign. Rather than have a yard area cluttered with seven separate 10 square foot signs, the requested variance, in accordance with Section 3-80 of the City Code is to authorize the erection of one sign not to exceed thirty square feet in advertising area instead of the seven separate ten square feet signs. The City Manager recommended approval of the request.

Following brief discussion, Mrs. Evans offered motion, seconded by Rev. Johnson for approval. Motion carried unanimously.

Council next heard a report from Mr. Carl C. Campbell, Chairman of the Fayetteville Energy Study Task Force. Council recognized Mr. Campbell, who in turn recognized other members of the Task Force present in the audience. Mr. Campbell preceded his remarks by stating he had received the utmost cooperation from all members of the Task Force and from all others involved. He stated the Task Force had completed its duties as requested by the Council. He stated the Task Force was impressed with City Council's foresight in recognizing the area's energy problems. The Energy Advisory Commission, the formation of which by the City Council and the County Board of Commissioners was their recommendation, could produce a continuing plan to prevent future energy problems from going critical by planning. The Energy Advisory Commission can promote conservation of all energy sources. Energy conservation means extending sources to the maximum. The EAC can assist Council and County Commissioners to make the best decisions possible in every energy related area. Good energy related decisions, he stated can save money for the Fayetteville area and promote industry. The EAC could be used as a coordinating agency to prevent duplication of effort and as a source of statistical data. It can also be used as an information source. And finally, he stated, Fayetteville and the surrounding area would prosper and be a leader community.

// NOTE: SEE END OF MEETING FOR RECONSIDERATION OF THIS MATTER //

Following brief discussion, Mrs. Evans offered motion to turn this recommendation over to the City-County Liaison Committee to bring up at their next meeting with the County and that Mr. Campbell and members of his committee meet with them. Rev. Johnson seconded the motion adding that the Council accept the report and extend thanks to Mr. Campbell and the Task Force for a job well done. Motion carried unanimously.

Council next gave consideration to the approval of Transfers of Certificates of Public Convenience (Taxicab).

The City Attorney stated the Certificate transfers at the last Council meeting of July 27, was being presented again for second reading in that two readings are required since it has the effect of granting a franchise and must be done in ordinance fashion. Accordingly he recommended that Council approve the ordinance. The Certificates of Transfer are as follows:

1. Certificate belonging to Neill Watson Capps is transferred to Linwood McLaurin.
2. Certificate belonging to John H. Kellum is transferred to Carlton Stewart.
3. Certificate belonging to L. L. Grantham is transferred to William Grady Baxley.
4. Certificate belonging to Eugene Walters is transferred to William Grady Baxley.
5. One (1) Certificate belonging to Hazel Warren Capps is transferred to William Grady Baxley. One (1) Certificate belonging to Hazel Warren Capps is transferred to David Leon Autry.
6. Certificate belonging to Robert N. Howard is transferred to William G. Baxley.

AN ORDINANCE APPROVING THE TRANSFER OF CERTAIN TAXICAB CERTIFICATES.
ORDINANCE NO. NS 1981-32

Mr. McBryde introduced the foregoing ordinance and moved its adoption and approval of the transfers on second reading. Seconded by Rev. Johnson and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS 1981.

The second transfer of certificates was a request from Olen Gerald, Jr. that three (3) of his franchises be transferred to Grace Davis Hinton.

Mr. McBryde then offered motion, seconded by Mrs. Evans for approval of the foregoing transfer on first reading. Motion carried unanimously.

Council next gave consideration to a tax matter. The City Manager presented this item and the recommendation was for approval of the waiver of the late listing penalty for Deanna V. MacMillan for property located on North McPherson Church Road between Best Store and Canton Station. The property owner stated she had never received a bill for these taxes.

Mr. McBryde offered motion for approval of the waiver of the late listing penalty as recommended. Seconded by Mr. Hurley and carried unanimously.

The next item on the Agenda was consideration of the purchase of property, and the recommended action was consideration in Executive Session. The Mayor stated this would be considered at the end of the meeting.

The next item on the Agenda was appointments.

Council considered nominations to fill the unexpired term of Mr. Stephen Hurr of the Fayetteville Appearance Commission, however, no nominations were offered.

Council next considered nominations for five appointments to the Education Development Advisory Council.

Mr. Hurley nominated Mrs. William Hendrix. Rev. Johnson nominated Mrs. Edith McQueen. No further nominations were made and Mayor Finch stated this would be reconsidered at the next regular meeting.

Council next considered nominations to fill the unexpired term of Mr. Flint Harding, resigned from the Fireman's Relief Fund.

Mrs. Evans nominated Mr. Paul Haden.

Mayor Finch stated this would be reconsidered at the next regular meeting.

Delegations

Council recognized Mr. Clinton Harris, a local citizen who stated that since 1975, he had addressed City Council on housing improvements and street paving. Mayor Finch thanked Mr. Harris for his remarks.

City Manager Reports

The City Manager presented for discussion and reconsideration, his recommendations regarding the establishment of a parking reserve fund for the proposed Maiden Lane Parking Deck. (This matter continued from the July 27 meeting.) The City Manager stated his recommendations were:

- 1) Establish a parking reserve fund,
- 2) Accrue all interest and net, parking receipts to the fund,
- 3) Design and construct the pedestrian linkages in conjunction with the transit mall,
- 4) Reconfigure surface parking at the site of the deck to accomodate a future deck,
- 5) Convert metered lots to gated/attendant parking,
- 6) Establish reasonable rates and a merchant validation system,
- 7) Acquire additional surface parking as needed, (ie. the Court House Annex Site)
- 8) When the need is clearly established, design and construct a parking deck using the parking reserve fund along with revenue bonds to finance the project.

The City Manager then displayed the following statistical figures:

Circulation Funds Allocated	\$2,032,000
Design Funds Used	- 29,000
Design & Construction of Pedestrian Linkages	- 495,000
Reconfiguration of Surface Lot	
Site Improvements	\$53,100
Parking Control	25,000
Landscaping	40,000
	- 129,900
Resurfacing Hay Street - Ray Ave. to Bragg	- 50,000
Converting Other Lots from Metered to Attend.	- 178,000
Parking Reserve Fund	\$1,151,100

	<u>Downtown Circulation</u>	<u>G.O. Bond</u>
Parking Deck	\$1,350,000	\$ 600,000
Pedestrian Linkages	450,000	
Design; Misc. Charges	232,000	
	<u>\$2,032,000</u>	<u>\$ 600,000</u>

Total Project Budget \$2,632,000

Following the City Manager's presentation, he recommended that City Council authorize staff to proceed along these lines and we would then be bringing back to Council the necessary documents to create the fund and the capital project ordinance to do the pedestrian linkages and the parking lot.

Following some discussion, Mr. Hurley offered motion to follow the foregoing recommendation of the City Manager, seconded by Mrs. Evans and carried unanimously.

Rev. Johnson and the other Councilmembers commended the City Manager for his work on this matter. The City Manager thanked Council and gave credit to the staff.

The City Manager then requested Council's reconsideration of their action on the granting of the sign variance at 223 Fairway Drive, Item 16 on the Agenda, due to a possible zoning problem. He requested this item be continued to the next regular meeting.

Mrs. Evans offered motion, seconded by Rev. Johnson and carried unanimously for reconsideration and continuation to the next meeting of this sign variance item.

The City Manager informed Council that he had items for presentation at the next information meeting. Council set the next information meeting for Monday, August 17, 1981, 7:00 p.m. in the Kyle House.

Council then recognized from the audience, Mr. Roy Whitmire, Business Manager of Methodist College who commended City Council and suggested that any person wishing to address City Council on any matter not on the Agenda submit such request in advance and be limited to a five (5) minute discussion in order that Council may proceed with their business.

Mayor and Council thanked Mr. Whitmire for his suggestion which was received enthusiastically.

RECONSIDERED
ITEM

Matters of Interest To The Council

Rev. Johnson asked that the Transit Department check bus stops on Campbell Avenue and that the cleanliness of the City streets be checked and that Council receive a report from the Police Department on the Noise Ordinance.

Mr. McBryde announced a meeting of the Buildings and Properties Committee for Thursday, at 5:15 p.m. in the Kyle House.

Mr. McBryde also stated that it had been called to his attention by the Library that they had two (2) young girls operating the Hay Street Library alone on Saturday and that the Police Department be requested to keep watch on their welfare.

Mrs. Evans recognized Mr. Milton Woffard, a candidate for the City Council present in the audience this evening.

Mr. Williams stated he witnessed an automobile accident near his home recently and suggested that the EMT people secure a jack and cutter for the use in extracting injured people from their automobiles following an accident. The purchasing agent was requested to check into this.

Mayor Finch stated that the area next to the train station designated for future parking be beautified by the sowing of some grass seed to make the area more attractive.

The City Attorney stated he was in receipt of a letter from the SCL Railroad in which they state Amtrak has requested SCL to proceed with rehabilitation of the shed which connects the depot with the umbrella shed and with the concurrence of the City, they plan to secure bids to do the work and upon completion of same Amtrak will be billed by the railroad. If City is agreeable to the above manner of proceeding, please advise and we will then arrange for the necessary work, they said.

The City Attorney recommended approval of the request.

Mrs. Evans then offered motion for approval of the foregoing request. Seconded by Mr. McBryde and carried unanimously.

Upon motion by Mr. McBryde, seconded by Mr. Hurley and carried unanimously, Council then moved into executive session at 8:30 p.m. to consider the purchase of property.

Council reconvened into regular session at 9:00 p.m.

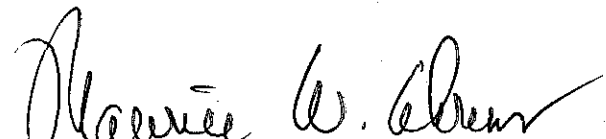
The City Attorney then recommended that City Council purchase from the Caroline Hardison Heirs a tract owned by them on Italy Street for \$2,200.

RESOLUTION AUTHORIZING THE PURCHASE OF HARDISON HEIRS' PROPERTY ON ITALY STREET. RESOLUTION NO. R1981-51.

Mrs. Evans then offered motion for approval of the foregoing purchase by the adoption of the resolution. Seconded by Mr. McBryde and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1981.

Thereafter, all matters of business having been completed, this regular session was adjourned at 9:05 p.m. upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
AUGUST 24, 1981

Present: Mayor Beth Finch

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

Others Present: Mr. John Smith, City Manager
Mr. Bob Cogswell, Jr., City Attorney

Mayor Finch called the meeting to order and the Rev. H.L. Ingram of St. Luke's AME Church offered the invocation. Following the invocation Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch recognized the Fayetteville Youth Council members present in the audience to observe Council proceedings. Rev. Johnson thanked the Youth Council on behalf of the Council for the apples given to them.

Mayor Finch stated the City Attorney Cogswell has an extra item not on the Agenda, also City Manager Smith has public hearings to be added. In addition, there will be an executive session at the end of the meeting.

1 Upon motion by Mr. Williams, seconded by Mr. McBryde and carried unanimously Minutes of the Regular Meeting of August 10, 1981 were approved as presented by the Clerk.

Public Hearings

2A A public hearing had been published for this date and hour on the rezoning from R5 Residential District to C3 Heavy Commercial District an area located on the east side of Ames Street South of Bragg Boulevard.

Planner Al Mitchell presented this matter and stated that Planning Board recommends approval.

Mr. Dick Lewis, representing the petitioners and owners, George Tinnin, Lawrence Blackwood and Stewart Oldsmobile dealership, appeared in behalf of the request and stated that this property was acquired by the petitioner in 11 different tracts during 1954. He said that Stewart Oldsmobile was built on the site in 1955-56; that in 1961 the owner's conveyed the property to the Corporation. Mr. Lewis stated that since 1956 a chain link fence had run along the property on the western boundary up to an including the site in request. He further stated it was only a few months ago that they realized a portion of the overall site was zoned R5. Mr. Lewis stated that the area in request as currently used for parking new automobiles and does fall within 500 feet of Bragg Boulevard and conforms to the Land Use Policies Plan. He said that the approval of this request was vitally important to the operation of this auto dealership; that he understood the concerns of the residents about the uses in the area, but Stewart Oldsmobile had been a good neighbor in this area. Mr. Lewis then named some vacant commercial uses in the area and stated that Bragg Boulevard had deteriorated since the opening of Cross Creek Mall. He said this request would improve the property and help the area. In conclusion, he asked the Council to rezone the area that was misused because the owners were not aware that it was improperly zoned.

Sue Brown Bandy of Haymount Historic Preservation appeared in opposition stating this area could be developed for condominiums, townhouses, and garden apartments. She requested the Council grant a variance rather than rezoning.

Mr. John Monroe, a resident of Ames Street also appeared in opposition.

After brief discussion, Mr. Williams made a motion to grant the rezoning as recommended by the Planning Board, seconded by Mr. Dawkins and carried unanimously.

The ordinance title appears below and a copy is on file in the Clerk's office in Ordinance Book NS1981.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R5 RESIDENTIAL DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED ON EAST SIDE OF AMES STREET SOUTH OF BRAGG BOULEVARD.
ORDINANCE NO. NS 1981-33

2B A public hearing had been published for this date and hour on the rezoning from R10 Residential District to R6 Residential District or to a more restrictive zoning classification an area located at 3107 Ramsey Street. Planning Board recommended approval.

Mr. Bob McNeill, petitioner and owner, appeared and recommended approval for the purpose of building townhouses.

Mr. Edward Kelly, adjacent property owner appeared and requested that a fence be built to protect his privacy.

There were no opponents present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE FROM R10 RESIDENTIAL DISTRICT TO R6 RESIDENTIAL DISTRICT AN AREA LOCATED AT 3107 RAMSEY STREET. ORDINANCE NO. NS 1981-34

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

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1981.

2C A public hearing had been published for this date and hour on the initial zoning to R10 Residential District or to a more restrictive zoning classification an area located at 3311 Rosehill Road. Planning Board recommended approval.

No one appeared for or against.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE FOR THE INITIAL ZONING TO R10 RESIDENTIAL DISTRICT AN AREA LOCATED AT 3311 ROSEHILL ROAD. ORDINANCE NO. NS 1981-35

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

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1981.

2D A public hearing had been published for this date and hour on the consideration of an ordinance amending Chapter 32 "ZONING", Section 32-15 Street Access of the Fayetteville City Code. The Planning Board recommends approval and Planner Mitchell stated the amendment reduces the required lot frontage on a street from 35 feet to 20 feet.

Mr. Dohn Broadwell appeared in favor of this amendment.

There were no opponents.

Mr. Williams introduced the following ordinance and moved its adoption. Seconded by Mr. Dawkins and carried unanimously.

AN ORDINANCE AMENDING CHAPTER 32 "ZONING", SECTION 32-15 STREET ACCESS OF THE FAYETTEVILLE CITY CODE OF ORDINANCE. ORDINANCE NO. S1981-18

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1981.

2E A public hearing had been published for this date and hour on the consideration of a proposed annexation of the Carolyn R. Cain property located at 3108 Phillies Circle. The Annexation Technical Review Committee recommended approval.

There were no opponents.

Mr. Hurley made a motion to approve the following ordinance on the recommendation of the Annexation Technical Review Committee. Seconded by Mr. McBryde and carried unanimously.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE 3108 PHILLIES CIRCLE. ORDINANCE NO. 81-8-239

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

2F A public hearing had been published for this date and hour on the consideration of a proposed annexation of the Nicholas E. Horne property located at 2202 Roxie Avenue. The Annexation Technical Review Committee recommended approval.

There were no opponents present.

Rev. Johnson made a motion to approve the annexation on the recommendation of the Annexation Technical Review Committee. Seconded by Mr. Dawkins and carried unanimously.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE 2202 ROXIE AVENUE. ORDINANCE NO. 81-8-240

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

2G

A public hearing had been published for this date and hour on the consideration of a proposed satellite annexation of the Mike Blanton property located at 5304 Bragg Boulevard. Planner Mitchell presented this matter and stated the Annexation Technical Review Committee recommended denial because it would not be economically feasible to provide city services to a satellite area this small.

Mr. Mike Blanton, petitioner and owner, appeared in favor of the annexation.

There were no opponents.

Following discussion, Mrs. Evans made a motion to explore a larger area to get more property owners participation. Seconded by Rev. Johnson.

Following some further discussion, Mr. Dawkins made a substitute motion to deny the annexation. Seconded by Mr. McBryde and carried, Mrs. Evans voting "No".

Council then decided to vote on the original motion as well and it carried unanimously.

2H

A public hearing had been published for this date and hour on the consideration of a proposed annexation of the William Bryant property located on the east side of Legion Road just south of West Mountain Drive. Planner Mitchell stated the Annexation Technical Review Committee recommended approval.

There were no opponents.

Rev. Johnson made a motion to adopt the ordinance as recommended by the Annexation Technical Review Committee. Seconded by Mr. McBryde and carried unanimously. The ordinance title appears below:

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE LEGION ROAD AREA. ORDINANCE NO. 81-8-241

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

2I

A public hearing had been published for this date and hour on the consideration of a proposed annexation of the Keefe-Bowie property located at 4832 and 4828 Ramsey Street. Planner Mitchell stated that the Annexation Technical Review Committee recommended approval.

Mr. John Raper appeared for property owners Keefe-Thieme Investment Company, in opposition and requested that provision 160A-25 be implemented if annexation is approved.

Mr. Cogswell requested Council continue this matter until next meeting.

Mr. Williams made a motion to defer this matter until the September 14 meeting. Seconded by Mr. McBryde and carried unanimously.

2J

The next item was the redevelopment plan for Collier Drive for 1981-1982 Community Development Program. Mr. Richard Herrera, Executive Director stated that the Fayetteville Redevelopment Commission held public hearings on this plan on August 12, 1981, and unanimously endorsed the plan.

Mr. Cornell Geddie appeared in favor.

No one was in opposition.

Rev. Johnson made motion to accept the recommendation. Seconded by Mr. Dawkins and carried unanimously.

2K

A public hearing had been published for this date and hour on the consideration of an ordinance confirming an assessment roll for the paving of Cochran Avenue from Ramsey Street to Sherrerd Avenue.

City Engineer Bob Bennett presented this matter and recommended approval. Notices were mailed by the City Clerk's office.

City Engineer then presented a letter from Mrs. Ruth Yates who stated she could not be present, opposing the amount of assessment to her corner lot. He suggested that the lot be appraised and present again.

Mr. Williams made a motion to adopt the following ordinance at 8:45 p.m. with the exception of Mrs. Yates' property to be appraised and brought before Council at later date. Seconded by Mr. McBryde and carried unanimously.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENTS OF COCHRAN STREET. ORDINANCE NO. NS1981-36

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

2L A public hearing had been published for this date and hour on the consideration of an ordinance confirming an assessment roll for the paving of Sherrerd Avenue from 20 feet south of the southern margin of Kirkland Drive.

The Clerk certified that all property owners had been notified by first class mail.

The City Engineer presented this matter and recommended approval.

There were no opponents.

Mr. Williams introduced the following ordinance and moved its adoption 8:48 P.M., seconded by Mr. Dawkins and carried unanimously. Ordinance title appears below.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENTS OF SHERRERD AVENUE. ORDINANCE NO. NS1981-37

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

2M A public hearing had been published for this date and hour on the consideration of an ordinance confirming the assessment roll for the paving of Caldwell Street from Cochran Avenue to Kirkland Drive.

The Clerk certified that all property owners had been notified by first class mail.

The City Engineer presented this matter and recommended approval.

There were no opponents.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENTS OF CALDWELL STREET. ORDINANCE NO. NS1981-38.

Mrs. Evans introduced the foregoing ordinance and moved its adoption 8:49 P.M., seconded by Mr. Hurley and carried unanimously.

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

2N A public hearing had been published for this date and hour on the consideration of an ordinance confirming the assessment roll for the paving of Lynn Avenue from Broadview Drive to Myrtle Street.

The Clerk certified that all property owners had been notified by first class mail.

The City Engineer presented this matter and recommended approval.

There were no opponents.

Mr. McBryde introduced the following ordinance and moved its adoption 8:50 p.m., seconded by Mr. Dawkins and carried unanimously.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENTS OF LYNN AVENUE. ORDINANCE NO. NS1981-39

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

20 A public hearing had been published for this date and hour on the consideration of an ordinance confirming the assessment roll for the paving of Broadview Drive from Post Avenue to Lynn Avenue.

The Clerk certified that all property owners had been notified by first class mail.

The City Engineer presented this matter and recommended approval.

There were no opponents.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENTS OF BROADVIEW DRIVE. ORDINANCE NO. NS1981-40

Mr. Williams introduced the foregoing ordinance and moved its adoption 8:51 p.m., seconded by Rev. Johnson and carried unanimously.

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

3 Public Hearings to Be Set

Upon motion by Mr. Williams, seconded by Mr. McBryde and carried unanimously, public hearings were set for September 28, 1981 on the following matters and by the adoption of the following resolution:

A. Consideration of a Resolution and Ordinance to file and publish preliminary assessment roll for the paving of White Street from Virginia Avenue to dead end.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENTS ON WHITE STREET. RESOLUTION R1981-52

B. Consideration of Transit Route revisions.

C. Case No. P81-59. The consideration of an application by Carolina Telephone and Telegraph Company for a special use permit to construct an employee parking lot in an R5 Residential District as provided for in the Fayetteville Zoning Ordinance an area located on the west side of McIver Street between Humphrey Street and McGilvery Street.

D. Case No. P81-75. The consideration of an application for a special use permit as provided for by the Fayetteville Zoning Ordinance Section 32-24(5) "Charitable Institutions", in an R5 Residential District an area located at 416 Chatham Street.

E. Case No. P81-68. The consideration of an ordinance amending Chapter 32 "Zoning" Sections 70-73 of the Fayetteville City Code.

4 Public Works Commission Matters

Public Works Commission Manager Muench presented the PWC matters.

A. The low unit prices by Koppers Company, Inc. and Burke-Parsons-Bowlby Corp. with award for 140 30-foot Class 5 poles being split with 70 poles to each of the two low bidders, were recommended.

Mr. McBryde moved for approval of the foregoing low bids. seconded by Mrs. Evans and carried unanimously.

B. Mr. Muench presented a map showing proposed water main extension and booster pumping station to Spring Lake. He stated this is to be paid for by Spring Lake with a minor change in paragraph 9 to add a sentence that will reference in some liabilities that Spring Lake has stated in paragraph 8 that needs to be restated in paragraph 9.

Upon motion by Mr. Williams, seconded by Mr. McBryde and carried unanimously the Council gave approval to the proposed water main extension with the amendment recommended by PWC.

5 Planning Board Matters

Planner, Al Mitchell presented to Council for consideration of Cape Center Professional Park Subdivision extension review located off Oliver Street at Crestwood Drive, as per Planning Board memo of August 24, 1981. Conditional approval was recommended.

Upon motion by Mrs. Evans, seconded by Mr. Williams, Council voted unanimously to conditionally approve the request as recommended by the Planning Board.

Council then recognized City Attorney Cogswell on an additional matter not on the Agenda. He stated the extension of Ray Avenue will demolish the Shopper's Guide building. The tenants desire to move next month, however, a 60 day notice provision is in their lease. If their request is approved, a waiver of this provision will be required.

Mr. McBryde offered motion, seconded by Mr. Dawkins to waive the 60 day requirement. Motion carried unanimously.

6 The City Attorney presented the next item which was consideration of a request to purchase property located in Alexander McArthur Subdivision and asked that the Council defer until the next meeting.

Mr. Williams offered motion, seconded by Mr. Dawkins and all voted to defer to the September 14, 1981 meeting.

- 7 Mayor Finch stated that Item 7 which is consideration of a resolution authorizing condemnation of Parcel N-9, Wall Street right-of-way, would be considered in executive session.
- 8 City Manager presented the next item and stated he had received petition for reduced speed on Rogers Drive. It is the opinion of staff that circumstances in this area do not warrant a reduction from the standard 35 MPH and therefore, do not recommend it. Mr. Smith stated he had discussed with Acting Chief of Police and requested a radar step-up on enforcement of the speed limit.
- Council took no action but requested City Manager to write to property owners and inform them of the contact with the police department.
- 9 The next item considered by Council was consideration of an ordinance to correct conditions at 606 Bragg Boulevard.
- Mr. Swayne Hamlet, representing owners, appeared and requested a 60 day extension.
- Mr. Williams made a motion, seconded by Mr. McBryde and carried unanimously to adopt ordinance with the 60 day extension by administration. The ordinance title appears below:
- AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 606 BRAGG BOULEVARD-BRANT LANE AND OWNED BY MR. J.W. HEDGEPEETH "HEIRS".
ORDINANCE NO. NS1981-41
- 10 City Attorney presented the next item and stated that some of the residents on Oak Street would like to have the street paved. They cannot obtain unanimous consent for a petition. The paving would be for a distance of 945 feet. At your current rate of \$4.00 per foot, this would require a total assessment of \$3,800.00.
- My memo of August 11, 1981 to their attorney explains the process that I would recommend in order to insure that the money would be available when the paving is completed. The total cost of the project would be \$26,000.00.
- He recommended that Council place this street on the list of streets to be paved contingent upon the receipt of the money and the establishment of the escrow account.
- Mrs. Evans offered motion to approve the recommendation of the City Attorney, seconded by Mr. Williams and carried unanimously.
- 11 Council next gave consideration of an ordinance amending Chapter 22 "Personnel" of the Fayetteville City Code.
- Mr. Cogswell presented this and stated that the proposed amendment to the City's Personnel Ordinance is to bring the Ordinance in line with recently adopted amendments to the State Statutes regarding personnel records. The original Ordinance was drafted to correspond with the then-existing statute. Adoption of the amendment is recommended.
- Mr. Williams offered motion, seconded by Rev. Johnson and carried unanimously to adopt the following ordinance:
- AN ORDINANCE AMENDING CHAPTER 22, "PERSONNEL", OF THE CITY CODE OF THE CITY OF FAYETTEVILLE - MAINTENANCE OF PERSONNEL RECORDS: PRIVACY ACT.
ORDINANCE NO. S1981-19
- 12 The City Attorney presented the next item and stated that property owners felt they should be compensated additionally for a restroom that had been on their property at Hope Park. After further discussion, they agreed to accept the additional sum of \$50.00. Mr. Cogswell recommended that Council approve this additional amount.
- Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, the recommended action was approved unanimously.
- 13 Council next considered a resolution authorizing Cumberland County to sell jointly owned property to highest bidder and being eastern part of Lots 86 thru 88 on south side of Magnolia Street.
- Mr. Cogswell presented this matter and recommended approval.

Caroline
Hurdison
Heirs

A RESOLUTION AUTHORIZING CUMBERLAND COUNTY TO SELL JOINTLY OWNED PROPERTY. RESOLUTION NO. R1981-53

Mr. McBryde offered motion, seconded by Mrs. Evans and carried unanimously to adopt the foregoing resolution.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1981.

Council next considered Contract Number 252 - Paving of North, Wall, Sewell and Brinkley Streets.

- 14A City Engineer presented this matter and recommended awarding the contract to the low bidder, Triple A Construction Company for \$240,137.95. The bid amount is based on unit prices of individual construction items of estimated quantities; therefore, the final cost may vary slightly from the bid amount. For this reason and unknown soil conditions, we recommend reserving \$264,200 (10% over the bid amount) for this project. Mr. Bennett also stated there would be a \$100. a day late penalty.

Motion made by Mrs. Evans, seconded by Mr. Hurley and carried unanimously to award the foregoing bid to Triple A Construction Company as recommended.

- 14B Council next gave consideration to City Contract Number 255 - Resurfacing of Ft. Bragg Road, Emeline Avenue, Commerce and Hillsboro Streets.

City Engineer presented this matter and recommended awarding the contract to the low bidder, Crowell Construction Company. The bid amounts are based on unit prices of individual construction items of estimated quantities; therefore, the final cost may vary slightly from the bid amount. For this reason and the unknown extent of base corrections that will be needed, we recommend reserving \$153,800 (10% over the bid amount) for this project. Mr. Bennett also stated there would be \$100 a day late penalty.

Mr. Williams moved for approval of the bid to Crowell Construction Company, seconded by Mr. Hurley and carried unanimously.

- 15 The next item on the Agenda was presented by the City Manager. An amendment to Chapter 28, "Taxicabs". Mr. Smith stated that the ordinance amendment provides for the appointment of alternate members to the Review Board and establishes the City Clerk as the Secretary to the Review Board.

The purpose of these amendments is to assure that there will be adequate membership on the Review Board at all times and to assure that adequate records are maintained.

AN ORDINANCE AMENDING CHAPTER 28, "TAXICABS", OF THE CITY CODE OF THE CITY OF FAYETTEVILLE - TAXICAB REVIEW BOARD. ORDINANCE NO. S1981-20.

Mr. McBryde made a motion to adopt the ordinance, seconded by Mr. Dawkins and carried unanimously.

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

- 16A Council next considered the approval of Transfers of Certificates of Public Convenience. The City Attorney presented this matter and stated that this was the second reading on three (3) certificates from Olen Gerald, Jr. to Grace Davis Hinton.

AN ORDINANCE APPROVING THE TRANSFER OF CERTAIN TAXICAB CERTIFICATES. ORDINANCE NO. NS 1981-42

Mr. McBryde introduced the foregoing ordinance and moved its adoption and approval of the transfers on second reading. Seconded by Mrs. Evans and carried unanimously.

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

- 16B Council next gave consideration to the request for transfer of certificate of Public Convenience and Necessity.

Mr. Cogswell stated the transfer of certificate was a request from Zelma R. McHargue to Charles G. Thorne.

Mrs. Evans then offered motion, seconded by Mr. McBryde for approval of the foregoing transfer on first reading. Motion carried unanimously.

- 17 Tax Matters

Council next gave consideration to three items of tax matters:

A. Request by Clarence White, Jr. for refund of \$6.30 tax paid prior to re-

adjustment of property value. The County Commissioners have approved a refund of the County Tax.

Motion by Mr. McBryde, seconded by Mr. Hurley, and carried unanimously to refund the \$6.30 to Mr. White.

B. Request by Ms. Fleeta Askea for refund of \$39.00 overpayment of taxes because of elderly exemption. The County Commissioners have approved refund of County Tax.

Motion by Mr. McBryde, seconded by Mr. Hurley and carried unanimously to refund the \$39.00 to Ms. Askea.

C. Request of waiver of \$2,059.56 in late listing penalties on Marsh and Purdie Farm due to failure of the Tax Department to bill for City taxes after annexation.

Motion by Mr. Dawkins, seconded by Mr. Hurley, and carried unanimously to waive the late listing penalty.

18 Appointments

A. There were no nominations for the unexpired term of Mr. Steven Hurr of the Fayetteville Appearance Commission.

B. Council next considered nominations for five appointments to the Education Development Advisory Council.

Mr. Hurley nominated Mr. Ralph Heath. Mr. Williams nominated Ms. Virginia Rouse. Rev. Johnson nominated Dr. William Bell, Mamie Baggett, and Louise Jenkins.

Mr. Williams made a motion to appoint Mrs. William Hendrix and Ms. Edith McQueen, who were nominated at the previous meeting, by acclamation to the Education Development Advisory Council. Seconded by Rev. Johnson and carried unanimously.

C. Mr. Williams made a motion to appoint by acclamation Mr. Paul Haden to complete the unexpired term of Flint Harding on the Fireman's Relief Fund until January, 1983. Seconded by Mr. Dawkins and carried unanimously.

D. There were no nominations to fill Charles Readling's unexpired term on the Board of Appeals.

On hearing "delegations", Mrs. Evans suggested leaving the procedure as is and let the Mayor change if desired. After some discussion, the Mayor requested that delegates limit their remarks to five (5) to seven (7) minutes.

19 Delegations

None

20 City Manager Reports

None

21 Matters of Interest To Council

Mr. Hurley stated that Fayetteville Youth Council had volunteered to help with the weed problem downtown.

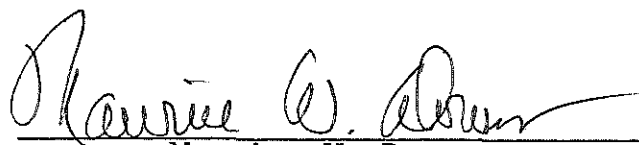
Mayor Finch asked about grass seed at the railroad station. City Engineer replied that this had been scheduled.

Upon motion by Mr. McBryde, seconded by Mr. Dawkins and carried unanimously, Council then moved into executive session at 9:30 p.m. to consider a property matter.

Council reconvened into regular session at 9:40 p.m.

Mayor Finch suggested a joint meeting with the County Commissioners, Chamber of Commerce, and Fayetteville Progress, Inc. to discuss the Downtown Civic Center Plan. The Mayor stated she would arrange this meeting and notify Council.

Thereafter, all matters of business having been completed, this regular session was adjourned at 9:45 p.m. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
SEPTEMBER 14, 1981
7:00 P.M.

Present: Mayor Beth Finch

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

Others Present: Mr. John Smith, City Manager
Mr. Bob Cogswell, City Attorney

Mayor Finch called the meeting to order and Councilman J. L. Dawkins offered the invocation. Following the invocation, Mayor Finch asked the McPherson Church Scout Troop 777 to lead the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch then presented the following City employee service award pins:

5 YEARS

William Barbour - Engineering
John Monaghan - Executive
John W. Jones - Fire
Kalim Sabir - Human Services
James Owens - Sanitation
Craig Scott - Sanitation
Helen Jacobs - Transit
Annie Outland - Transit
James Gray - Transit
Eddie Cook - Transit
Jesse Frazier - Transit
Edgar Hinson - Transit
Alexander Huggins - Transit
Nathan Brafford - Transit
Lester Wade - Transit
Calvin Coburn - Transit

10 YEARS

Deborah Lindsay - Fire
Harold Hubbard - Sanitation

15 YEARS

Paul Adams - Engineering

20 YEARS

George McCarthy - Finance

25 YEARS

John Tally - Fire
Walter Bagley - Fire
Robert Tart - Fire

30 YEARS

Everlena Burgess - City Buildings

Mayor Finch stated that the service pin they received is little for the many years of hard work but it is a symbol of our appreciation.

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

Rev. Johnson then requested to abstain on Item 16B of the Agenda.

- 1 Upon motion by Mr. Williams, seconded by Rev. Johnson, and carried unanimously, Minutes of the Regular Meeting of August 24, 1981 were approved as presented by the City Clerk.

Mayor Finch then stated that City Attorney Cogswell and City Manager Smith had requested an Executive Session on Items 9, 10, and 23 to be held at the end of the

meeting. Also City Attorney has an additional item to be brought up and may require a vote with regard to the International Folk Festival.

2 Public Hearings

The matter of the Cochran Avenue Assessment Roll was continued from the last meeting concerning the one (1) lot owned by Mrs. Ruth B. Yates. Mr. Bennett submitted a recommendation from the appraiser stating that the subject tract is not specifically benefited and the assessment cost be waived by the City.

After brief discussion, Mr. Dawkins made a motion, seconded by Mr. McBryde and carried unanimously to follow the recommendation of the City Engineer to waive the assessment due to no added improvement on the property.

3 Public Hearings to be Set

Mr. Williams made a motion, seconded by Mr. Dawkins to set Item A, B, and C for September 28, 1981.

Mr. McBryde made a substitute motion to disapprove Item A which is Consideration of a Street name change from Melvin Place to Rives Plaza, and to set Items B & C for public hearing. Motion seconded by Mrs. Evans and carried with Mr. Williams voting "no". They are as follows:

B. Consideration of proposed annexation of the Janet Snead property located at 2004 Owen Drive.

C. Consideration of proposed annexation of property located at 3114 Nato Road.

4 Public Works Commission Matters

Public Works Commission Manager Muench presented request for consideration of an application by Fayetteville Assembly of God Church for one 1-inch water connection to existing main to serve church building at 2718 Gillespie Street, outside City. Sanitary sewer service is not available.

Motion by Mrs. Evans, seconded by Mr. Hurley and carried unanimously to approve above application as recommended by PWC.

5 Planning Board Matters

Planner Al Mitchell presented the Planning Board matters.

A Council gave consideration of Heilig-Meyers Service Center C(1)P Shopping Center District addition review located at 2858 Owen Drive.

Rev. Johnson asked about the map previously requested. Mr. Bennett stated it was in process now.

Upon motion by Mr. Williams, seconded by Mrs. Evans and carried unanimously the Council conditionally approved the request as recommended by the Planning Board.

B Council then gave consideration of Hillendale, Section 7, extension review located on the east side of Rosehill Road, North of the US 401 By-Pass.

Upon motion by Mr. Hurley, seconded by Mrs. Evans and carried unanimously the Council conditionally approved the request as recommended by the Planning Board.

C The next item was consideration of Drexel Subdivision extension review located between Rosehill Road and Rosehill Road Realignment. The Planning Board recommended conditional approval.

Upon motion by Mr. McBryde, seconded by Mrs. Evans and carried unanimously, Council conditionally approved the request as recommended by the Planning Board.

D Council next gave consideration to Highland Office Complex Group Development (Condominium) Review located between Robeson Street and Fairway Drive. Planning Board recommended approval with conditions. Mayor Finch pointed out that one of the conditions is installation of sidewalks.

Upon motion by Rev. Johnson, seconded by Mr. Dawkins and carried unanimously Council conditionally approved the request as recommended by the Planning Board.

E Case No. P81-67. The rezoning from R10 Residential District to R6 Residential District or to a more restrictive zoning classification an area located at 523 Country Club Drive. Planner Mitchell stated there was not an opposition appeal filed.

ORDINANCE AMENDING ZONING ORDINANCE REZONING FROM R10 RESIDENTIAL DISTRICT TO R6 RESIDENTIAL DISTRICT AN AREA LOCATED AT 523 COUNTRY CLUB DRIVE. ORDINANCE NO. NS1981-43

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

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance book NS1981.

- 5F Case No. P81-66. The Rezoning from R5 Residential District to C1 Local Business District or to a more restrictive zoning classification an area located on the south-east corner of Moore Street Extension and the Seaboard Coast Line RR. Planner Mitchell stated there was not an opposition appeal filed.

Upon motion by Mr. Dawkins, seconded by Mr. Johnson and carried unanimously, Council approved the following ordinance:

ORDINANCE AMENDING ZONING ORDINANCE REZONING FROM R5 RESIDENTIAL DISTRICT TO C1 LOCAL BUSINESS DISTRICT AN AREA LOCATED ON THE SOUTHEAST CORNER OF MOORE STREET EXTENSION AND THE SEABOARD COAST LINES RAILROAD. ORDINANCE NO. NS1981-44.

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

- 6 Council next considered a proposed annexation of the Keefe-Buie property located at 4832 and 4828 Ramsey Street continued from the last meeting.

Mr. Raper representing adjoining property owners requested an opportunity to show a map to Council regarding this property in relationship to surrounding property that is in the City limits. He stated that he feels this is a forced annexation and if it is to be annexed, the City should reimburse his clients for installation of facilities installed at great expense. He also stated that this area could not be served electrically by PWC and they would have to take CP&L service which is a higher rate than PWC.

The Mayor asked Mr. Muench to respond to Mr. Raper regarding the services offered.

Mr. Muench explained that there was a State law that if the customer is closer than 300 feet, it is CP&L's customer and if it is closer than 300 feet of PWC then it is their customer. If the customer is 300 feet from both, then it is the customer's choice.

After lengthy discussion, Mr. Williams made motion to defer this matter until the next meeting. Seconded by Rev. Johnson and carried with Mr. McBryde and Mrs. Evans voting "no".

Mayor Finch requested further information on this matter to be submitted by staff at the upcoming Council Information Meeting.

- 7 Council next considered a request to purchase property located in Alexander McArthur Subdivision, Portion of Block Q, Plat Book 8, Pages 2 and 3 from the August 24 meeting.

City Attorney presented a letter from Mr. Larry J. McGlothlin, representing Mr. Willie Nixon who had submitted a bid that is the highest since putting the sign on the property, and therefore he recommends advertisement of the bid.

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously, Council approved the advertisement of the property in Alexander McArthur Subdivision.

- 8 City Attorney presented for Council's consideration the adoption of a resolution authorizing an exchange of City owned property at 724 Marsh Street and Mrs. Georgia James's property on Wall Street. Mr. Cogswell stated that Mrs. Georgia James has agreed to exchange her property for the deed and a fee of \$1,250.00 which is the difference in the appraised value.

Mr. Williams made motion that we accept the recommendation of the City Attorney to advertise and point out the total of what we are giving and what she is getting equals the appraised value of her property. Seconded by Mrs. Evans and carried unanimously.

City Manager stated to the Council that Items 9 and 10 could be presented in regular session instead of going into Executive Session.

- 9 Council next considered the request of Planning Board for designation of Re-development area.

City Manager reported that representatives of Fayetteville Progress, Inc. approached City Staff for assistance in finding appropriate sites for a non-subsidized housing project in the Haymount area. He stated that in order to make it feasible to develop the project along these lines as a non-subsidized project, Fayetteville Progress proposes the following involvement by the City:

Request that the Planning Board designate the site a Residential Redevelopment Area under the North Carolina Urban Redevelopment Statutes. Indications are that the site would qualify under the requirements of the statute.

Mr. McBryde informed Council that Mrs. Bandy notified him that the Haymount Preservation Society had not been informed of this action.

Following some discussion, Mr. McBryde made a motion to defer this matter until the September 28 meeting. Seconded by Rev. Johnson and carried unanimously.

- 10 The next item was to request an allocation of tax exempt financing from the N.C. Housing Finance Agency. A resolution authorizing the City Manager to request Allocation of Bonding Authority on Behalf of the City of Fayetteville for Housing assistance in Redevelopment areas.

Following some discussion, Mrs. Evans made a motion that we request allocation of funds from the N.C. Housing Finance Agency. Seconded by Mr. Hurley.

Mr. Williams made a substitute motion to defer until the September 28 meeting. Seconded by Mr. McBryde and carried with Mrs. Evans voting "no."

- 11 Mr. Smith presented a set of recommendations from Mr. Clark Dill, Director of Sanitation and Fleet Maintenance for the modernization of the sanitation fleet. He stated the most economical method to achieve this goal is through leasing rather than purchasing. I am recommending that City Council authorize City Administration to utilize the funds budgeted in the 1981-82 budget for leasing of five vehicles rather than the purchase of two as was the original intent. The reduced cost of operation and maintenance will more than offset the long range cost of leasing.

Following brief discussion, Mr. Williams made motion, seconded by Rev. Johnson and carried unanimously to submit the lease of the 5 trucks for the Sanitation Department for bids.

- 12 Council next considered the purchase of additional equipment for the following departments:

- A. Fire Department - Emergency Medical Rescue Equipment
- B. Recreation & Parks Department - Small Motor Grader.

City Manager did point out that the small motor grader for the Recreation and Parks Department did not require a budget amendment, only an inter-budget transfer.

Motion made by Mrs. Evans to purchase A and B. Seconded by Mr. Williams and carried unanimously.

- 13 Council next considered a resolution requesting the naming of the 401 Bikeway in honor of the late Larry Thompson.

Mr. McBryde made motion to accept the recommendation. Seconded by Mr. Dawkins and carried unanimously. The Resolution is as follows:

RESOLUTION AUTHORIZING THE US 401 BIKEWAY/PEDESTRIAN FACILITY BE NAMED THE "LARRY THOMPSON BIKEWAY". RESOLUTION NO. R1981-54

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions book R1981.

- 14 City Manager presented a request for consideration of raising fee for records searches in the Joint I.D. Bureau from \$1.00 to \$2.00. He stated that the Board of County Commissioners has already approved the recommendation and this action would be in keeping with this Council's goal of upgrading the City's user fees.

Mr. Williams made motion to raise the fee from \$1.00 to \$2.00 as recommended. Seconded by Mr. Dawkins and carried unanimously.

- 15 Council next considered acceptance of N.C.D.O.T. grant for 10% of the design cost for the proposed Transit Mall.

Upon motion by Mr. McBryde, seconded by Rev. Johnson, motion carried unanimously to accept the following resolution:

RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION CAPITAL IMPROVEMENTS GRANT, WORK ORDER 9.9050108 FOR THE DESIGN OF THE HAY STREET TRANSIT MALL. RESOLUTION NO. R1981-55

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions book R1981.

- 16A City Manager next presented for consideration of comments on Section 8 Housing Projects for 27 units on Raleigh Road. He stated that Federal regulations require that HUD solicit comments from the Mayor's office regarding application for Section 8 Housing Projects. Project NV19-0026-018 is an application for 136 units, 27 of which will be assisted housing located on Raleigh Road just outside the City limits. A petition for annexation is anticipated.

Mr. McBryde made motion that although it is not within our jurisdiction because it is outside the City, it is also not consistent with our HAP Plan. Seconded by Mr. Dawkins and carried unanimously.

- 16B Project NC19-0026-021, an application for 100 units of assisted housing located at Springfield and Murchison Road was recommended by City Manager.

Upon motion by Mr. Williams, seconded by Mr. Hurley for approval and carried with Rev. Johnson abstaining.

City Manager stated to Council that Item 17 and 18 were related:

- 17 Council next considered adoption of budget Ordinance Amendment for operation of off-street parking lots.

- 18 Consideration of adoption of resolution establishing a Parking Facility Reserve Fund.

Mr. Smith presented the two items and pointed out that this is just to set aside funds for parking, not to spend money at this time.

Following lengthy discussion, Mrs. Evans made a motion to adopt the Budget Ordinance Amendment for operation of off-street parking lots and to adopt the Resolution establishing a Parking Facility Reserve Fund. Mr. Hurley seconded.

Mr. McBryde questioned voting on budget until it is decided what they want to do about parking. He suggested that one lot be tried on the attendant parking first.

Following further discussion, Rev. Johnson made a substitute motion, seconded by Mr. McBryde and carried with Mr. Hurley and Mrs. Evans voting "no", to delay until Council can get a total proposal on Item 17, 18 and to include Item 19 which is:

- 19 Consideration of adoption of parking fee schedule for attendant operated off-street parking lots.

- 20 Council next considered an amendment of Section 28-22(b) (Airport taxi regulations) of the Fayetteville City Code.

City Attorney presented this matter stating that this is the first reading of the regulations governing operation of taxicabs at the Airport.

Following discussion, Mrs. Evans made motion to adopt amendment on first reading. Seconded by Mr. McBryde and carried unanimously.

- 21 Council next gave consideration of authorizing City Manager to approve leasing of advertising space at the airport:

- A. Ramada Inn
- B. Other spaces

Mr. Dawkins moved approval, seconded by Mr. McBryde, and carried unanimously, upon approval of Airport Commission.

22 Council next gave consideration to the approval of Transfer of Certificate of Public Convenience (Taxicab).

The City Attorney stated the Certificate transfer was being presented for second reading in that two readings are required. The transfer is from Zelma R. McHargue to Charles G. Thorne.

AN ORDINANCE APPROVING THE TRANSFER OF CERTAIN TAXICAB CERTIFICATE.
ORDINANCE NO. NS1981-45

Mr. Dawkins introduced the foregoing ordinance and moved its adoption and approval of the transfer on second reading. Seconded by Mrs. Evans and carried unanimously.

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

23 Mayor Finch stated that Item 23 which is consideration of lease and sublease of railroad property adjacent to Amtrak Station would be considered in Executive Session.

24 City Engineer presented the next item to Council which was consideration of adoption of resolution of condemnations for North Street drainage as follows:

A. RESOLUTION AUTHORIZING CONDEMNATION OF PARCEL OF LAND FOR NORTH STREET DRAINAGE - PARCEL E-1. RESOLUTION NO. R1981-56

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

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

B. RESOLUTION AUTHORIZING CONDEMNATION OF PARCEL OF LAND FOR NORTH STREET DRAINAGE - PARCEL E-2. RESOLUTION NO. R1981-57

Mr. McBryde introduced the foregoing resolution and moved its adoption to offer the appraised amount as recommended by City Engineer, seconded by Mr. Hurley and carried unanimously.

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

C. RESOLUTION AUTHORIZING CONDEMNATION OF PARCEL OF LAND FOR NORTH STREET DRAINAGE - PARCEL W-2. RESOLUTION NO. R1981-58

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

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

25 Council next considered approval of transfer of funds into the Civil Preparedness Budget for cost-of-living salary increases.

City Manager presented this matter and stated that in light of the 5% cost of living increases granted by the City and County in the 1981-82 budget, Civil Preparedness has requested an increase in their budget to provide the same for the employees of Civil Preparedness. The County has amended their contribution to allow for this. The amount of increase requested in the City Budget is \$352.50. Funds are available in the salary adjustment account for this revision.

Mr. Dawkins offered motion, seconded by Mr. Hurley and carried, Mayor Finch abstaining, to approve transfer of funds as recommended by City Manager.

26 Tax Matters

Council next gave consideration to a request for waiver of late listing penalties against Rosehill Garden Apartments - \$13.00 for personal property and \$857.77 for real estate (City's share).

City Manager presented this request and stated a letter had been received from owners stating a similar request has been made to the Cumberland County Board of County Commissions and they have agreed to waive this penalty and this action by the Board of County Commissions will benefit the low-income families living in this complex and will help us to continue the good maintenance at this project, which serves as a tribute to the city of Fayetteville.

Mr. McBryde offered motion, seconded by Mr. Hurley and carried unanimously to approve waiver of \$13.00 for personal property and \$857.77 for real estate.

27 Appointments

A. Mr. Hurley nominated Mr. Frank MacMillan to fill the unexpired term of Mr. Steven Hurr of the Fayetteville Appearance Commission.

B. Council next considered election of nominees previously made to the Education Development Advisory Council.

Rev. Johnson withdrew Dr. William Bell and Mrs. Louise Jenkins from his nomination.

Upon motion by Mr. McBryde, seconded by Mr. Dawkins and Mr. Williams, Council unanimously appointed by acclamation: Mr. Ralph Heath to replace Virgil Miller - term to expire June, 1984; Mrs. Virginia Rouse to fill Mrs. James L. Byrd's unexpired term to expire June, 1982; and Mamie Baggett to fill Susan Rhodes' unexpired term to expire June, 1983, on the Education Development Advisory Council.

C. Council next considered Mr. Paul Haden's nomination to fill Mr. Charles Readling's unexpired term on the Board of Appeals running to May, 1983.

Mr. Dawkins made motion, seconded by Mr. McBryde to appoint Mr. Paul Haden by acclamation to the Board of Appeals running to May, 1983.

Mayor Finch advised that at the next meeting, Council would be asked for nominations for the Senior Citizens Advisory Commission.

28 Delegations

None

29 City Manager Reports

Mr. Cogswell presented a request from the International Folk Festival for an exemption from the Blue Law since their date had been changed to September 27 and they have essentially the same type of activities as Sunday-on-the-Square.

Mr. Williams offered motion, seconded by Mr. McBryde and carried unanimously to approve the request for exemption from the Blue Law for the International Folk Festival.

30 Matters of Interest to Council

Mr. Williams thanked Council for approving the cutting apparatus for the Fire Department.

Rev. Johnson requested a copy of the investigation of the Police Department A Platoon from Mr. Smith. City Manager informed him that there were portions of the report that would have to deal with personnel matters that Council might not want to get involved in due to the Privacy Act. Also there are actions still to be taken and portions are still under investigation. Mr. Smith stated that he would confer with the Chief of Police and report to the Council on the investigation.

Mr. Dawkins made notation that work had begun to resurface Hay Street from the railroad track at Kimbrells to Bragg Boulevard.

Mayor Finch showed concern for the news media showing Fayetteville with such a high rate of crime and she feels this is distorted since it is the area surrounding Fayetteville and not just inside Fayetteville. Mayor Finch stated she hoped the media will show a truer picture in the future.

Mr. McBryde requested the Loading Zone sign be put back up in front of Kimbrells. He said it had been requested of him to have a Yield sign put on Ontra Road going onto Law Road, so maybe Mr. Bennett could check into this matter. It has also been brought to his attention that there is no flashing light at Morganton Road at Fayetteville Academy and if the State would not respond to a second request, then City Engineer should come up with some figures that would be feasible for the City to take care of this. Mr. McBryde also requested of City Manager a list of who is driving City cars so Council could take a serious look at it.

Mr. Hurley questioned the postponement of the sign variance from a previous meeting and Mr. Smith stated it should have gone to the Board of Adjustment instead of Council. Mr. Hurley also feels that Council should look seriously at a request of the Park Rangers to become sworn officers and wear a weapon. He asked the City Attorney check into this and report back to Council.

Mayor Finch stated that we do have in writing from DOT that a stop light will be installed at Law Road and Ramsey Street when funds are available.

Mr. Dawkins reminded everyone of the International Folk Festival to be held on September 27.

Mr. Cogswell requested that Council defer until September 28, the Executive Session concerning Item 23 which is consideration of lease and sub-lease of railroad property adjacent to Amtrak Station.

Mr. Williams made motion, seconded by Mr. Dawkins and carried unanimously to defer the matter as requested.


Rev. Johnson requested that City Engineer have the stop sign put back up at Seabrook Road and Jasper Street where resurfacing was done.

Mr. Dawkins made motion, seconded by Rev. Johnson that Council go into Executive Session.

Council reconvened at 9:15 p.m. and thereafter, all matters of business having been completed, this regular session was adjourned at 9:15 p.m. upon motion and duly seconded.



Bobbie Joyner
Acting City Clerk



Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
SEPTEMBER 28, 1981
7:00 P.M.

Present: Mayor Beth Finch

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

Absent: Mildred Evans (Jewish Holiday)

Others Present: Mr. John Smith, City Manager
Mr. Bob Cogswell, City Attorney

Mayor Finch called the meeting to order and the invocation was offered by City Attorney, Bob Cogswell. Following the invocation, Mayor Finch led the audience 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 three students present from Pine Forest Senior High School for their Advanced Government class.

- 1 First item of business was the approval of the Minutes of the Regular Meeting of September 14, 1981. Mr. Dawkins offered motion that said Minutes be approved with the following corrections:

Amending Item 20 that Council considered an amendment to Section 28-22(b) of the Airport Taxi Regulations that would allow the Airport Commission to set regulations opposed to the way it reads. And on Item 29 that the City Council grant an exemption to the Arts Council for the International Folk Festival. Motion seconded by Rev. Johnson and carried as corrected.

Rev. Johnson expressed thanks to the City Engineer for the new map in the Council Chamber.

Mayor Finch announced that an Executive Session would be held at the end of this meeting to consider land transactions. Mr. McBryde requested consideration of a personnel item at the same time.

- 1A Public Hearings
A public hearing had been published for this date and hour on the annexation of the Stevens and Raynor property at 521 Longview Drive. The Annexation Technical Review Committee recommended approval.

There were neither proponents nor opponents.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE 521 LONGVIEW DRIVE AREA. ORDINANCE NO. 81-9-242.

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

- 2B A public hearing had been published for this date and hour on the proposed annexation of the Janet Snead property located at 2004 Owen Drive. The Annexation Technical Review Committee recommended approval.

There were neither proponents nor opponents present.

AN ORDINANCE EXTENDING CITY LIMITS OF FAYETTEVILLE TO INCLUDE THE JANET SNEAD PROPERTY ON OWEN DRIVE. ORDINANCE NO. 81-9-243.

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

- 2C A public hearing had been published for this date and hour on the proposed annexation of the Carl Wallace property located at 3114 Nato Road. 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 CARL WALLACE PROPERTY AT 3114 NATO ROAD. ORDINANCE NO. 81-9-244.

Mr. Williams introduced the foregoing ordinance and moved its adoption. Seconded by Rev. Johnson and carried unanimously.

Copies of all the foregoing ordinances are on file in the Clerk's office in Annexation Ordinance Book 1981.

2D

A public hearing had been published for this date and hour on the consideration of an ordinance confirming the assessment roll for the paving of White Street from Virginia Avenue to the dead end.

The City Engineer presented this matter and stated the assessment rate was \$4.00 per front foot. The City Clerk certified that all property owners had been notified by first class mail as required.

There were neither proponents nor opponents present.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENTS OF WHITE STREET FROM VIRGINIA AVENUE TO DEAD END. ORDINANCE NO. NS1981-46.

Mr. Williams introduced the foregoing ordinance and moved its adoption at 7:10 P.M. Motion seconded by Mr. Dawkins and carried unanimously.

A copy is on file in the Clerk's office in Ordinance Book NS1981.

2E

A public hearing had been published for this date and hour on the consideration of transit route revisions. The City Manager presented this matter and stated that as he had indicated to Council last spring, staff would be bringing back to them additional recommendations to "fine tune" the transit routes. The map submitted with this memo shows the area where we are recommending elimination of service due to lack of ridership. Other revisions are being made however. These revisions do not affect service but merely tie routes together so that service can be offered more efficiently. He gave the following ridership and cost per passenger figures on areas to be dropped.

Route 3 - Racepath - Daily Riders 16, cost per passenger \$2.96.

Route 3 - Cade Hill Area - Daily Riders 29, cost per passenger \$1.51

Route 9 - Old Wilmington Road - Daily riders 13, cost per passenger \$6.13.

Route 14 - West Rowan Street - Daily riders 26, cost per passenger \$2.42

System Average cost per passenger: \$0.71

Mr. Smith also displayed a large wall map indicating the bus routes involved with the changes proposed.

There were no proponents present.

The following persons appeared in opposition: Mabel Smith, Deep Creek Road area, requested continued transportation for students in the area. There were approximately fifty (50) persons present from the Deep Creek Road area in the audience. Rev. Johnson requested that all of these people support the transit route system by riding the buses.

Elizabeth Purcell of Highway 87 area opposed the cut and stated that many people need the bus. Again, Rev. Johnson requested that she encourage persons in that area to ride the buses and support the system.

Mary Smith of the Wilmington Road area appeared in opposition and stated City may cut back on service but not eliminate it entirely. Patrina Holmes of the Deep Creek Road area was recognized in opposition to the elimination. Lester McGuire of the Deep Creek Road area was opposed to the cut. Ruby Scott King of the Old Wilmington Road area was recognized in opposition to the elimination of service.

Following some discussion of the matter, Mr. Dawkins offered motion to ask City Administration to come back in two to four weeks to the Council with some recommended changes including two to three morning and afternoon bus runs. Motion seconded by Mr. Williams and carried unanimously.

2F

A public hearing had been published for this date and hour on an application by Carolina Telephone and Telegraph Company for a Special Use Permit to construct an employee parking lot in an R5 Residential District as provided for in the Fayetteville Zoning Ordinance in an area located on the west side of McIver Street between Humphrey Street and McGilvery Street.

Planner Mitchell stated that the Planning Board recommended conditional approval as follows:

1. That the parking lot be developed in accordance with the site plan submitted as part of the special use permit application.
2. That the City Engineer approve the drainage plans.
3. That evergreen landscape buffering be provided along all property lines subject to this permit including along McIver and Stella Streets and adjoining residences.
4. That all lighting be shielded from the adjoining residential area.
5. That the hours of operation for the new parking lot area be limited to the first shift or 8:00 a.m. to 5:00 p.m.

Mr. Thornton Rose of CT&T was recognized on the request and stated that the parking was needed for their expanding facilities in this area for their employees who are now having to park wherever they can find a place. Mr. Rose stated a number of facts and figures concerning the telephone company's plant operations. Mr. Rose concluded his statement by request that Council eliminate conditions 3 and 5 concerning the landscape buffering and the hours of operation but stated that the company will provide some screening on the south side.

There was no opposition present.

Following some discussion, Mr. Williams offered motion to grant the special use permit excluding items 3 and 5 but that evergreen landscape buffering be provided along the south side adjoining the existing residence. Motion seconded by Mr. McBryde and carried unanimously.

2G A public hearing had been published for this date and hour on an application for a special use permit as provided for by the Fayetteville Zoning Ordinance Section 32-24(5) "Charitable Institutions", in an R5 Residential District in an area located at 416 Chatham Street.

Planner Mitchell stated that the Planning Board recommended conditional approval in their memo of September 28.

Mrs. Sharon Hindle was recognized in behalf of the request for the Department of Social Services and requested Council's approval.

There was no opposition.

Following brief discussion, Rev. Johnson offered motion for conditional approval of the special use permit as recommended, seconded by Mr. Williams and carried unanimously.

2H A public hearing had been published for this date and hour on the consideration of an ordinance amending Chapter 32 "Zoning" Section 70-73 of the Fayetteville City Code. Planner Mitchell stated the Planning Board recommends approval and explained that this amendment dealt with the new hearing procedures for zoning matters coming before the Planning Board and City Council and was recently enacted by the State Legislature at Council's request.

There were neither pros nor cons present.

AN ORDINANCE AMENDING CHAPTER 32 "ZONING" SECTION 70-73 OF THE CITY CODE OF THE CITY OF FAYETTEVILLE. (PUBLIC HEARING PROCEDURES) ORDINANCE NO. S1981-21.

Mr. Dawkins 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 S1981.

3 Public Hearings to be Set:

Upon motion by Mr. Williams, seconded by Mr. Dawkins and carried unanimously public hearings were set for October 26 on the following item and by the adoption of the below listed resolutions:

- A. Initial zoning C1 Local Business District or to a more restrictive classification of an area located at 2202 Roxie Avenue.
- B. PRELIMINARY RESOLUTION AND NOTICE OF INTENT TO CLOSE A PORTION OF WESTWOOD DRIVE. RESOLUTION NO. R1981-59.

C. RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND IMPROVEMENTS ON PENNSYLVANIA AVENUE FROM MURCHISON ROAD TO THE WESTERN MARGIN OF THE CADE PROPERTY. RESOLUTION NO. R1981-60.

Copies of the foregoing resolutions are on file in the Clerk's office in Resolutions Book R1981.

4 Public Works Commission Matters:

PWC Manager Muench presented the two PWC matters.

4A Upon motion by Mr. McBryde, seconded by Mr. Hurley and carried unanimously, an application by Walter R. Bagley for one 1-inch water connection to existing main to serve a residence at 3903 Daytona Drive outside the City was approved. Sanitary sewer service not being available.

4B Upon motion by Mr. Dawkins, seconded by Rev. Johnson and carried unanimously, an application by Clarence E. and Tanya P. Hunt for one 1-inch water connection to existing main to serve a residence at 2209 Progress Street outside the City was approved. (Sanitary sewer service not available. The property is contiguous to the City limits and owners have petitioned for annexation.)

5 Council next reconsidered a proposed annexation of the Keefe-Buie property located at 4832 and 4828 Ramsey Street. (This matter continued from the public hearing on August 24 and from rediscussion at the regular meeting of September 14.) The Annexation Technical Review Committee recommended approval.

Mr. McBryde offered motion to follow the recommendation of the Annexation Technical Review Commission and annex the property by the adoption of the following ordinance. Motion seconded by Mr. Hurley and carried, Rev. Johnson and Mr. Williams voting "no".

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE THE KEEFE-BUIE PROPERTY 4832 AND 4828 RAMSEY STREET. ANNEXATION NO. 81-9-245.

A copy of the foregoing ordinance is on file in the Clerk's office in Annexation Book 1981.

6 Council next considered a request to purchase property located in the Alexander McArthur subdivision. Portion of Block Q, Plat Book 8, Pages 2 and 3 Cumberland County Registry. This item had been advertised as approved at the last regular meeting and the recommended action was to approve the sale. The City Attorney presented this matter and stated that Mr. Willie Nixon had made an offer to purchase the property for the sum of \$2,453.77 which was duly advertised September 18 and no higher offers had been received.

RESOLUTION AUTHORIZING THE SALE OF CITY OF FAYETTEVILLE PROPERTY TO WILLIE NIXON FOR \$2,453.77. RESOLUTION NO. R1981-61.

Mr. Dawkins offered motion to follow the recommendation of the City Attorney by the adoption of the foregoing resolution, Seconded by Mr. McBryde and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1981.

7&8 On the next two Agenda Items which were 7, consideration of requesting Planning Board for designation of Redevelopment area. (Continued from the regular meeting of September 14) and Item number 8 authorizing request for allocation of funds from the N.C. Housing Finance Agency, also continued from the meeting of September 14, City Manager Smith stated that Fayetteville Progress Inc. had requested continuance of these two items until the next meeting. Council noted the request.

9 The next item was consideration of a lease and sub-lease of railroad property adjacent to the Amtrak station on Hay Street (continued from the regular meeting of September 14).

The City Attorney introduced this item and requested Council to recognize a representative of Mrs. Cashwell.

Council recognized Attorney Richard Wiggins representing Mrs. Cashwell and stated that Mrs. Cashwell sold her interest in the taxicab business located on this property to Dr. Walker in 1980. He stated that the complaints arising from the use of this property had been rectified and that no complaints had been received by the

Coastline railroad concerning the taxi operation. He stated a financial hardship would result if the taxi business was forced to move off this property. He stated further that it would be to the advantage of the City if the taxi business remained so they could maintain the lot. He stated that prostitution had been virtually eliminated at this location. He stated that Mrs. Cashwell will, if necessary, maintain the lot as the City desires. He stated it would be satisfactory if a month-to-month lease could be negotiated.

City Attorney Cogswell recommended approval if the taxi ordinance is not violated.

Following some discussion, Mr. Williams offered motion to follow the recommendation of the City Attorney and direct the City Manager enter into a month-to-month rental agreement with Mrs. Cashwell. Motion seconded by Mr. Dawkins.

There then followed some further discussion.

Mr. Hurley then offered a substitute motion that we require Terminal Cab Company to vacate the premises within 60 days and that City Staff return with a plan to operate the property as a City parking lot with a gate installation within 60 days. Motion seconded by Mr. McBryde and carried, Mr. Williams voting "no".

10 Council next gave consideration to Taxicab Ordinance amendments.

A The City Attorney presented these ordinances. The first was second reading of Section 28-22(b) Airport Regulations.

AN ORDINANCE AMENDING CHAPTER 28 "TAXICABS" OF THE CITY CODE OF THE CITY OF FAYETTEVILLE - AIRPORT REGULATIONS GOVERNING THE OPERATION OF TAXICABS AT THE AIRPORT. ORDINANCE NO. S1981-22.

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

A copy is on file in the Clerk's office in Ordinance Book S1981.

B The second amending ordinance was on Section 28-130 Alternate for Taxicab Review Board. The City Attorney reminded Council that this ordinance was adopted on first reading on August 24 and inadvertently left off the Agenda for September 14 but was being presented at this time for adoption on second reading.

AN ORDINANCE AMENDING CHAPTER 28 "TAXICABS" OF THE CITY CODE OF THE CITY OF FAYETTEVILLE - TAXICAB REVIEW BOARD. ORDINANCE NO. S1981-20.

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

A copy is on file in the Clerk's office in Ordinance Book S1981.

C The City Attorney presented an extra taxicab item and stated to Council that in July they amended the taxi ordinance to require taxi drivers to carry their cards on their persons. There is another section in the ordinance that it has to be on display in the vehicle and they are in conflict so he recommended that Council repeal Section 83 so as to resolve the problem.

There was some discussion of this matter and following this discussion, Mr. Williams offered motion to continue to the October 12 meeting, seconded by Rev. Johnson and carried unanimously.

11 Council next gave consideration to design consultants for Bow Street extension (bridge, park elements, and landscaping).

The City Manager presented this matter and stated that Council voted several months ago to proceed with the Bow Street/Maiden Lane connector project to include approximately 100 feet of elevated structure to separate the roadway from Cross Creek Linear Park. The project budget includes funds to provide outside design consultation to supplement our in-house design efforts. We have reviewed our in-house capabilities and work load and are recommending that two elements of the project, the structural engineering of the bridge and design of landscape elements be contracted to outside design firms. The design of the roadway and management of the construction phase would be handled by our in-house Engineering staff. He recommended that the proposal from B. R. Huske and Assoc. be accepted for the structural engineering of the bridge and that the City Manager be authorized to negotiate and execute a contract on behalf of the City with this firm for a fee not to exceed \$17,500. He also recommended that the City Mgr. be authorized to negotiate and execute a contract on behalf of the City with CHNMB Associates for landscape and urban design

services, for a fee not to exceed 10% of the cost of construction of landscape elements designed by CHNMB, plus no more than 3% of the cost of the other elements of the project for urban design consultation and coordination.

Following some discussion, Mr. Hurley offered motion to accept the foregoing recommendation of the City Manager on the Bow Street extension and adopt the recommendation as stated in the memo of September 24. Motion seconded by Mr. McBryde and carried, Rev. Johnson voting "no".

12 Council next gave consideration of approval of settlement of current taxes for FY ending June 30, 1981 for Tax Collector.

The City Manager presented this item as outlined in the memo and requested approval and that the settlement be spread on the minutes of this meeting.

Mr. McBryde then offered motion for settlement of the current taxes for the FY June 1, 1980 through July 31, 1981 as recommended and that they be spread upon the minutes of this meeting. Seconded by Mr. Williams and carried unanimously. The settlement appears below:

Settlement Of Current Taxes
Cumberland County Tax Collector

BK LL
pg 520

This settlement is required under the provisions of General Statue # 105-373 (a) (3). This covers the period from July 1, 1980 through June 30, 1981.

Charges:

1980 Regular Charge	\$ 5,821,246.15
1980 Added Charge	146,183.17
Interest Collected	14,963.87
	<u>\$ 5,982,393.19</u>

Credits:

Deposit With Finance	\$ 5,639,177.75
Releases Allowed	114,022.67
Insolvents Allowed	54,600.05
Real Balance	159,531.33
Interest Collected	14,963.87
Auditors Adjustment	97.52
	<u>\$ 5,982,393.19</u>

Charge:

1979 Real Balance	\$ 143,655.81
1978 & 1979 Insolvent Balance	150,027.35
1978 & 1979 Interest Collected	17,484.89
	<u>\$ 311,168.05</u>

Credits:

1979 Real Collected	\$ 84,686.57
1979 Releases Allowed Real	620.77
1978 & 1979 Insolvents Collected	74,402.11
1978 & 1979 Interest Collected	17,484.89
1979 Real Balance	58,337.53
1978 & 1979 Insolvent Balance	71,241.22
1978 & 1979 Insolvent Releases	14,384.02
Auditors Adjustment	10.94
	<u>\$ 311,168.05</u>

ITEM 12

13 Council next gave consideration to the adoption of a resolution authorizing the exchange of property between the City and Mrs. Georgiana James.

The City Attorney presented this matter and recommended adoption of the resolution for the exchange of property.

Councilman Williams noted that this exchange of property was on the basis of appraised value for appraised value.

RESOLUTION AUTHORIZING THE EXCHANGE OF PROPERTY BETWEEN THE CITY OF FAYETTEVILLE AND MRS. GEORGIANA JAMES. RESOLUTION NO. R1981-62.

Mr. Dawkins introduced the foregoing resolution and moved its adoption as recommended. Seconded by Rev. Johnson and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1981.

- 14 Council next gave consideration to the review of a lease between the City and the City Port Facility. The lease is with the Fayetteville Inland Port and Mr. John Fitchett.

The City Attorney presented this matter and stated that approximately 10 years ago, the City leased its terminal to Fayetteville Inland Port. The area is located off King Street on the Cape Fear River and comprises a little over four acres. It contains a building with concrete flooring, steel and wood supporting structures, metal siding and a built-up roof over a frame sub-roof. It contains about 7500 sq. ft.

The monthly rental was to be \$275, with a \$75 credit given to the tenant towards improvements that he was to make on the property. Commencing the later part of July, 1978, the tenant got behind in his rent payments. The City Attorney stated he contacted him to solicit his intentions as to what he wanted to do. He stated he asked for but never received an itemized statement of improvements. During this time, the tenant would occasionally make a rent payment. In 1980, the tenant filed bankruptcy and that was recently concluded.

The City Attorney stated at this time he notified the tenant that he was going to recommend that the lease be terminated since the City had lost money on the previous lease and it was essentially the same business operation continuing on the premises. The City Attorney stated he and Mr. McCarthy met with the tenant and reviewed the matter. The tenant stated he still wanted to remain on the property and that he had a new partner and that he would be in a position to begin paying rent again. He told Mr. Fitchett that he was of the opinion that an accounting of the past debt would have to be forthcoming and with that in mind they agreed to certain conditions that he would have to meet prior to bringing this matter to the Council. At this date, the only thing that has transpired is a rent payment of \$275. None of the information required had been brought to Mr. McCarthy or to my office. Additionally, the tenant let the insurance on the property lapse and it was determined by the Finance Department to require any tenant to purchase insurance.

Based upon the above, the City Attorney stated he was of the opinion that the City can no longer permit the situation to continue and that the current occupant be notified to vacate the premises.

The City Attorney concluded by stating that a memorandum was delivered today to his office from Mr. Fitchett containing an explanation on the expenditures and concerning the liability insurance policy. The City Attorney stated that his only interest in the matter was in assisting in recouping the City's losses.

Mr. Fitchett was present with his new partner Mr. Folsom and stated to Council he had no quarrel with the information presented by the City Attorney and that it was all correct. Mr. Fitchett stated he felt the lease should be terminated and requested the City to accept a note for his obligations. He stated he had formed a new partnership with Mr. Folsom in the name of Carolina Truck Brokers and that they can pay \$275. a month and would like to lease the facility for this sum.

Following some discussion of this matter, Mr. Williams offered motion to continue this item to the next regular meeting and that the current lease be terminated. Seconded by Mr. Dawkins and carried unanimously.

- 15 The next item under consideration was a contract with Mr. David Flaharty for plaster restoration in the Kyle House. The recommended action was approval of the contract.

The City Attorney presented this matter and stated that the offer is good and recommended that the Mayor be authorized to sign the contract.

Following some discussion, Mr. Williams offered motion seconded by Mr. Dawkins and carried unanimously that the Mayor be and she hereby is authorized and directed to sign the contract with Mr. David Flaharty for restoration of the plaster in the Kyle House according to his proposal.

- 16 Council next gave consideration to a request for a loading zone on Hay Street in front of Kimbrell's Furniture Store.

The City Manager presented this matter and stated he had passed out a memo concerning loading/unloading zones before the meeting to the Council members. He stated this request had come from Kimbrell's on Hay Street but that the handout was for standards for loading/unloading zones adopted by City Council in March of 1968, and regulated the establishment of such zones. The City Manager stated that he was not aware of the existence of these regulations at the time this request was received. City Engineer Bennett stated that in light of these warrants, the request had been withdrawn by Mr. Covington of Kimbrell's.

Council took no action on this matter.

17 Appointments

- A Upon motion by Mr. Hurley, seconded by Mr. Williams and carried unanimously, Mr. Frank MacMillan was appointed by acclamation to the Fayetteville Appearance Commission to replace Mr. Steven Hurr who resigned, said term running to December, 1981.
- B On a nomination to fill the unexpired term of Mrs. Linda Philbrick on the Fayetteville Appearance Commission, Councilman Hurley nominated Mrs. Becky Manos Dutton.
- C On nominations to fill two unexpired terms of office on the Senior Citizens Advisory Commission, Mr. Dawkins nominated Joe Kelly; Mr. Williams nominated Mrs. Fannie Thomasson, Mayor Finch nominated Mrs. Sylvia Allen; and Mr. Hurley nominated Mr. Robert Beatty, Mr. David Padgett and Mrs. Louise Wilkey.
- D Council next considered nominations for an alternate member to the Taxicab Review Board representing the taxicab industry.

Following some discussion of this appointment, Mr. Williams offered motion to continue this matter to the October 12 meeting, seconded by Mr. McBryde and carried unanimously.

18 Delegations

Council recognized Mr. Mack Tyson who stated he owns the building and lot located at 214 Dick Street which is not now in the Redevelopment boundary area. Mr. Tyson requested Council to relocate the line to include his lot and 214 Dick Street inside the Redevelopment area.

Mayor Finch then informed Mr. Tyson that the Council had no information tonight on this matter.

Following some discussion, the City Manager recommended that the staff look at this item and bring it back to City Council and possibly request the Planning Board to expand the tax district if desired. However, he reiterated his suggestion that staff look at the matter and bring it back to Council with a recommendation.

Following some discussion, Mr. McBryde offered motion, seconded by Mr. Williams and carried unanimously that staff look at the matter and bring back a recommendation to City Council.

19 City Manager Reports

Council next heard a report from the City Manager and the Chief of Police regarding recent internal investigation in the Police Department.

Council recognized Chief of Police, Danny Dixon who gave the report in the form of a narration accompanied by projected slides showing the activities of the various platoons in the Police Department. He stated that on 30 July, 1981, acting Chief of Police Paul D. Warner issued a memorandum for a report on August 5, 1981. A report was submitted on August 12. On August 17 a special order was directed to Sgt. William Johnson to investigate allegations of a quota system existing within "A" Platoon within the department. "A" Platoon had the most arrests for a period of months. Traffic arrests for the period January - July, 1981 indicated that "A" Platoon had the most. "E" Platoon had 20.1%; "B" Platoon had 13.9%; "C" Platoon had 13.8% and "D" Platoon had 13.6%. For non-traffic arrests over a seven month period, "A" Platoon was high with "E" Platoon being the highest. "A" and "E" Platoons had the most. "D" Platoon had the least but had an upswing in 1981. On Break-ins, "A" Platoon had the highest court time. July arrest records indicated "A" Platoon rated highest. Chief Dixon displayed a slide showing arrests by individuals including "A" Platoon and a zone map. He also displayed work assignments by the various cars for February through July, 1981. The purpose of this, he explained, was to show that no individual got a particular assignment.

There was then some discussion by Council.

Chief Dixon then resumed his report and stated that Sgt. Johnson, City Manager Smith, and City Attorney Cogswell and himself had prepared this report.

He then displayed slides showing arrest records for two months. He displayed the Police Department organizational chart indicating the chain of command. He displayed the field division chart. He stated that the Fayetteville Police Department has written rules and regulations to follow. He stated the results of the investigation by Sgt. Johnson indicated Command Sgt. Holman did encourage valid arrests, but not a quota system. One officer did operate the free car for his record. Command Sgt. Holman did not clear changes with his superiors and all men received a good rating. Chief Dixon stated he was now in the process of rewriting job descriptions, making transfers and updating rules and regulations. He stated that support personnel were being transferred to the field division because they were needed there.

Chief Dixon stated this completed his report.

There was then some discussion.

Councilman Johnson then remarked that the report did not satisfy him and that he preferred a written report.

Councilman Johnson read a letter of criticism from radio reporter Johnny Joyce alleging the existence of a quota system within the Police Department. Councilman Johnson suggested a meeting with the City Manager, Chief of Police and City Council to discuss these allegations.

Mayor Finch suggested that this meeting also include the Civil Service Commission in any talks. Mayor Finch then extended thanks to Chief Dixon for the report and advised that if talks are desired they can be scheduled. Councilman Dawkins suggested the night of the Information Meeting on October 19 as the time for such discussion.

19B City Manager then presented recommendations for Patrolmen III. He stated the following named personnel had been recommended by the Patrolmen III Review Board and approved by the Civil Service Commission to be upgraded to the position of Patrolmen III.

Napoleon, R. K.	Simons, W. H.
Bell, V. L.	Cannady, P.
Hathaway, P. W.	Wilson, Carl
Stankiewicz, S.	Horne, J. R.
Pulliam, D.	Allen, T.
Williams, L. A.	Stewart, J. L.
Phillips, M. J.	Marable, A. M.
McLaughlin, K. J.	Miller, R.
Jumalon, J.	DeVane, J. B.
Burchett, O. L.	Royal, G. J.

He stated Chief Dixon requested that the above personnel be considered for approval by the City Council as soon as possible so that they may begin receiving pay for Patrolmen III.

Mr. McBryde offered motion for approval of the above named for Patrolmen III as recommended. Seconded by Mr. Williams and carried unanimously.

The City Manager reported that the City Administration, through the Planning Board had been informed that Spring Lake was seeking transit service between Spring Lake and Fayetteville. This was not a formal request but Spring Lake is applying for Federal funding for this purpose.

20 Matters of Interest to Council

Mr. Hurley asked the City Attorney if he had looked into the matter of the Park Rangers being sworn and carrying weapons. The City Attorney replied the report was not yet complete but would be presented at the next meeting hopefully.

Mayor Finch informed Council that Dr. E. B. Turner, of the Lumberton City Council had made a request that the Fayetteville City Council join his governing body in endorsing him for the Third Vice-President of the North Carolina League of Municipalities at its convention in November.

Rev. Johnson then offered motion that the City Council endorse Dr. Turner for this position. Seconded by Mr. Williams and carried. Mayor Finch abstained due to the fact that she is currently President of the League.

Upon motion made and duly seconded, Council then entered into Executive Session at 10:10 P.M. to discuss land transactions and personnel matters.

Council then reconvened into regular session at 10:35 P.M. and upon motion made and duly seconded adjourned.

Maurice W. Downs

Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
OCTOBER 12, 1981
7:00 P.M.

Present: Mayor Beth Finch

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

Others Present: Mr. John Smith, City Manager
Mr. Bob Cogswell, City Attorney

Mayor Finch called the meeting to order and the invocation was offered by Rev. Oscar C. Poole, Calvary Methodist Church, Ireland Drive. Mayor Finch then led the audience in the Pledge of Allegiance to the Flag.

Council welcomed Rev. Poole as a newcomer to the area and offered him their best wishes and to have a good stay in our community.

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

Mayor Finch announced that an Executive Session would be held at the end of this meeting to consider Item 9 and a property transaction matter.

- 1 First item of business was the approval of the Minutes of the Regular Meeting of September 28, 1981. Mr. Williams offered motion, seconded by Mr. McBryde that said Minutes be approved. Motion carried unanimously.

- 2 Public Hearings to be Set

Motion by Mr. McBryde, seconded by Mr. Williams and carried unanimously to set public hearing October 26, 1981 for consideration of the rezoning classification an area located at 1314-1320 Ft. Bragg Road and 1319 Morgan Lane. R5 to P2 or more restrictive.

- 3 Public Works Commission Matters

PWC Manager Muench presented the consideration of bids received September 29 for the purchase of 1,980 feet of collector chain and six sprockets for use at the Hoffer Water Plant and recommended awarding to low bid by Transmission Supplies, Inc. of \$22,153.44.

Motion by Mr. McBryde, seconded by Mr. Dawkins and carried unanimously to approve the foregoing low bid.

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

- 4 Planning Board Matters

Planner Al Mitchell presented the Planning Board matters.

- A Council gave consideration to Case No. P81-85 of the initial zoning to C3 Heavy Commercial District or to a more restrictive zoning classification an area located on the east side of Legion Road south of West Mountain Drive.

Mr. Mitchell stated there were no appeals, none appeared in opposition and the Planning Board recommended approval.

Mr. Dawkins introduced the following ordinance and moved its adoption, seconded by Rev. Johnson and carried unanimously.

ORDINANCE ZONING TO C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED ON EAST SIDE OF LEGION ROAD SOUTH OF WEST MOUNTAIN DRIVE. ORDINANCE NO. NS1981-47

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

- B Council gave consideration to Case No. P81-83 of the initial zoning to R10 Residential District or to a more restrictive zoning classification an area located at 3108 Phillies Circle.

Mr. Mitchell stated no one appeared before the Board in behalf or opposition to the request and the Planning Board recommends approval.

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

ORDINANCE ZONING TO R10 RESIDENTIAL DISTRICT AN AREA LOCATED AT 3108 PHILLIES CIRCLE. ORDINANCE NO. NS1981-48

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

4C Council next gave consideration of Brandywine Apartments proposed driveway connection to Malloy Street (Group Development Revision) in an R6 Residential District.

Planning Board recommended denial.

The Mayor read a letter from Mr. Ed David, Attorney representing the apartments stating that due to serious illness in his family, he would be unable to attend the meeting and requested a two week postponement.

Mr. Williams made a motion to postpone this matter to October 26, seconded by Rev. Johnson.

Mrs. Evans stated that since this is not a public hearing matter, Mr. David's presence is not necessary. It was noted that this matter could be brought up again at any time.

The motion was defeated.

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

There was a question raised about fire equipment getting to the apartment complex with this drive closed and the City Attorney stated he checked this area with the Fire Department and learned there would be no problem, as the barricade would be knocked down if such happened.

5 Council next gave consideration of amendment to Taxi Ordinance Section 28-65 continued from the regular meeting of September 28, 1981.

City Attorney presented this item and stated this amendment would require the driver to carry his permit on his person at all times and a copy of the driver's permit would also be displayed in the cab.

Mr. Williams moved to approve the amendment on the first reading, seconded by Mr. McBryde and carried unanimously.

City Attorney informed the Council that even though this is the first reading, they will not need to repeal Section 28-83 (Display of Driver Permit) if they approve the second reading, the one they just approved.

6 Council next considered repeal of Section 28-83 of the Taxicab Ordinance - Display of Driver Permit.

Upon motion by Mr. McBryde and seconded by Rev. Johnson and carried unanimously, Council approved the above recommendation of City Attorney.

7 Council next gave consideration of lease for Fayetteville Inland Port. City Attorney requested a two week postponement to discuss the indebtedness with Mr. Fitchett and to seek a guarantee from the partnership.

After some discussion, Mr. Williams made a motion to defer this matter for two weeks and follow the recommendation of the City Attorney. Seconded by Rev. Johnson and carried unanimously.

8 Council next gave consideration of offer by adjoining property owner to purchase property located adjacent to 810 Bragg Boulevard for \$450.00, acquired by Community Development - Parcel M-11.

City Attorney explained that this property is next to the Nearly New Thrift Shop and is useless to anyone but them.

After brief discussion, Mrs. Evans made a motion to advertise this property and place a sign on the property for 30 days. Seconded by Rev. Johnson and carried unanimously.

- 9 Mayor Finch stated that Item 9, which is consideration of acquisition by City of property at 701-703 Hay Street, would be considered in Executive Session.

- 10 The next item was the consideration of bids received for the purchase of 1000 Roll-Out Carts for the City Sanitation Department.

Mr. Al Jordan presented the bids and stated that in view of the relatively small difference in cost between Rubbermaid and Zarn (Rubbermaid at \$35.90 each and Zarn at \$37.94 each) and extenuating circumstances, it is recommended that the bid of Zarn be accepted in the amount of \$37,940.00. Two years experience has convinced Sanitation Department managers that Zarn Roll-Out containers are more durable than Rubbermaid.

City Manager informed Council that the primary consideration was markings on the containers and all of the request for bids plainly stated any exceptions to specifications should be noted on bids and this was not done by Rubbermaid. Specifications called for City of Fayetteville, N.C. to be moulded into the container body.

City Attorney stated that quality and performance should be considered also.

Following some discussion, Rev. Johnson made motion to follow recommendation of the Purchasing Agent to award the bid to Zarn, in the amount of \$37,940.00, seconded by Mr. Hurley and carried unanimously.

- 11 Council next considered a resolution authorizing Purchasing Agent to negotiate private sale of surplus light poles (7) under N.C.G.S. 160A-267.

RESOLUTION AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY.
RESOLUTION NO. R1981-63.

Mr. McBryde offered motion to adopt the resolution for sale of surplus poles, seconded by Mr. Williams and carried unanimously.

- 12 Council next considered planing and resurfacing of Person Street from Market Square to Cool Spring Street. City Engineer presented this item and recommended the \$27,000 remaining from the \$50,000 allocation to plane and resurface Hay Street from Ray Avenue to foot of hill be applied to the same treatment on Person Street from Market Square to Cool Spring Street plus improving radius at Bow Street intersection.

Motion by Mr. McBryde, seconded by Mrs. Evans and carried unanimously to follow the recommendation of the City Engineer as stated above.

Council members complimented City Engineer and his department for the work they have done to improve the downtown streets with as little cost as possible.

- 13 The next item was consideration of establishment of Joint Energy Advisory Committee. Assistant City Manager Stancil presented this item and stated the recommendation of the Liaison Committee was received by the Board of Commissioners at their last meeting and they voted to accept the recommendation and nominate their representatives at their meeting October 19. The City would appoint 7 members. If Council is also in favor of this action, the City and County staffs could then prepare whatever charter and/or resolution is necessary for implementation.

Following brief discussion, Mrs. Evans made a motion, seconded by Rev. Johnson and carried unanimously to approve the request to establish the Joint Energy Advisory Committee.

Rev. Johnson stated that Item #3 - Land Use, Planning and Zoning Workshop and Item #5 - Workshop in Block Grants from the Minutes of the City-County Liaison Committee should be brought to Council's attention.

Mayor Finch stated this would be a good item to bring before the Governmental Association when they have another meeting.

- 14 Tax Matters

- A-B City Manager Smith presented Item 14A - Prado's request for waiver of late listing penalties and Item 14B - Marsh & Purdie Farm request for waiver of late listing penalties and stated a letter had been received from the owners stating that no billing, assessment, nor request for payment had been received during the delinquent years so therefore they were unaware of any failure to pay.

Mr. McBryde offered motion, seconded by Mr. Williams and carried unanimously to waive late listing penalty on Item 14A for \$67.04 and Item 14B for \$430.15.

15 Appointments

A Upon Motion by Mr. McBryde, seconded by Mr. Williams and carried unanimously, Mrs. Becky Manos Dutton was appointed by acclamation to the Fayetteville Appearance Commission to fill unexpired term of Mrs. Linda Philbrick, to end December, 1981.

B Council next voted on nominees previously made to the Senior Citizens Advisory Commission. Mr. Dawkins withdrew Mr. Joe Kelly since he is already serving on the committee for the County.

Mrs. Sylvia Allen was elected to fill Mrs. Thomas Illiucci's unexpired term ending October, 1983 and Ms. Fannie Thomasson was elected to fill Dr. G. Wesley Allen's unexpired term to run until October, 1983.

C Council next considered nomination for an alternate member to the Taxicab Review Board continued from the last meeting.

City Manager presented a memo from Assistant City Manager Roger Stancil, who is Chairman of the Taxicab Review Board, explaining why this proposal came up from the review board. Mr. Smith reminded Council that there was an amendment to the Taxicab ordinance establishing that alternate position and if the Council does not wish to appoint the alternate, then they would need to repeal that portion of the ordinance.

Following lengthy discussion, Mr. McBryde nominated Mr. William Baxley of the AAA Taxi Company to serve as alternate on the Taxicab Review Board.

D Council next considered nominations for four vacancies on the Recreation and Parks Advisory Commission.

Mr. McBryde nominated Mr. George Armstrong; Mrs. Evans nominated Mrs. Louise Jenkins; Mr. Williams nominated Mr. George Hines and Rev. Johnson nominated Jessie Kirkland.

16 Delegations

Council then recognized Mr. Clinton Harris who thanked the City Engineer for the fine job he did. Mr. Harris then requested that Council notify the Police Department as to when the first day of the week of Fayetteville is. He also wanted to know the City's policy on grading sidewalks to which the City Engineer responded.

17 City Manager Reports

A Selection of design firm for Transit Mall. Mr. Smith stated that the Capital Projects Team will meet one more time to discuss the three finalists and will be prepared to make a recommendation at the next regular Council meeting.

B Progress Report on the Municipal Market. Mr. Smith stated that rather than back totally off the project, we have instructed the architect to complete the design work and bid the project using a number of alternates. Our purpose is to see exactly what can be done within the project budget. This will also give the City an exact price tag on each. We anticipate receiving bids in February or March, he stated.

C Consideration of request for expansion of downtown redevelopment boundary area continued from the last meeting. Mr. Smith stated that after giving the matter careful consideration, we recommend that the downtown redevelopment project area not be expanded at this time.

Following some discussion, Mrs. Evans made a motion to take in Mr. H. Mac Tyson's property at 214 Dick Street with the provision that he pay the back special taxes.

City Attorney informed Council that they could not charge back taxes.

There being no second, the motion was lost.

Following further discussion, Mr. McBryde made a motion that all properties contiguous to the present special tax district be given an opportunity before November 6 to apply for inclusion into the special tax district and thereby becoming eligible to be in the redevelopment area also and that this procedure be reviewed annually to allow new property to be included in the special tax district, seconded by Rev. Johnson, motion carried with Mr. Hurley voting "No".

- 17D Council next considered a request for allocation of additional clerical position. Mr. Smith presented a memo saying that the new position being requested would provide the clerical support for the two Assistant City Managers and one Transit Planner as well as much needed clerical assistance for the City Attorney's office.

Motion by Mrs. Evans, seconded by Mr. McBryde, and carried unanimously, to approve the request for clerical position.

18 Matters of Interest to Council

Mr. Williams stated that due to an article in the Fayetteville Observer, he had received phone calls from citizens asking if Fayetteville is limited to one franchise for Cablevision and is there anything we can do to get Fayetteville Cablevision to offer more for the money.

Mr. Cogswell replied that anyone could apply for a franchise that was interested and had the money. He further stated that unless Fayetteville Cablevision increased their monthly charge more than 10%, we have no control until 1991.

Considerable discussion followed. Mayor Finch asked what the City's 4% amounted to and was informed by Finance Director Bill Epps that it was \$36,000.00. Mrs. Evans suggested that City consider additional franchises.

Mr. Williams asked about the erosion problem on Country Club Drive below the spillway at the pond.

Mr. Bennett, City Engineer, stated this was on private property because the streets were paved, the drains were clear and the sand was washing from the property.

Rev. Johnson said he had received several calls from residents regarding the intersection of Seabrook, Jasper and Topeka Street's turning lane markings. They were not clear enough and requested Mr. Bennett check into this.

Mr. Dawkins thanked whoever did a good job of clearing the growth on the islands in the 600 block of Hay Street with the exception of one small place to be cleared.

Mr. Dawkins also requested that the vacant lot at the train station be cleaned. He suggested since it was a leased lot that the City Attorney might need to notify someone to have this done.

Mr. Hurley requested that some way the wine bottles should be picked up every morning from the train station area. He also asked what progress was being made on the matter of the Park Rangers being able to carry weapons.

Mr. Smith stated he is still checking into this and it might take an act of Legislature but he hopes to report something soon.

Mayor Finch said the Police Department suggested that Council might want to issue a Halloween Neighborhood Meet and Treat Night Proclamation as has been done in the past. The Mayor said that if Council had no objections to this, one would be drawn up. There were no objections.

Mayor Finch also asked the Council if they would object to the Council Information Meeting on October 19th being postponed due to everyone being so busy at this time. Everyone agreed.

Rev. Johnson requested that the City Manager do a study of salary savings from the long-time vacancies on the Police Department to see if temporary raises could be given to officers.

Mr. Hurley also requested City Manager check into possible fat in the Inspection Department since there were only two new building permits issued in the City last month.

Mayor Finch reminded Council of the North Carolina League of Municipalities meeting in Charlotte on November 8, 9, and 10, and suggested that the regular meeting of Council to be held on November 9 be changed to another date. Council agreed on November 16.

Upon motion made and duly seconded, Council then entered into Executive Session at 8:35 p.m. to consider Item 9 and a property transaction matter.

Council then reconvened into regular session at 8:40 p.m.

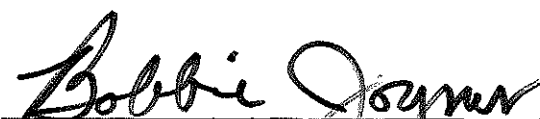
City Attorney recommended Council approve purchase of vacant property located at 701-703 Hay Street which is needed for the new entrance to the hospital. The owners have agreed to a sales price of \$44,400.00 less the 1981 ad valorem taxes prorated to October 15, 1981. The net sales price is \$44,193.91.

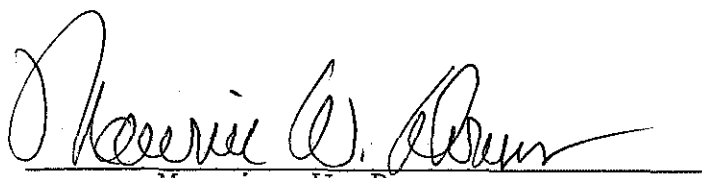
Motion by Mr. McBryde, seconded by Mr. Dawkins and carried unanimously to purchase the above property.

City Attorney also recommended the purchase of a store located at 337 through 341 Hay Street in the sum of \$189,500 from R. L. Pittman and that they remain on the property through January 31, 1982 and receive rent provided they pay taxes through this year. In the event the tenants vacate the property the City would obtain immediate ownership.

Mr. McBryde made motion, seconded by Mr. Hurley and carried unanimously that the above property be purchased for the extension of Ray Avenue.

Meeting was then adjourned at 8:50 p.m. upon motion made and duly seconded.


Bobbie Joyner
Acting City Clerk


Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
OCTOBER 26, 1981
7:00 p.m.

Present: Mayor Beth Finch

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

Others Present: Mr. John Smith, City Manager
Mr. Bob Cogswell, City Attorney

Mayor Finch called the meeting to order and the Rev. Dennis Guy, Second Baptist Church offered the invocation. Mayor Finch led the assembly in the Pledge of Allegiance to the Flag.

Mayor Finch welcomed Fayetteville Youth Council members.

Mayor Finch announced the City Attorney requested an Executive Session at the end of this meeting to consider a land matter.

- 1 The first order of business was approval of the minutes and upon motion by Mr. McBryde, seconded by Mr. Dawkins and carried unanimously, Minutes of the Regular Meeting of October 12, 1981 were approved as submitted.

- 2 Public Hearings:

- A A public hearing had been published for this date and hour on the initial zoning to C1 Local Business District or to a more restrictive zoning classification of an area located at 2202 Roxie Avenue. Planner Mitchell stated this was a newly annexed area and Planning Board recommended approval of C1.

Council recognized Mr. Nicholas Horne, the petitioner, who requested the C1 zoning and stated that this property had been zoned C1 by the County before it came into the City.

Mr. Gerald Daniel, a resident of Roxie Avenue was recognized in opposition to the C1 zoning stating that he and the other residents desired residential zoning to maintain the integrity of their neighborhood. There then followed some discussion of the issue.

Following this discussion, Mrs. Evans offered motion to deny the requested C1 zoning and approve R10 Residential District zoning for this area. Motion seconded by Mr. McBryde. There then followed some further discussion and Mayor Finch called for a vote on the motion and it carried unanimously.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING
ORDINANCE TO INITIALLY ZONE R10 RESIDENTIAL DISTRICT AN AREA LOCATED
AT 2202 ROXIE AVENUE. ORDINANCE NO. NS1981-49.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1981.

- B A public hearing had been published for this date and hour on the consideration of an ordinance confirming the assessment roll for the paving of Pennsylvania Avenue from Murchison Road to the western margin of the Cade property.

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

The City Clerk certified in writing that all property owners had been mailed notice of this assessment and of this public hearing by first class mail.

Council recognized Mr. Raymond W. Smith, a Pennsylvania Avenue property owner in opposition to his assessment because he had given the required right-of-way. He also stated there was an error in the amount of the footage of his property.

Mr. Walter Walker, Pennsylvania Avenue, was also recognized in opposition to his assessment stating that it was his understanding that there would be none if they gave right-of-way.

Councilman Dawkins asked City Engineer Bennett the actual cost per front foot to pave Pennsylvania Avenue and Mr. Bennett replied in excess of \$52.00 per foot. Councilman Dawkins pointed out to Mr. Smith and Mr. Walker and the others present that their assessment rate was only \$4.00 per foot.

Following some discussion, Mr. McBryde offered motion to approve the assessment by the adoption of the following ordinance and to check the footage of Mr. Smith's property. Motion seconded by Mr. Williams and carried unanimously at 7:30 p.m.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENTS OF PENNSYLVANIA AVENUE FROM MURCHISON ROAD TO THE WESTERN MARGIN OF THE CADE PROPERTY. ORDINANCE NO. NS1981-50

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1981.

C 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 1314-1320 Ft. Bragg Road and 1319 Morgan Lane.

Planner Mitchell stated the Planning Board recommended denial of this rezoning.

The City Attorney informed the Council that the Clerk had received a valid protest petition which will require six votes of the Council to approve this rezoning.

Council recognized Mr. Larry Schmidt, one of the petitioners for the rezoning who requested a continuance of this public hearing because their attorney was not able to be present this evening.

Council recognized Mr. Mason Hicks, an area resident who voiced opposition to the proposed rezoning. There were also approximately 20 other area residents in the audience who stood in opposition to the proposed rezoning.

Council also recognized Mr. Matthew Smith, Jr., another area resident in opposition to the proposed rezoning.

Following considerable discussion, Mr. Williams offered motion to continue this public hearing to the next regular meeting of the Council on November 16. Motion seconded by Mr. Dawkins.

There was then some further discussion and Council again recognized Mr. Schmidt who spoke in favor of the rezoning stating that the proposed P2 would improve the quality of the neighborhood. Following Mr. Schmidt's remarks, Mayor Finch called for vote on the motion and it carried unanimously.

3 Public Hearings to be Set:

Upon motion by Mr. Dawkins, seconded by Mr. McBryde and carried unanimously, public hearings were set on the following two (2) matters for November 23, 1981.

A PRELIMINARY RESOLUTION AND NOTICE OF INTENT TO CLOSE A PORTION OF WESTWOOD DRIVE. RESOLUTION NO. R1981-64

B Consideration of an application by Cumberland Care, Inc. for a special use permit to operate a nursing home in an R6 Residential District as provided for in Section 32-24(3) of the Fayetteville Zoning Ordinance for an area located at 523 Country Club Drive.

4 Public Works Commission Matters:

A PWC Manager Ray Muench presented these items and stated the first was an application by Mrs. Ethel B. Crummie for one 1-inch water connection to existing main to serve residence at 4912 Rosehill Road, outside the City. Mr. Muench stated an annexation agreement will be executed and the entire cost for this connection will be paid by the applicant.

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

B Mr. Muench stated bids had been received on October 6 for the purchase of 100 fiberglass street light poles. The recommendation was for the award to the low alternate bidder, Fred Lekson, in the amount of \$11,350.00.

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

C Mr. Muench stated bids had been received on October 6 for the purchase of six (6) cable junction enclosures with ground sleeve. The recommendation was award to the low bidder, Westinghouse Electric Supply Company for \$12,774.00.

Mr. McBryde offered motion for approval of the foregoing bid, seconded by Rev. Johnson and carried unanimously.

- D Mr. Muench stated bids were received October 12 for the purchase of approximately 29,000 feet of 6-inch, 8-inch, 12-inch, and 16-inch asbestos cement water pipe and adaptors. The recommendation was to award to the low bidder CertainTeed Corp. for \$160,992.25.

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

- E On a final PWC matter, Mr. Muench stated that bids were received October 13, for the purchase of 60 electric distribution transformers of various sizes and voltages. The recommendation was to award to the low bidders as shown on the tabulation.

The following low bids (total amounts) are recommended:

<u>Item</u>	<u>Quantity</u>	<u>Bidder</u>	<u>Total Price</u>
1-295-645	2	Rigby Electric Supply Company	\$ 3,432
1-295-340	20	Westinghouse Electric Supply Co.	7,360
1-295-395	30	Westinghouse Electric Supply Co.	20,670
1-295-100	2	Westinghouse Electric Supply Co.	2,216
1-295-700	2	Westinghouse Electric Supply Co.	9,956
1-295-720	1	Rigby Electric Supply Company	6,287
1-295-405	3	Westinghouse Electric Supply Co.	2,388
1-295-765	Action deferred at this time		--
TOTAL			<u>\$52,309</u>

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

Mr. Muench was then excused from the meeting.

5 Planning Board Matters:

- A Council next gave consideration of proposed amendments to the Fayetteville Downtown Plan. The recommended action was Planning Board recommends approval of the resolution as written and presented.

Planner Al Mitchell presented this matter and stated that there were four (4) areas in the Downtown Plan which should be amended prior to the preparation to the Redevelopment Plan. 1) The Hay Street corridor from Liberty Point to Bragg Boulevard should be designated for retail, office and residential mixed use instead of just the 200 block of Hay Street. 2) The site for the Ground Transportation Center should be changed from the northeast corner to the southeast corner of Russell Street and Winslow Street and the former site be redesignated for general commercial and office use as shown in the Ground Transportation Feasibility Study which has been adopted. 3) The site for the Convention Center be changed from the south side of the 500 block of Hay Street to the north side of the 400 block of Hay Street based on the findings of the Convention Center Feasibility Study, and that the former site be redesignated for retail, office, and residential mixed use. 4) The alignment of the extension of Ray Avenue between Hay and Russell Streets be changed from the west side to the east side of the railroad spur track.

RESOLUTION AMENDING FAYETTEVILLE CONCEPTUAL PLAN, FAYETTEVILLE CITY COUNCIL. RESOLUTION NO. R1981-65

Following brief discussion of the foregoing, Mr. Hurley introduced the foregoing resolution and moved its adoption as recommended by the Planning Board, seconded by Mr. McBryde and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolution Book R1981.

- 6 Council next gave reconsideration to an amendment to the Taxicab Ordinance Section 28-65 regarding taxicab driver permits.

The City Attorney presented this matter and recommended its adoption on second reading.

AN ORDINANCE AMENDING CHAPTER 28 TAXICABS OF THE CITY CODE OF THE CITY OF FAYETTEVILLE - TAXICAB DRIVER PERMITS. ORDINANCE NO. S1981-23.

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

- 7 Council next considered repeal of Section 28-83 of the Taxicab Ordinance on second reading which also dealt with Taxicab Driver Permits. The City Attorney presented this matter and recommended adoption on second reading to amend a conflicting portion of the Taxicab Ordinance.

AN ORDINANCE AMENDING CHAPTER 28 - TAXICABS OF THE CITY CODE OF THE CITY OF FAYETTEVILLE - TAXICAB DRIVER PERMITS. ORDINANCE NO. S1981-24.

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

Copies of the foregoing ordinances are on file in the Clerk's office in Ordinance Book S1981.

- 8 Council next gave consideration to a proposed lease for Fayetteville Inland Port. (This matter continued from the regular meeting of October 12.)

The City Attorney presented this matter and reminded Council of the prior discussion and stated that he and several other staff members had looked at the building on the property in question and that it was decidedly in bad shape. He stated that he and Mr. Fitchett had met and discussed the matter further. They had gone over the invoices and discovered that the figure last presented, \$5,143.35 was in error. It would appear that Mr. Fitchett has made improvements to the property in the amount of \$11,000. which would change the amount of indebtedness to the City to approximately \$5,600.

He stated Mr. Fitchett had advised him that his new partner would not assume any guarantee on this indebtedness and that it would be strictly Mr. Fitchett's guarantee on the liability. In other words, the only guarantee Mr. Fitchett is willing to give is his personal note regardless of whether or not he gets a new lease. He stated the property in question is the old City terminal property on the Cape Fear River. He stated Mr. Fitchett said the new partnership would be willing to pay \$275. a month to lease the property one year at the time with an option to renew for the same period. If Council desires, it could advertise Mr. Fitchett's offer and then still decide after the advertising period whether or not to rent to him.

Following some discussion, Mr. Williams offered motion to advertise the lease of the property for \$275. per month and following this, the matter brought back before the Council with a recommendation. Motion seconded by Rev. Johnson.

There was then brief discussion of the consideration of selling this property to some interested party. Following this discussion, Mayor Finch called for a vote on the motion and it carried unanimously.

- 9 Council next gave consideration to the adoption of a resolution establishing a Joint Energy Advisory Committee. Assistant City Manager Roger Stancil presented this matter and stated that the adoption of this resolution is recommended.

He stated the Energy Study Task Force appointed by the Council had completed its study and recommended that an Energy Advisory Committee be appointed to function for the purpose of making ongoing energy study and recommendations to all units of local government within Cumberland County. The committee would perform functions in public information and awareness, coordination of efforts by existing organizations and agencies and review and recommendation to the governing bodies on the implementation of specific policies and projects on the availability of alternative energy sources and consideration of energy in six (6) different areas. He stated the Council would make appointments from the first seven categories and the County Commissioners would make appointments to the last eight categories, and the terms of each appointee would expire on December 31, 1982. The committee would commence work on January 1, 1982 or thereafter and make its report and findings no later than December 21, 1982 to the Council and the Commissioners.

RESOLUTION ESTABLISHING ENERGY ADVISORY COMMITTEE. RESOLUTION NO. R1981-66

Mrs. Evans offered motion for adoption of the foregoing resolution establishing the Energy Advisory Committee, seconded by Mr. Williams and carried unanimously.

A copy of the resolution is on file in the Clerk's office in Resolution Book R1981.

- 10 Council next gave consideration to a request by Terminal Taxi for extension of their lease. The recommended action was approval. The City Attorney presented this matter and stated that he had received a request from Mr. D. A. Walker reminding him

that the taxi company has to vacate its premises on Hay Street by December 1, 1981, and that they had applied to the FCC for permission to move their base station from the Hay Street location. They understand it takes 60 to 90 days to gain approval for this from the FCC. Their application was filed on October 9. He requested an extension of time in thirty day increments until approval is granted by the FCC. The City Attorney recommended approval.

Following brief discussion, Mr. Williams offered motion, seconded by Rev. Johnson and carried unanimously to approve the extension of the Terminal Taxi lease in thirty day increments as requested and as recommended by the City Attorney.

- 11 Council next considered revision of the Community Development Block Grant program Rehabilitation and Income Guidelines. The recommended action was approval.

Council recognized Mr. Richard Herrera, Executive Director of the Community Development Department who stated that the Community Development Department has been in the process of revising upward, the amount of grant in our rehabilitation program and the income levels to more correctly reflect present day costs and the current Department of Housing and Urban Development Section 8 low-moderate income levels for this community. You have been provided information on the updating and a sheet reflecting the staff recommendations in the above-captioned program. To allow for inflation since 1978 and offset further increases over the next 12 months, a 22 percent increase in the current \$6,000.00 grant to \$7,300.00 is indicated. The Rehabilitation Commission has seen these same documents and at their regularly scheduled meeting of October 14, 1981, they unanimously endorsed the new income limits and that the grant be increased from \$6,000. to \$7,300.

Following brief discussion, Mrs. Evans offered motion to follow the foregoing recommendation and approve the revision. Seconded by Mr. McBryde and carried unanimously.

- 12 Council next gave consideration to the revision of Recreation and Parks schedule of fees and charges.

The City Manager presented this item and stated that he had provided Council with a schedule of existing and proposed recreation fees and charges. The major change proposed is the addition of a non-resident fee schedule. We currently do not differentiate between residents and non-residents. Other proposed changes involve the establishment of fees for some programs where there are now no current fees. These are:

- 1) Tennis Courts - annual fee
- 2) Swimming Pool - rental charge
- 3) Youth Theater
- 4) Ceramics - annual membership
- 5) Youth Soccer
- 6) Rental charge for ball fields for events not sponsored by the City.

The proposed fee schedule was developed by the Parks and Recreation Department with the Assistant City Manager. It is impossible to predict the additional revenue that would be produced since we have not been keeping records on resident and non-resident usage. It will become more important as time goes on to support more of our programs from user fees.

We recommend that the new schedule be made effective January 1, 1982.

Following some discussion of the new schedule, Mrs. Evans offered motion to exempt from the new schedule the non-resident fee of \$15.00 for ceramics for senior citizens and the handicapped and approve the balance. Motion seconded by Mr. Dawkins and following some discussion carried, Mr. Hurley voting "no".

Following some further discussion of this matter, Mr. Dawkins offered motion to continue discussion on this matter to the next regular Council meeting, seconded by Rev. Johnson and carried unanimously.

- 13 Council next considered City acceptance of an unnamed street off Wilma Drive. The recommended action was approval.

City Engineer Bennett presented this matter and stated that the City has a request from some of the property owners along this unnamed street that this street be accepted for the City to provide the usual street maintenance. At the present time, there is one house under construction on a lot abutting this street and we believe some of the others are interested in developing the lots. The PWC Manager has been made aware of this request and will give a report as to any problems about providing water and sanitary sewer. We see no special problems with accepting this

street for maintenance he stated. The Joint Planning Board is working in conjunction with the property owners to recommend a name for this street. Mr. Bennett stated PWC Manager Muench had informed him that water is available but sanitary sewer service will be complicated.

Following some discussion, Mr. Williams offered motion to continue this matter to the next meeting, seconded by Mr. McBryde and carried unanimously.

Mayor Finch notified those persons in the audience interested in this subject of Council's decision to reconsider at the next regular meeting on November 16.

- 14 Council next gave consideration to transit route revisions (public hearing was held on September 28, 1981). The recommended action was approval.

The City Manager presented this matter and stated at the public hearing on September 28 the staff proposed the deletion of service along Wilmington Road and in the Cade Hill area. Council asked that we rework the proposal to provide peak hour service to this area. The revisions would accomplish what was requested by Council and still reduce the number of total peak hour buses by one as did the original staff proposal.

There has been considerable debate at the staff level over these revisions and several alternatives have been proposed and discussed. It is my recommendation that the schedule proposed by the Transit Department be adopted and remain in place at least for the remainder of this fiscal year. The entire routing system will have to be reviewed to accommodate whatever happens with federal funding and also to accommodate the transit mall both during construction and after completing. He recommended adoption of the schedule to be effective December 16, 1981.

Following brief discussion, Mr. Dawkins offered motion for approval of the transit route revisions as recommended. Seconded by Mr. McBryde and carried unanimously.

A copy of the revisions are on file in the Clerk's office as well as in the Transit Department.

- 15 Tax Matters:

- A The City Manager presented these matters and stated that he has a request for a refund of \$31.72 from James W. Goodwin, Jr., 2711 Bennington Road due to overpayment of City taxes. Approval is recommended.

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

- B The City Manager stated the second tax matter was request for refund for \$222.09 from Tar Heel Welders & Fabricators, Inc., 3075 Wilmington Highway, because they were not inside the City Limits in 1980. Approval was recommended.

Mr. McBryde offered motion for approval of the refund, seconded by Mr. Dawkins and carried unanimously.

- C & D The City Manager stated that the next two items were requests for waiver of late listing penalties. One in the amount of \$130.93 for Auto Glass Inc., 841 Bragg Boulevard and the second for \$1,593.07 for the Sheraton Motel, 301 Bragg Boulevard. The recommendation is for denial of these waivers, in view of the fact the County Commissioners denied the requests because of failure to list on time.

Mr. Hurley offered motion, seconded by Mr. Dawkins and carried unanimously for denial of the foregoing waivers of late listing penalties as recommended.

- 16 Council next considered appointments.

- A The first was election of an alternate member to the Taxicab Review Board, representing the taxicab industry.

Mr. McBryde offered motion that nominations be closed and that Mr. William Baxley, AAA Cab Co. be appointed as an alternate member of the Taxicab Review Board, seconded by Mr. Dawkins and carried unanimously.

- B Next was the election of four (4) nominees previously made to the Recreation and Parks Advisory Commission.

Mr. McBryde offered motion that nominations be closed and that Mr. George Armstrong, Mrs. Louise Jenkins, Mr. George Hines and Jessie Kirkland be appointed by acclamation to the Recreation and Parks Advisory Commission for three year terms of office each, said terms to run to October, 1984. Motion seconded by Rev. Johnson and carried unanimously.

- 16C Council next considered nominations for seven (7) appointments to the Joint Energy Advisory Committee. Pursuant to the report of the Energy Study Task Force, the recommendation of the Liaison Committee and the joint resolution establishing the Energy Advisory Committee, appointments by Council should come from each of the following categories:

1. Architects/Engineers
2. Business
3. Elderly and handicapped
4. Electric utilities
5. Energy Advocacy Groups
6. Gasoline dealers
7. Homebuilders

Following some discussion, Rev. Johnson suggested that appointments to this committee be delayed for study until the next regular meeting. The suggestion was accepted and Mayor Finch stated this matter would be reconsidered at the next regular meeting.

17 Delegations

Council recognized Mr. George Lasco, 3201 Sandhill Drive. Mr. Lasco informed Council that they had signed a petition for the paving of Fargo Drive and since then had reconsidered and prefer a 27 foot paved street instead of a 37 foot paved street due to the traffic problems the wider street would create. Mr. Lasco submitted another petition asking for a 27 foot wide street.

He was advised that a 27 foot street would be an exception to the standard but that City Administration would look at the question and advise him what could be done.

Council next recognized Everett Johnson, President of Fayetteville State University Student Body who presented a resolution regarding cuts in Federal aid to students at Fayetteville State. He offered comments and read the resolution in full and requested the full support of the City Council to have said cuts restored by approval of the resolution.

There was some discussion and then Mr. Johnson was advised by Rev. Johnson and the Council that the City Council would look into the request and let him know.

Council then recognized Clinton Harris, a local citizen who stated to Council that he had requested Council's support of Fayetteville State since 1975 but it appeared City Council has no interest. Mayor Finch and the City Council refuted his remark emphatically.

Council then recognized Leon Russell of 2914 Poinciana Lane, who stated that on October 9, 1981, his car struck a manhole cover at the corner of Person and Cool Spring Streets with resultant damage to his oil pan, motor mounts and radiator. He stated he wanted restitution for the damage to his vehicle, and claimed the City was at fault.

The City Attorney stated that he and the City Engineer had investigated this incident and that the City has no liability and he has written Mr. Russell to that effect.

Rev. Johnson suggested to Mr. Russell that he submit a history of the incident in writing with his complaint and request for restitution to the City Manager and he would pass it on to City Council for consideration.

Upon motion by Mr. Dawkins, seconded by Mr. Hurley and carried, Council then entered into Executive Session at 9:20 p.m. to consider a land matter.

Council reconvened into regular session at 9:25 p.m.

18 City Manager Reports:

The City Manager reported he had a recommendation from Fire Chief Thurman Bishop and the Civil Service Commission that the following named men be promoted to the grade of Lieutenant.

1. William M. McGee
2. Jackie C. Lee
3. Harold D. Johnson
4. Armand M. Spinosa
5. John S. Thomas

Mr. McBryde offered motion that the aforementioned be promoted to the rank of Lieutenant in the Fire Department, seconded by Mr. Dawkins and carried unanimously.

The City Manager then gave a report on the selection of a design team for the Transit Mall. He stated that the City Council had authorized the Capital Projects Team to come back with a recommendation. He stated they had interviewed three firms - CHNMB, Parsons-Brinkerhoff and Barton-Aschman Associates. A second interview was held with Barton-Aschman. Their design team includes Barton-Aschman as the agreed firm, Will Denning landscape architecture and a local firm Moorman, Little and Kiser Engineering and Walter Vick. We have requested Barton-Aschman to submit a detailed scope of services and a firm fee. We hope to bring a recommendation back at the next meeting of the Council. It appears at this time, that our recommendation will be Barton-Aschman he concluded.

19 Matters of Interest to the City Council:

Mr. Williams informed the City Engineer that there was a big pothole on Fairfax Avenue that needed attention.

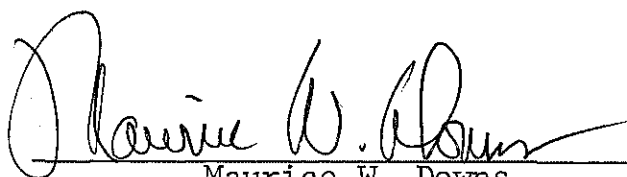
Rev. Johnson asked about the Jasper Street, Seabrook Road pavement marking. The City Engineer stated this had been scheduled for this week.

Mr. Dawkins reminded everyone to vote next Tuesday on Election Day.

Mr. McBryde requested the City Manager to ask the Police Department to enforce the "No Left Turns" on Hay Street. Another person and himself had almost been struck by automobiles due to this.

Mr. McBryde requested that somehow the people be informed when a request for a delay in a public hearing is received such as with the Ft. Bragg Rd. rezoning matter this evening.

Thereafter, all matters of business having been completed, this regular session was adjourned at 9:30 p.m. upon motion made and duly accepted.



Maurice W. Downs
City Clerk

Mr. Douns

SPECIAL MEETING
Kyle House Conference Room
November 11, 1981
12:00 Noon

PRESENT: Mayor Beth Finch

COUNCIL MEMBERS: J. L. Dawkins, Milo McBryde, Aaron Johnson, Mildred Evans,
J. W. Hurley.

ABSENT: Wayne Williams

OTHERS PRESENT: John P. Smith, City Manager
Robert Cogswell, City Attorney

Mayor Finch called the meeting to order at 12:00 noon. City Attorney briefed the Council on proposed agreement with R. L. Pittman, Investments, Incorporated, the purpose of which is to acquire approximately 1100 square feet of land adjacent to Franklin Street at its intersection with the SCL railroad track. The terms of the agreement are as follows:

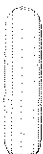
- 1) Pittman will pay one-half ($\frac{1}{2}$) of the cost of acquisition, up to \$5,000.00;
- 2) Pittman to receive difference between one-half ($\frac{1}{2}$) purchase price and \$5,000.00, if any, at our daily deposition rate of interest when property is acquired;
- 3) \$184,500 of original purchase price of \$189,500 for the Cape Fear Furniture building property to be delivered upon approval of the agreement, plus interest at our daily depository rate from November 5, 1981.
- 4) If property not acquired within 12 months, there appraisal as of November 11, 1981 is to be made and one-half of the appraisal price to be retained by the City out of the \$5,000 and balance refunded as stated above in paragraph (2).

Councilmember Evans made a motion to approve agreement which was seconded by Councilmember Johnson and approved by unanimous vote of all present.

The meeting was adjourned at 12:05 P.M.

John P. Smith
John P. Smith
City Manager

skh



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
NOVEMBER 16, 1981
7:00 p.m.

Present: Mayor Beth Finch

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

Others Present: Mr. John Smith, City Manager
Mr. Richard Lewis, Acting City Attorney

Mayor Finch called the meeting to order and Rabbi David Mark, Beth Israel Synagogue offered the invocation. Following the invocation, Scout David Goins, Troup 763 Boy Scouts of America led the Pledge of Allegiance to the Flag.

Mayor Finch recognized representatives from the Fayetteville Youth Council.

Mayor Finch noted for the record, that Councilman McBryde was not present at this time. Councilman Dawkins informed her that Mr. McBryde would be here.

- 1 First order of business was the approval of the minutes, and upon motion by Mr. Dawkins, seconded by Mr. Williams and carried unanimously, Minutes of the Regular Meeting of October 26 were approved as submitted.

- 2 Public Hearings

- A A public hearing was held as continued from the meeting of October 26 on the rezoning from R5 Residential District to P2 Professional District or to a more restrictive zoning classification of an area located at 1314 - 1320 Ft. Bragg Road and 1319 Morgan Lane. Planner Mitchell stated that the Planning Board recommended denial of this rezoning.

Council recognized Attorney Lester Carter for Mrs. Judy Yates Whitaker, a petitioner for the rezoning. He stated Mrs. Whitaker would accept the recommendation of the Planning Board staff to rezone a part of the area and stated that the property in question is next to a P2 area now.

Mr. Larry Schmidt, petitioner for the rezoning, was also recognized and read a letter from Berline Crowder of 1317 Morgan Lane who stated she had no objections to her own property being zoned professional.

Mr. Mason Hicks, an area resident, was again recognized in opposition. Fifteen other area residents stood in opposition to the proposed rezoning. Mr. Hicks requested denial of the petition for rezoning.

At this moment Councilman McBryde arrived and offered his apology for his lateness stating he had experienced a flat tire on his automobile and had to call a taxicab.

Council recognized Mr. Matthew Smith, Jr. another area property owner in opposition to the proposed rezoning. Mr. Smith stated that his parents also live in this area and requested denial.

Mr. Dawkins stated for the record, that he and Attorney Carter were related but this would have no bearing on his decision and that the City Attorney had ruled that he may vote on the issue.

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

Mrs. Sue Brown Bandy of Haymount Preservation requested recognition at this time and expressed thanks to the Council for listening to this issue and for their decision and also requested and received a standing ovation from the assembly for Mayor Finch for her service to the City.

- B The next public hearing was a consideration of a resolution to establish the number of Certificates of Public Convenience for 1982.

Sgt. William Johnson, City Taxicab Inspector, presented this matter and stated he had met on November 6 with the taxicab owners and they had requested 110 Certificates for 1982. Sgt. Johnson also submitted his yearly report on wreckers and taxis which included some statistical information. Sgt. Johnson thanked the City Council for their action establishing the Taxicab Review Board and stated that the problems at the airport have almost disappeared.

There were neither proponents nor opponents present.

Mr. Williams then commended Sgt. Johnson and the Police Department for their work with the wreckers and taxicabs and moved for adoption of the resolution setting the number of Certificates for Public Convenience Necessity for 1982 at 110 on first reading. Motion seconded by Mr. McBryde and carried unanimously.

RESOLUTION DETERMINING NUMBER OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR 1982.

3 Public Hearings to be Set

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

For December 28, 1981:

Consideration of a proposed annexation of property located at 3105 Phillies Circle.

For January 25, 1982:

Consideration of the rezoning from R6 Residential District to C1 Local Business District or to a more restrictive zoning classification an area located at 101 Commonwealth Avenue.

4 Public Works Commission Matters

PWC Manager Muench presented these matters.

A The first item was an application for one 1-inch water connection to existing main to serve residence at 3105 Phillies Circle outside the City. Owner has petitioned for annexation. The property is contiguous to the City limits.

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

B Mr. Muench stated that bids were received on October 20, 1981 for the purchase of one station wagon and one pickup truck. The low net bid by LaFayette Ford Motor Company in the amount of \$13,660. was recommended.

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

C Mr. Muench stated that bids were received November 3, 1981 for the purchase of twenty-four 65-foot class 2 utility poles. The low bid by Atlantic Wood Industries, Inc. for Penta-Treated poles was recommended in the amount of \$13,704.

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

D Mr. Muench stated the final PWC item was an application for one 1-inch water connection to an existing main to serve a residence at 913 Country Club Drive outside the City. Sanitary sewer service is not available and the property at the present time is not contiguous to the City.

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

5 Planning Board Matters

Planner Mitchell presented four (4) initial zoning matters of areas recently annexed to the City.

Planner Mitchell stated that no appeals had been received on any of these four items.

A AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE TO C1P PLANNED SHOPPING CENTER DISTRICT AN AREA LOCATED ON THE EAST SIDE OF 401 NORTH (RAMSEY STREET) SOUTH OF TREETOP DRIVE. ORDINANCE NO. NS1981-51

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

- 5B AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE R10 RESIDENTIAL DISTRICT AN AREA LOCATED AT 521 LONGVIEW DRIVE. ORDINANCE NO. NS1981-52

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

- C AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE TO C1P SHOPPING CENTER DISTRICT AN AREA LOCATED AT 2004 OWEN DRIVE. ORDINANCE NO. NS1981-53

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

- D AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE TO R10 RESIDENTIAL DISTRICT AN AREA LOCATED AT 3114 NATO ROAD. ORDINANCE NO. NS1981-54

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

Copies of all of the foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1981.

- 6 Council next gave consideration to an offer to purchase property located adjacent to 810 Bragg Boulevard. Property acquired by Community Development - Parcel M-11. The City Manager presented this matter and stated that it had been advertised as approved by Council on October 12. He stated a sign had also been placed on the property and that the bid of Robert J. Thompson in the amount of \$450. and the 10 day period had elapsed and no upset bid had been received by the City Clerk. He recommended adoption of the resolution authorizing the sale.

RESOLUTION AUTHORIZING THE SALE OF CITY OF FAYETTEVILLE PROPERTY LOCATED AT 810 BRAGG BOULEVARD TO ROBERT J. THOMPSON FOR \$450. RESOLUTION NO. R NS1981-67

Mrs. Evans introduced the foregoing resolution and moved its adoption as recommended, seconded by Rev. Johnson and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1981.

- 7 Council next gave reconsideration of City acceptance of an unnamed street off Wilma Drive. (This matter continued from the regular meeting of October 26.) The City Engineer presented this matter and stated that this request had been received from some of the property owners along the unnamed street. They requested it be accepted and for the City to provide the usual street maintenance. At the present time there is one house under construction on a lot abutting the street and it is believed some of the others are interested in developing the other lots. He stated he saw no special problems with accepting the street for maintenance but that there might be a sanitary sewer problem.

PWC Manager Muench stated that the sanitary sewer problem was that 1870 ft. of extension would not be automatic with acceptance of the street for maintenance but that the property owners would have to petition PWC for the service. He stated the cost would be approximately \$28,000. for the total project and would run approximately 5 to 6 dollars per front foot for each property owner.

In reply to question as to whether the residents knew of this, the City Engineer replied that some residents had been notified that there would be a cost not only for utilities but for paving as well.

Following brief discussion, Mr. Williams stated that to date, no request had been received for paving and gutters or utilities, only for maintenance. The City Engineer replied that this is true but acceptance of the street for maintenance is the first step in the entire process.

Following some discussion of this matter, Mr. McBryde offered motion that the City Engineer contact all property owners along the street and explain to them what we do when we accept the street for maintenance from a developer and see if they want to go that route. Motion seconded by Mrs. Evans and following some discussion, Mayor Finch called for a vote and the motion carried with Councilmembers Johnson and Hurley voting "no".

- 8 Council next gave consideration to bids received October 20 for the purchase of color photo lab equipment for the I.D. Bureau. The recommended action was to award the bid to Camera World.

Purchasing Agent Al Jordan presented this matter and stated that the I.D. Bureau has been functioning as a black-and-white film processing and print facility for a number of years but color photo would provide a more graphic detail for their needs. On September 22 bids were scheduled to be opened. Only one (1) bid was received and no opening occurred. Readvertising took place with another bid opening scheduled for October 20 and Camera World of Greensboro submitted the only complete bid for \$17,181.80 and Camera World is recommended.

Mrs. Evans offered motion to approve the Camera World bid as recommended, seconded by Mr. Hurley and carried unanimously.

- 9 Council next gave consideration of the award of a contract for a Central Fire Monitoring System. The recommended action was to award to American District Telephone, Inc.

The City Manager stated that at their budget meetings last spring, the staff recommended and the City Council approved the discontinuance of the fire alarm boxes on the street. It was also discussed at that time the fact that the Fire Department was also monitoring several business fire alarms through that system and also monitors alarm boxes installed by ADT for which businesses pay a fee to ADT. With the discontinuance of the on-street alarm boxes it will be necessary for all businesses that wish to have alarms monitored go through a firm such as ADT.

It was the opinion of the staff that one contract for a monitoring system should be awarded on a competitive basis. Formal bids are not required for this type of contract, however, we have treated it as if it were a formal bid. The City currently has no more than a verbal understanding with ADT and this is not a healthy situation for ADT or the City. The award of this contract clears up a situation that has been unclear for some time.

The purchasing agent stated a general study of management and system hardware updating of the Cities Fire Monitoring system has been conducted over the past several months. Proposal for a "VENDOR SUPPLIED OPERATED AND MAINTAINED CENTRAL FIRE MONITORING SYSTEM INSTALLED IN FIRE DEPARTMENT ALARM HEADQUARTERS" were solicited in September from thirteen (13) businesses engaged in related work. Four (4) proposals were received, each outlining a rather wide range of past history in the Fire Monitoring business, customer cost fees, installation periods to be observed, hardware design and proposed maintenance policies. A thorough study was conducted by Fire Department specialists, other City personnel, including the Fire Chief, Assistant Manager for Operations, City Attorney, and Purchasing Agent. It is recommended he stated, that the contract between the City and American District Telephone be executed for an initial period of five (5) years.

Mr. John Creed of Direct Communications, Inc. was recognized and stated to Council that he had had no prior knowledge of the bid.

The Purchasing Agent stated that he had not received a request from him to be placed on the bid list.

There then followed some lengthy discussion during which time Rev. Johnson suggested that new proposals be requested. The City Manager stated that this, in his opinion, could set a dangerous precedent since bids had already been received and the contract prepared.

Following some further discussion Mr. Hurley offered motion to follow the recommendation of the staff and approve the contract with ADT, Inc., seconded by Mr. Dawkins and carried, Rev. Johnson voting "no".

- 10 Council next gave consideration to a contract for architectural services for the Savoy Heights and Honeycutt Recreation Center projects. The recommended action was to award to William L. Laslett, AIA.

The City Manager presented this matter and stated that these two projects have been set up for funding over three (3) fiscal years beginning in the current fiscal year. Design funds and the first installment of a reserve fund were appropriated in the fiscal year 1981-82 budget. The Recreation Advisory Commission recommends that William Laslett be awarded the design contract. Based upon their recommendation, the Purchasing Agent, City Attorney and Director of Recreation and Parks have negotiated a tentative contract with Mr. Laslett which we are presenting for approval. The City Manager stated that in the 1981-82 budget sums have been appropriated for Honeycutt Recreation Center in the amount of \$100,000. and for Savoy Heights Recreation Center in the amount of \$138,750. The preliminary design contract amounts are in the amount of \$11,250. for Honeycutt and \$13,875. for Savoy Heights. He recommended approval of the contract.

Mrs. Evans then offered motion, seconded by Rev. Johnson for approval of the preliminary design contract with William Laslett as recommended and following some discussion, Mayor Finch called for a vote on the motion and it carried, Mr. McBryde voting "no".

11

A Council next gave consideration of amendments to the Taxicab Ordinance on first reading. The ordinance amended Section 28-60(g) Records Check. Sgt. Johnson presented this matter and stated that this addition is necessary because of the criminal history checks that are run on taxi permit applications that are by regulations of the PIN system. These national checks have been of tremendous help in the past and led to the denial of a taxi driving permit for cause. If approved, it would allow us to continue to use the PIN checks and meet Federal and PIN requirements.

Following some discussion, Mrs. Evans offered motion for approval of the ordinance amending Chapter 28-60(g) on first reading, seconded by Mr. Dawkins and carried unanimously.

B

The second amendment was to Section 28-23(b) regarding transfer of certificates. Sgt. Johnson stated that the wording would be changed to read, "if approved by the Council" to "if approved by the Taxicab Review Board". And stated that after Council approved a number of certificates to be issued the Taxi Inspector issues these certificates. The action will not affect the total number of franchises approved by the City Council. If this is approved it would speed up the process of transfers of franchises for taxicab owners. It would then have the City Council only deal with the public hearing and would determine the total number of franchises to be issued once a year. It would also be to the best interest of the taxi industry.

Mrs. Evans expressed a desire that the matter of certificates be the prerogative of the City Council and then offered a motion that the amendment be denied, seconded by Rev. Johnson.

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

Mr. Dawkins then offered motion for the adoption of the amendment, seconded by Mr. McBryde. Mayor Finch called for a vote on the motion and it was as follows: "For" the motion - Councilmembers Dawkins, Williams, McBryde, Hurley and Mayor Finch. "Against" the motion - Councilmembers Johnson and Evans. Mayor Finch declared the amendment carried on first reading.

12

Council next gave consideration to a resolution authorizing the County to sell property acquired through tax foreclosure. The recommended action was adoption of the resolution.

The City Manager presented this matter and stated that the County of Cumberland had received an offer from John Gibson to purchase this property for the sum of \$2400. Adoption of this resolution would authorize the County to sell the property pursuant to the offer.

RESOLUTION AUTHORIZING THE COUNTY OF CUMBERLAND TO SELL REAL PROPERTY AS RECORDED IN BOOK 2838, PAGE 625 CUMBERLAND REGISTRY TO JOHN GIBSON FOR THE SUM OF \$2400. RESOLUTION NO. R1981-68.

Mr. McBryde 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 R1981.

13

Council next gave consideration to the request for the purchase of approximately 4½ acres of City owned property bordered by Roxie, Ireland, Mitchell Boulevard. The recommended action was to advertise the offer.

The City Manager stated he was in receipt of communication from the Calvary United Methodist Church who was interested in purchasing this property owned by the City between Ireland Drive and Roxie Avenue approximately 100 ft. wide by 1300 ft. long and approximately 4½ acres and which had a CP&L Company easement over the property. The City Manager stated he had no firm offer from the Church as yet but requested authorization to advertise the sale.

Following brief discussion, Mrs. Evans offered motion to authorize the City Manager to advertise this property for sale, seconded by Mr. Dawkins and carried unanimously.

- 14 Council next gave consideration to the revision of several traffic ordinance schedules.

The City Engineer presented this matter and stated that revision to Traffic Schedule No. 6 "Stop Intersections" and Traffic Schedule No. 14, "Yield Right-of-Way" are to accommodate the larger volume of traffic passing through the intersection of Italy Street - McIver Street and Jasper Street-Seabrook Road. The effect would be a free-flowing movement from Italy Street to McIver Street and from Topeka Street to Seabrook Road.

Revisions to Traffic Schedule No. 11, "Parking Prohibited" and Traffic Schedule No. 13, "Parking Meters" are proposed to accommodate the newly marked parking plan along Hay Street and to eliminate some old parking prohibited areas that no longer need to have parking prohibited. The new parking plan netted an increase in the total number of parking spaces between Ray Avenue and Bragg Boulevard.

- A AN ORDINANCE OF THE CITY OF FAYETTEVILLE, N. C. SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 6 "STOP INTERSECTIONS" - ITALY STREET AND SEABROOK ROAD. ORDINANCE NO. NS1981-55

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

- B AN ORDINANCE OF THE CITY OF FAYETTEVILLE, N. C. SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 14, "YIELD RIGHT-OF-WAY" - TOPEKA STREET AND SEABROOK ROAD. ORDINANCE NO. NS1981-56

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

- C AN ORDINANCE OF THE CITY OF FAYETTEVILLE, N. C. SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 11 - "PARKING PROHIBITED" - HAY STREET. ORDINANCE NO. NS1981-57

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

- D AN ORDINANCE OF THE CITY OF FAYETTEVILLE, N. C. SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 13 - "PARKING METERS" - HAY STREET. ORDINANCE NO. NS1981-58

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

Copies of all of the foregoing ordinances are on file in the City Clerk's office in Ordinance Book NS1981.

- 15 Council next gave consideration to the award of street paving contract No. 258 - paving of various streets. Those streets being Cunningham Street, Eden Cross Street, Pearl Street, Sandhill Drive, Fargo Drive and Murray Hill Road.

The City Manager introduced this matter and reminded Council that at a previous meeting a petition had been submitted by some residents of Fargo Drive that their street be paved to a width of 27 ft. rather than 37 ft. to reduce the traffic hazard and noise. He stated the Streets and Roads Committee had met today on the matter and that the committee recommends that Fargo Drive be deleted from this contract and the residents contacted and the City's position be explained further to them. The City Engineer stated that the cost to pave Fargo Drive was approximately \$32,000. Removal of Fargo Drive from the contract would reduce the total to \$195,000 plus 10% and reserve \$215,000. for contingencies. He recommended acceptance of the Triple A Construction Company bid in the amount of \$227,228.09 less the \$32,000. for Fargo Drive to make the bid total \$195,000. plus 10% and the \$215,000. contingency.

Following brief discussion Mrs. Evans offered motion for approval of the Triple A Construction Company bid deleting Fargo Drive from the contract and reducing the contract by \$32,000. as recommended. Motion seconded by Mr. McBryde and carried unanimously.

- 16 Council next gave consideration to ordinances to correct substandard conditions at two (2) residential structures. The first located at 852 East Orange Street and the second located at 155 Telegraph Street.

- A Council recognized Mr. Sneed High, the owner of the property at 852 East Orange Street who stated repair efforts would begin next week and requested a 60 day extension to complete said repairs and to bring the structure up to code standards.

Mrs. Evans offered motion for approval of the 60 day extension as requested, seconded by Mr. Dawkins and carried unanimously.

16
B

On the second location, 155 Telegraph Street, Council recognized a Mr. Kellum for his mother, Mrs. John Kellum, "Executrix" of the estate of Mr. John Kellum, who stated that the present tenants were using this building for storage and they cannot locate them. He stated also the estate of his father is still being settled. He requested an extension of 60 days to effect the repairs and bring the structure up to standard.

Mr. Dawkins offered motion to grant the 60 day extension as requested, seconded by Mr. McBryde and carried unanimously.

17 Appointments

Council next gave consideration to nominations for seven (7) members to the Joint Energy Advisory Committee.

Mayor Finch suggested that Council change the category of Electric Utilities to just Utilities to cover all fields. The City Manager stated he would revise the resolution and bring it back next week.

Mr. McBryde then nominated Mr. Dickie Detter to the Architects/Engineer category. Mr. Hurley nominated Mr. Clair Hudspeth to the Business category. Mayor Finch nominated Betty Hooks to the Utilities category. Rev. Johnson nominated Mr. Ralph Harris, Jr. to the Elderly and Handicapped category. Mr. Dawkins nominated Mr. Michael Green to the Energy Advocacy Groups. No further nominations were made and Mayor Finch stated this matter would be deferred to the next meeting.

18 Delegations

Council recognized Mr. Matthew Smith, Jr. who referred to the Fire Alarm system action taken earlier in the meeting by the Council. Mr. Smith stated that in July, he and others who use the present Fire Alarm system were notified by letter that this system would no longer be available after November 15.

He stated that the present Fire Alarm system was a necessity and required by Federal law in his business (moving and storage). He stated he had talked with Fire Department personnel after receipt of the letter and was told that no funds had been appropriated by the Council this budget year for the continuation of the present pull-type box alarm system. He stated this information should have been made available to the persons who use this system. He stated he thought that Council's action tonight in approving the new Fire Alarm system was unfair to some users. He stated with the discontinuance of the present system, he has no alarm system for fires on the outside of a building or on the roof.

There was then some general discussion of Mr. Smith's remarks.

Mayor Finch asked the question as to how Council could rectify this situation.

The City Manager replied that the City was not providing the same service to everyone. He stated also the reason for the decision to eliminate the pull-type box alarms was due to maintenance and equipment cost, false alarms and other deficiencies. Mr. Matthew Smith stated that it was not his intention to request Council to change its action this evening but to make them aware of its affect on some fire alarm users.

19 City Manager Reports

The City Manager reported on the claim submitted by a Mr. Leon Brunson at the last meeting of the Council for damage to his automobile due to it striking a man-hole in Person Street. The City Manager stated that at the last regular meeting, Mr. Brunson appeared to appeal the decision by the City Attorney to deny his claim against the City for damage to his automobile. He said the City Attorney was still of the opinion that Mr. Brunson was traveling too fast for existing conditions which could be plead in defense of any law suit that he might bring. Even if the jury should determine that there was a defect in the street, if they also determined that he was traveling too fast for conditions existing, that he would recover nothing from the law suit. He recommended denial of the claim. The City Manager stated it was his recommendation that the Council take no action on this matter and allow the decision of the City Attorney to stand. He stated further that Mr. Brunson had legal recourse if he desired to pursue the matter in court.

Council took no action on the matter.

The City Manager informed City Council that he had several matters for discussion at the next Information Meeting, however, following some discussion, no specific date was set for said meeting.

20 Matters of Interest to the City Council

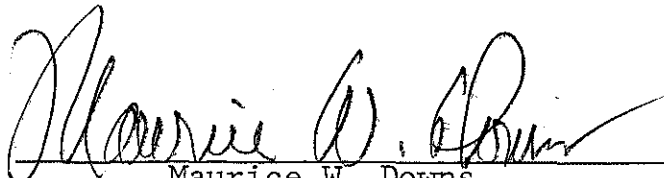
Rev. Johnson stated he had received complaints from the Wilmington Road area residents concerning the rat problem. Rev. Johnson stated that in the Haymount area rezoning action tonight, that Council needed better communications with area residents on matters concerning their neighborhoods. He suggested neighborhood councils.

Mr. Dawkins expressed his appreciation in attending the League of Municipalities meeting in Charlotte last week and of his support by Council to appoint him to the Board of Directors. He stated also that he was extremely proud of Mayor Finch, not only for the manner in which she conducted this League meeting but also for her efforts in behalf of the League during her year of service as President.

Mr. Hurley echoed Mr. Dawkins' remarks and expressed his appreciation for Mayor Finch's leadership.

Council then recognized Mr. Leon Brunson, who offered comments in defense of his claim for damage to his automobile. Rev. Johnson suggested to Mr. Brunson that he might want to contact an attorney if he was not satisfied with Council's decision.

Thereafter, all matters of business having been completed, this regular session was adjourned at 9:30 p.m. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

bj

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
NOVEMBER 23, 1981
7:00 P.M.

Present: Mayor Beth Finch

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

Others Present: Mr. John Smith, City Manager
Mr. Bob Cogswell, Jr., City Attorney

Mayor Finch called the meeting to order and the invocation was offered by Councilman Aaron Johnson. Following the invocation, Mayor Finch led the Pledge of Allegiance to the Flag.

Mayor Finch recognized Fayetteville Youth Council representatives.

There were no minutes to be approved. Mayor Finch stated this would be done
1 at the next regular meeting.

2 Public Hearings

A A public hearing had been published for this date and hour on the consideration of the closing of a portion of Westwood Drive. The City Engineer presented this matter and stated that the City had received a petition from all the abutting property owners requesting the closing of Westwood Drive from Murray Hill Road to a point approximately 150 ft. south of Brechin Road. He stated that this street had been dedicated to the City but had never been opened. He stated the property owners had been notified of this public hearing. He recommended the closing subject to utilities easements.

Council recognized Mr. John Stewart, area resident and property owner, who requested the closing and stated that this portion will be closed and eventually dedicated to the City. He stated his plan was to develop the area.

There was no opposition present.

RESOLUTION AND ORDER CLOSING A PORTION OF WESTWOOD DRIVE.
RESOLUTION NO. R1981-69.

Mr. McBryde 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 R1981.

At this point Mayor Finch recognized and welcomed a Boy Scout Troop present in the audience to observe Council proceedings.

On a second public hearing, publication had been made for consideration for an application by Cumberland Care Inc. for a special use permit to operate a nursing home in an R6 Residential District as provided for in Section 32-24(3) of the Fayetteville Zoning Ordinance for an area located at 523 Country Club Drive. Planning Board recommended conditional approval and stated this was the Whispering Pines Nursing Home. Council recognized Attorney Reginald Barton, Jr. for Cumberland Care, Inc., who stated this special permit was being requested in order to allow for expansion of the nursing home.

There was no opposition present.

Mrs. Evans then offered motion for approval of the special use permit as requested, seconded by Mr. McBryde and carried unanimously.

3 Planning Board Matters

Planner Mitchell stated that the Planning Board recommended conditional approval to Circuit City in a ClP Shopping Center District for preliminary review located on the west side of North McPherson Church Road.

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

4A Council next gave consideration to amendments to the Taxicab Ordinance on second reading. The City Attorney presented these matters and stated the first amendment was to Section 28-60(g) Records Check.

AN ORDINANCE AMENDING CHAPTER 28 TAXICABS OF THE CITY CODE OF THE CITY OF FAYETTEVILLE - RECORDS CHECK. ORDINANCE NO. S1981-25.

Mr. McBryde introduced the foregoing ordinance and moved its adoption on second reading, seconded by Mr. Dawkins and carried unanimously.

B The next ordinance was on Section 28-23 - Transfer of Certificates.

AN ORDINANCE AMENDING CHAPTER 28 TAXICABS OF THE CITY CODE OF THE CITY OF FAYETTEVILLE - TRANSFER OF CERTIFICATE. ORDINANCE NO. S1981-26.

Mr. McBryde introduced the foregoing ordinance and moved its adoption on second reading. Seconded by Mr. Dawkins and carried, Mrs. Evans voting "no".

Copies of both of the foregoing ordinances are on file in the Clerk's office in Ordinance Book S1981.

5 Council next gave consideration to a resolution determining the number of Certificates of Public Convenience and Necessity. This was second reading of this resolution. The City Attorney presented this matter and recommended approval on second reading.

RESOLUTION DETERMINING THE NUMBER OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE PERIOD BEGINNING JANUARY 1, 1982 AND ENDING DECEMBER 31, 1982 SHALL BE 110. RESOLUTION NO. R1981-70

Mr. McBryde introduced the foregoing resolution and moved its adoption on second reading, seconded by Mr. Dawkins and carried unanimously.

6 Council next gave consideration of revision of charter fares for the City Transit Department. The City Manager presented this matter and recommended adoption of the revised fare. The current charter fares are \$50. minimum for four (4) hours and \$12.50 per additional hour. The proposed charter fares are \$75. minimum for four (4) hours and \$18.75 per additional hour.

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

7 Council next gave consideration of request for expansion of the downtown redevelopment district.

Assistant City Manager John Monaghan, Jr. presented this matter and stated that a request had been received back in October from Mr. H. Mac Tyson for the inclusion of his law office at 214 Dick Street in the Redevelopment District. No action was taken by Council at that time but the matter was deferred. Mr. Monaghan stated that additional requests had been received for 307 Person Street and two (2) pieces of property at 127 S. Cool Spring Street and 302-304 Person Street.

In addition, Fayetteville Progress had requested inclusion of a site located at the corner of Lamont Street and Ramsey Street (a vacant motel). Mr. Monaghan recommended to the Council that no expansion of the boundary be made now and refer the matter to the Planning Board if it is to be considered.

There was then considerable discussion.

Following this discussion, Mr. McBryde offered motion to keep the Downtown Redevelopment District as it is now and not expand, seconded by Mr. Hurley and carried, Mrs. Evans and Mayor Finch voting "no".

8 Council next gave consideration to a resolution authorizing the lease of the Fayetteville Inland Port property.

The City Attorney presented this matter and stated Mr. Fitchett and Mr. Folsom want to lease additional land at this site which is the old River Terminal. He requested that this matter be deferred for additional study.

Mr. McBryde offered motion to defer this matter to the December 28 meeting, seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a claim settlement for damage to vehicle number 199 resulting from an accident on October 2, 1981.

The City Attorney presented this matter and stated that United Fidelity and Guaranty Insurance Company had made an offer of settlement for \$3,500. for this vehicle. It has been judged a total loss. An offer of \$3,000. plus possession of the vehicle for \$500. for salvage purposes by City Maintenance had also been made. Capt. C. B. Morrison, of the Police Department Services Division recommended after conferring with Mr. Dill of the City Maintenance, that City accept this settlement of \$3,000. and retain ownership of this vehicle.

Mr. McBryde offered motion to follow recommendation and accept the settlement of \$3,000. and retain ownership, seconded by Mrs. Evans and carried unanimously.

- 10 Council next gave consideration of an offer to lease a display case in the Airport Terminal to APC Control System for \$30.00 per month.

The City Attorney presented this matter and stated that rather than advertise this item, he recommended that authority be given to the City Manager to approve these matters on a yearly basis.

Mr. McBryde offered motion to follow the foregoing recommendation, seconded by Mr. Hurley and carried unanimously.

- 11 Council next gave consideration of bids received November 10, 1981 for the purchase of Loaders and Loader/Compactors.

The City Manager presented this matter and stated that it was recommendation to defer this matter until a later date, pending a restudy.

Mr. McBryde offered motion to defer this item to a later date as recommended, seconded by Mrs. Evans and carried unanimously.

- 13 A&B Council next gave consideration to the adoption of an ordinance prohibiting parking on East Park Drive from Rush Road to Parkview Avenue and West Park Drive from Rush Road to Parkview Avenue.

The City Engineer presented this matter and stated that this proposed ordinance is in response to a request by the neighbors in the vicinity of Grannis Park to help control undesirable activities in this area and a petition had been received signed by nine (9) area residents.

Council recognized Mr. George Lutman of 114 Parkview Avenue, which is on the corner of East Park and Parkview. He stated that at night there was beer drinking, noise, litter and destruction caused by persons assembling in the park and they were requesting Council action to alleviate this problem.

Council also recognized Mr. Sonny Basinger, Recreation and Parks Director, who stated his Park Rangers were also having problems with "Pot" smoking and beer drinking in the park.

There was then some discussion of the request to prohibit parking at all times on both sides of these two streets.

Following this discussion, Mrs. Evans offered motion to adopt the ordinance prohibiting parking between 6 p.m. and 6 a.m. since the activity was during the nighttime hours. Motion seconded by Mr. Hurley and carried unanimously.

The ordinance title appears below:

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, N. C. SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 11 - "PARKING PROHIBITED" 6:00 P.M. TO 6:00 A.M. EAST PARK DRIVE (BOTH SIDES) AND WEST PARK (BOTH SIDES) ORDINANCE NUMBER NS1981-59.

A copy of the foregoing ordinance is on file in the Clerk's office in ordinance book NS1981.

- 13 Council next gave consideration to Budget Amendment Change 3 (Copier purchase). The recommended action was adoption.

Assistant City Manager Roger Stancil presented this matter and stated this amendment was for the purchase of a copier for the Kyle House in the Executive Department and purchase of the copier requires \$1,055. more than what is in the budget and that the amendment transfers these funds from the Police Department.

Mrs. Evans offered motion for approval of Budget Amendment Change 3 as recommended, seconded by Mr. Dawkins and carried unanimously.

14 Appointments

Joint Energy Advisory Commission - Mayor Finch informed Council that relative to the discussion at the last meeting, concerning the change of the Electric Utilities category to just Utilities, Roger Stancil had informed her that other utilities was covered by the County. Mayor Finch then withdrew her nomination of Betty Hooks for Electric Utilities.

Mrs. Evans then nominated Mr. Ray Muench, PWC Manager, for Electric Utilities.

Balance of the nominations to the Joint Energy Advisory Commission was deferred to the next meeting.

15 Delegations

Council recognized Mrs. Dorothy Kimbrough who stated that Mrs. Gertie Miles, of 921 Elizabethtown Road had had no drinking water to her residence for over 20 years and had to secure her water by carrying it in. She displayed a sample of the water from the area and requested that Mrs. Miles be either moved or provided with City water.

Following some discussion Mayor Finch informed Mrs. Kimbrough that the Council will have the City Manager investigate this matter.

Mayor Finch then returned to appointments and stated she was in receipt of a letter from the Senior Citizens Advisory Commission that Mr. E. E. Miller cannot continue to serve. She stated that the Kyle House is now receiving requests daily from citizens who wish to serve on committees and her office is keeping a file of these requests and they are open for Council use.

Mr. Hurley then nominated Mrs. Louise B. Wilkie of 201 Woodrow Street to replace Mr. Miller on the Senior Citizens Advisory Commission.

Mayor Finch stated this nomination would be considered at the next meeting.

16 City Manager Reports

City Manager John Smith then called on Assistant City Manager John Monaghan who gave a report on the Revitalization Commission Meeting and survey regarding parking in the downtown area.

Mr. Monaghan stated that Council requested at the September Information Meeting that the Revitalization Commission survey downtown merchants and property owners to ascertain their feelings about on-street and off-street parking. The Revitalization Commission conducted a public meeting on November 5 for the dual purpose of presenting a status report on downtown projects and conducting a survey of opinion on parking matters.

More than 550 invitations were mailed to owners of real or personal property within the Special Tax District. Approximately 45 individuals attended the meeting. After a brief explanation of City Administration's proposal for an off-street attendant parking system, a survey questionnaire was distributed, and downtown business people, property owners, and employees were asked to respond. A total of 35 questionnaires were turned in.

A tabulation of results reveals the following:

There is strong support for free on-street parking.

Although there is substantial sentiment for free off-street parking, the majority of those responding to the survey favor the proposed attendant parking system.

It appears that a majority favor a two-tier system, with a certain amount of free, short-term parking on the street, supplemented by longer-term and monthly parking in off-street lots, with attendants.

Based on these results, the Revitalization Commission on November 10 reaffirmed its earlier recommendation that attendant parking, with an adequate fee schedule, be implemented. The Commission also voted on November 10 to recommend that free on-street parking with a two-hour limit be implemented, with enforcement by tire-marking.

Mr. Monaghan stated this report was presented for information only tonight and administration would return with a firm recommendation at a later date.

The City Manager informed Council that concerning the Fayetteville Metropolitan Housing Authority Project number NC19-P009-014 located on Ireland Drive, he had received a request from HUD for comments on this housing project and recommended that since this project is outside the City that the Council only comment that it is outside the City and outside the Housing Assistance Plan. This was agreeable with Council.

The City Manager informed Council that concerning the petition for the paving of Fargo Drive, he had received another petition from the residents of Fargo Drive requesting that it be paved and that he now has three (3) petitions, one for paving, one for paving to 27 ft. wide and a third one for paving.

He stated that the City Council can now include Fargo Drive in its paving contract.

An individual from Fargo Drive was then recognized and presented another petition and requested paving of this street at the standard width.

Mrs. Evans then offered motion to pave Fargo Drive, seconded by Mr. Dawkins and carried unanimously.

17 Matters of Interest to the City Council

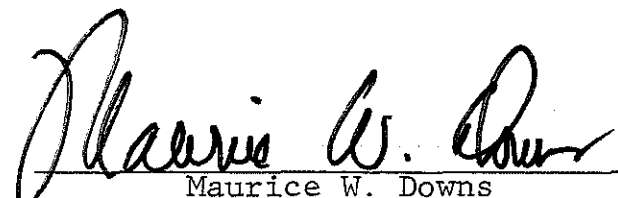
Mr. Dawkins stated that this term of office had been a good experience and thanked Councilman Williams and Mayor Finch for their service.

Mr. McBryde echoed Mr. Dawkins' remarks. Mr. McBryde suggested that Council give some consideration to moving some of the Street Department back to the Sanitation Department.

Mr. Hurley stated he had received a request from Mrs. Hazel Peake on the Christmas Parade and requested the names of the City Council members who would be on the Councilmember float on December 12.

Mayor Finch reminded the City Council of the Tree Lighting ceremony in Cross Creek Park on December 5 and of the function afterward in the Kyle House.

Thereafter, all matters of business having been completed, this regular session was adjourned at 8:30 p.m. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

bj

SPECIAL MEETING OF
THE EXISTING CITY COUNCIL
CITY HALL COUNCIL CHAMBER
DECEMBER 14, 1981
7:00 P.M.

Present: Mayor Beth Finch

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

Others Present: Mr. John Smith, City Manager
Mr. Bob Cogswell, Jr., City Attorney

Mayor Finch called this special session to order and upon motion by Mr. McBryde, seconded by Mr. Dawkins and carried unanimously, Minutes of the Special Meeting of November 11, and the Regular Meetings of November 16 and November 23, were approved as submitted by the City Clerk.

Council next gave consideration to the acceptance of the certification of the November 3, 1981 general election of the Mayor and City Council by the Cumberland County Board of Elections.

Mr. Williams moved for acceptance of the certification results as submitted by the Board of Elections, seconded by Mr. McBryde and carried unanimously.

A copy of the certification appears below:

CUMBERLAND COUNTY
NORTH CAROLINA

NOVEMBER 5th, 1981

We, the undersigned Board of Elections of Cumberland County, North Carolina do hereby certify that we met in the Courthouse at 11:00 AM on Thursday, November 5th, 1981, and after canvassing the original returns of the Registrar and Judges of Election of the votes cast in the municipal election for Mayor and City Council in the City of Fayetteville, N. C., held on November 3rd, 1981 and we do hereby certify that the following are true and correct totals of votes cast for the following candidates in said returns:

<u>CANDIDATES</u>	<u>VOTES RECEIVED</u>
<u>FOR MAYOR</u>	
BETH FINCH	3,471
J. W. (Bill) HURLEY	5,045
<u>FOR CITY COUNCIL</u>	
J. L. DAWKINS	5,383
HERMAN DUNN, SR.	2,466
MILDRED EVANS	4,448
AARON J. JOHNSON	4,969
J. W. (JIMMIE) JONES	4,007
T. O. (CHUCK) LEE	1,362
ELVIS LEWIS, JR.	2,620
FRANK MILO McBRYDE	4,538
VINCENT H. SHIELDS	3,379
ROBERT BRUCE WILKINS	989
M. R. (MILT) WOFFORD	3,989

We, therefore, certify that we have judicially determined that the votes received for candidates for mayor and city council resulted in the election of the following candidates:

FOR MAYOR: J. W. (BILL) HURLEY

FOR CITY COUNCIL:

J. L. Dawkins
 Mildred Evans
 Aaron J. Johnson
 J. W. (Jimmie) Jones
 Frank Milo McBryde
 M. R. (Milt) Wofford

Given under our hand and seal this 5th day of November 1981.

CUMBERLAND COUNTY BOARD OF ELECTIONS

Signed: W. Lyndo Tippet Chairman

Signed: Richard Bishop Member

Signed: Arthur Jones Member

Mayor Finch then moved to other matters on the Agenda and asked each Council member if they had any remarks to make.

Mr. Williams expressed his thanks to the citizens of the City of Fayetteville for the opportunity to serve on the City Council since his election four (4) years ago. He expressed thanks also to the members of his family, his wife Barbara and two sons, Carlos and Wayne. He expressed also thanks to the Council members and wished the new Council all the best of luck.

Mr. Dawkins expressed thanks to departing Council member Williams and Mayor Finch for their service.

Mr. McBryde echoed Mr. Dawkins' remarks and expressed thanks to Mr. Williams and to Mayor Finch.

Mrs. Evans stated that she would personally miss the two (2) departing members of the Council this evening and wished them the best of luck.

Mayor Elect Hurley then stepped to the floor microphone and requested Mr. Williams to accompany him where he presented him with a framed picture of election night four (4) years ago which he stated he dug from the archives of the Fayetteville Observer. Mr. Williams was then accorded a vigorous round of applause.

Mayor Elect Hurley then requested Mayor Finch to come before the microphone where he read a framed resolution to her and presented it to her from the Councilmembers along with a gift. Mr. Dawkins also presented to Mayor Finch a beautiful bouquet of long-stemmed red roses from the City Council.

Mayor Finch then offered the following remarks:

"I said I wouldn't cry and I'm going to try not to. That's quite a touching tribute from all of you. No greater honor can come to a person than to be elected by his fellow citizens to serve, and it has been an honor and a privilege for me to have that opportunity for ten (10) years. It hasn't been easy but it hasn't been hard. It has been fun, it has been rewarding and there are some people that I would like to thank but it would take me another hour or two but at the top of the list, though, my betterhalf, without whose encouragement and support I could never have done it. He's done without meals, he's eaten cold meals, he's had to suffer disrupted schedules and sort of taken second place in the activities - not in my heart but in the activities-and I appreciate all of that very much.


I don't have any particular advice, I just want to repeat some advice that was given to me many years ago by the greatest mentor I guess that City Government has had in fifty (50) years (Eugene Plummer) and that is 'to serve everybody out of the same spoon'. And when you do that, everything you do will be right and it will be rewarded and you won't make any mistakes but when you serve special interests, you're going to be in trouble.

Mayor Finch was then accorded a vigorous round of applause from all present.

Mayor Finch then stated she wished Mr. Hurley, her successor, the very best of luck.

Mayor Finch then presented a framed resolution to Mr. Williams which she read. Mr. Williams was then accorded a vigorous round of applause.

Thereafter, all matters of business having been completed, this special session of the existing City Council was adjourned at 7:15 p.m. upon motion made by Mr. Dawkins and carried unanimously.


Maurice W. Downs
City Clerk

bj

JUDGE BRASWELL GIVING OATH OF OFFICE TO
MAYOR HURLEY

[illegible]

REGULAR MEETING
FAYETTEVILLE CITY COUNCIL
DECEMBER 14, 1981
7:00 P.M.

Present: Mayor Elect Bill Hurley

Councilmembers Elect: Jimmie Jones, Milo McBryde, J. L. Dawkins, Aaron Johnson,
Mildred Evans and Milton Wofford

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

Mayor Elect Hurley called the meeting to order and called on the Rev. Warren Petteway, Minister of the Haymount United Methodist Church for the invocation.

The invocation was as follows:

"Let us bow our heads in prayer. Almighty God, who alone giveth wisdom and understanding, we pray this night that Thou wouldst inspire the minds of all in whom has been committed the responsibility of government and leadership. Give to them a vision of truth and justice. Inspire them that all people may work together in true brotherhood. Give the Mayor and the chief officers of our City and all others who share in the ordering of our community life that wisdom which only Thou canst give. Give strength and honor and charity to all our fellow citizens that they may do their work seeking not the good of any party or any faction but all peoples. Sustain us by Thy vision of freedom of a peaceful and happy City. Grant that in all things we may be inspired by Thy judgement and constantly directed by Thy wisdom. In the name of him who doeth all things well. Amen."

Mayor Elect. Hurley then recognized Boy Scout Troop 709 present in the audience with its Scout Master James Tyndall and called on Scout Sabitte to lead the Pledge of Allegiance.

Mayor Elect Hurley then recognized representatives of the Fayetteville Youth Council present in the audience to observe Council proceedings.

Mayor Elect Hurley then recognized Superior District Court Judge E. Maurice Braswell to administer the oath of office to the Mayor Elect and Councilmembers elect.

Judge Braswell stated that he had found all of the candidates for office qualified in every way. He then proceeded to administer the oath of office to the City Council members. Following this he extended congratulations to them.

Judge Braswell then administered the oath of office to Mayor Elect Hurley and extended congratulations to him also.

Following this, Mayor Hurley extended thanks to Judge Braswell for his service this evening.

The Mayor and all Councilmembers were then accorded a vigorous round of applause from those assembled in the Council Chamber.

Mayor Hurley then offered the following remarks:

"Before we move upstairs, as it may be, I would like to take this opportunity to thank many of you who are present in the Courtroom this evening for your very deep and sincere interest in City Government here in Fayetteville. Most of you know we have come a long way. We have excellent laws. There have been decades and generations of politicians or public servants as I prefer to call them, who have gone before, who have led the way in our City in so many avenues to make Fayetteville truly a better place to live. I think before you tonight you see a Council that is so dedicated and so filled with this awesome responsibility that the voters have given them and they are willing now to take their position to take the stands necessary to do those things that have to be done so that Fayetteville will continue to be the progressive City that it is.

The voters have chosen well my colleagues, and I look forward to serving with them.

I'd like now to recognize any member of the new Council who would like to come forward and say anything and J. L. that includes you too.

Mr. Dawkins then expressed his thanks to former Councilman Wayne Williams and former Mayor Beth Finch for their service to the City. He also expressed his thanks to the citizens for electing him to this, his fourth term of office. He also expressed thanks and appreciation to his wife Mary Anne and their son Johnny.

Mayor Hurley then recognized Rev. Aaron Johnson who expressed his thanks to all of those present in the Council Chamber this evening who come to share this moment. Also to former Councilman Wayne Williams and to former Mayor Beth Finch. He also expressed his thanks and appreciation to his wife Mrs. Mattie Johnson and to their son and to the members of his church present this evening, the Mount Sinai Baptist Church.

Mayor Hurley then recognized Mr. Jimmie Jones who expressed his thanks to all those present this evening and solicited their prayers for guidance in the future.

Mayor Hurley then recognized his wife, Sandy and their son Todd and they were accorded a round of applause.

Mr. Dawkins also recognized his wife Mary Anne and their son Johnnie and they were also accorded a round of applause.

Mr. McBryde recognized his wife, daughter, sister and father present in the audience.

Mr. Wofford recognized his wife Lucy, their daughter Ann and his brother-in-law Tommy and wife Elizabeth.

Mrs. Evans recognized her husband Mr. Monroe Evans, a former Mayor of the City.

Mr. Jones recognized his wife, sister, brother-in-law and several friends.

All were then accorded another round of applause by those assembled in the Councilchamber.

The Mayor and Councilmembers then ascended to their seats on the dais and proceeded with the formal meeting.

2 Mayor Hurley stated the first order of business was the organization of the City Council - the election of a Mayor Pro tempore.

Mrs. Evans offered motion that Councilman J. L. Dawkins be elected Mayor Pro tempore, seconded by both Councilmen McBryde and Johnson and upon being put to vote, carried unanimously.

3 The next item of business was the setting of two (2) public hearings.

A Upon motion by Mr. McBryde, seconded by Mr. Wofford and carried unanimously, a public hearing was set on the Downtown Redevelopment Plan for January 11, 1982.

B Upon motion by Rev. Johnson, seconded by Mr. Dawkins and carried unanimously, a public hearing was set on Community Development Block Grant Funding suggestions for fiscal year 1982, for December 28, 1981.

4 Public Works Commission Matters

PWC Manager Ray Muench presented two matters for Council's consideration.

A The first was a request for approval of an application for one 1-inch water connection to an existing main to serve a residence at 4070 Rosehill Road outside the City. Mr. Muench stated this property is contiguous to the City limits and the owner will petition for annexation and pay the entire cost for the connection.

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

B Mr. Muench stated that sealed bids had been received on December 1 for the purchase of seventy-five (75) MOV Arrestors. The low bid by Rigby Electric Supply, Inc. in the amount of \$13,642.50 was recommended.

Mrs. Evans offered motion for approval of the Rigby Electric Supply bid as recommended, seconded by Rev. Johnson and carried unanimously.

5 Planning Board Matters

Planner Al Mitchell presented the one Planning Board item which was consideration of rezoning from R5 Residential District and M2 Heavy Industrial District to C3 Heavy Commercial District or to a more restrictive zoning classification of an area located on the west side of Eastern Boulevard between McDuffie Street and Bell Street.

Mr. Mitchell stated that no appeal in opposition had been filed and the Planning Board recommended approval.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R5 RESIDENTIAL DISTRICT AND M2 HEAVY INDUSTRIAL DISTRICT TO C3 HEAVY COMMERCIAL AN AREA LOCATED ON THE WEST SIDE OF EASTERN BOULEVARD BETWEEN MC DUFFIE STREET AND BELL STREET. ORDINANCE NO. NS1981-60

Rev. Johnson 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 NS1981.

6. The next item for consideration was the approval of a Consultant Contract for a planning study of the Airport Terminal building for improved space utilization and possible expansion and approval of the transfer of \$10,000. from Airport capital account to the present budget capital project account to increase approved \$20,000. to \$30,000. for consulting fees for the terminal study.

Council recognized Mr. Cyrus Earnhardt, Chairman of the Airport Commission who stated: "Thank you Mayor Hurley. I'd like to add my congratulations to Mayor Hurley and the Council. I know you're going to accomplish great things and I certainly wish you well.

I'd like to give you a little bit of background about this request. Our present Airport Terminal building was constructed in 1969. The needs have changed during the past twelve years with the size of the aircraft and the passengers and planes at the airport. Some twelve years ago the aircraft that the airlines were using were 40 to 50 passenger airplanes. Today, starting the first of the year, Piedmont will replace all of the prop driven airplanes and all of the airplanes that Piedmont will use in Fayetteville will be 100 and 120 passenger jet aircraft. The emplanements have increased from back in 1969 to 99,000 to 133,000 in 1980. Last month shows a 12% increase over November a year ago.

A six-man committee was appointed in July of this year to study the present and future needs of the Airport Terminal building. The committee consisted of Airport Manager Earl Dennis, Assistant Manager Steve Oulity, City Engineer Bob Bennett, John Monaghan, Bob Hasty of the Airport Commission and Charles Clark of the Airport Commission to act as Chairman. They put out some 84 inquiries, mailed out to consultant firms and had 26 replies. The committee and Airport Commission recommended a consulting contract for a planning study of the Airport Terminal building be awarded to Hayes, Seay, Mattern and Mattern for \$30,000. \$20,000. is in the current budget and \$10,000. needs to be transferred from the Airport capital improvement account. This is not tax payers money, this is money that has been derived from profits at the Airport. We are recommending that particular attention be made to keep the present beauty and lines of the building intact. I am sure that if we, along with the rest of the citizens of Fayetteville consider the Airport Terminal building to be one of the most beautiful buildings in Fayetteville. We especially want to keep this building with that beauty. Also we are asking for the consultant firm to take a close look at the baggage and pick-up counter area. This is where we have our most critical needs at this time. We have some three (3) airplanes arriving and leaving within the first hour or two in the morning. This could conceivably have a 300 to 350 passengers coming in and 300 to 350 passengers going out. Our present facilities in the baggage room and ticket counter area can hardly accommodate this.

There is another thing we need to keep in mind, is the some four billion dollars of Federal Airport funds presently frozen that have been collected from airline tickets and aviation services throughout the country. Part of these funds were collected in Fayetteville and are earmarked for us. It is important that we have concrete plans for the future for expansion of our building. And when these funds are released, we want to make sure we are ready to go.

I'll be glad to try to answer any questions."

This completed Mr. Earnhardt's presentation and following some discussion, Mrs. Evans offered motion to follow the recommendation of the Airport Commission, seconded by Rev. Johnson and carried unanimously.

- 7
A&B Council next gave consideration to authorizing the advertisement of leases Piedmont Aviation and Sunbird Aviation. The recommended action was approval.

The City Attorney presented these matters and stated that these were use agreements and were renewable this month and requested authorization to advertise these matters for the next City Council meeting.

Following some discussion, Mr. McBryde offered motion that authorization be given to advertise both the Piedmont Airlines lease and the Sunbird lease as recommended. Motion seconded by Mr. Jones and carried unanimously.

- 8 Council next gave consideration to a request for a waiver of a late listing penalties and refund in the amount of \$93.65 for Methodist College. The recommended action was approval.

The City Manager presented this matter and stated that the reason for this request was due to an administrative oversight in the Tax Office. He stated this request had been before the County Commissioners and approved and he recommended the waiver and refund as requested.

Following brief discussion, Mr. Dawkins offered motion for approval of the request for waiver of late listing fee and refund of \$93.65 to Methodist College. Motion seconded by Mr. McBryde and carried unanimously.

9 Appointments

The following appointments or nominations were considered.

A. Nominations to fill seven vacancies on the Joint Energy Advisory Commission (five nominations have already been made).

B. Election of a nominee previously made to fill the unexpired term of Mr. E. E. Miller on the Senior Citizens Advisory Commission.

C. Nominations to fill four vacancies on the Fayetteville Appearance Commission.

D. Nominations to fill one vacancy on the Fayetteville Redevelopment Commission.

E. Nominations to fill three vacancies on the Fayetteville Historic Properties Commission.

Rev. Johnson offered motion to postpone all of the foregoing appointments and nominations to the next regular meeting of the Council for the benefit of the new Councilmembers. Motion seconded by Mrs. Evans and carried unanimously.

10 Delegations

Mayor Hurley recognized Mr. Clinton Harris, a local citizen, who stated that parking was needed at the new Senior Citizens Service Center. That sidewalks are needed at the Hardee's Drive-Inn on the 401 By-Pass. Also that signs are needed for Fayetteville State University and Methodist College and he requested Council's passage of a resolution supporting the doctoral program at Fayetteville State University.

11 City Manager Reports

City Manager Smith reminded Council of the school for new Mayors and Councilmembers at the Institute of Government in Chapel Hill on February 17, 18, and 19 of the next year.

The City Manager reminded the Council that the Agenda for the Council meetings is now being published on Saturdays in both newspapers. He suggested that this be changed and publication be made on Sunday rather than Saturday. He stated the cost would be the same and it would probably receive more coverage. There was no objection voiced by the City Council.

Mayor Hurley then expressed sincere thanks and appreciation to Miss Sharon Harris and Mrs. Julia Warner for the preparation of the refreshments tonight at the conclusion of the Council meeting.

12 Matters of Interest to the City Council

Mr. McBryde requested that the City Attorney prepare an ordinance for the next meeting doing away with parking off-street in downtown Fayetteville with a \$5. ticket.

Mr. McBryde then offered a motion that the City employees be given Christmas Eve, Thursday, December 24, as a holiday along with Christmas Day. Mrs. Evans seconded the motion with the amendment that essential personnel remain on duty. The motion carried unanimously.

It was pointed out in connection with this that the personnel remaining on duty would be given time off at a later date.

Mr. Dawkins expressed his appreciation to the Councilmembers for his appointment as Mayor Pro tem and especially since it meant an additional \$33. per month in pay (the latter part of his remark evoked considerable laughter from the Council and the assembly). Mr. Dawkins stated additionally and more seriously, that he looked forward to the challenges for the Council in the future.

Mrs. Evans welcomed the two new Councilmembers, Mr. Wofford and Mr. Jones and advised them to pay particular attention to what she said because it would be right. (her remark also brought laughter).

Mr. Wofford expressed his sincere thanks to the citizens for electing him to this office and giving him the opportunity to serve. He stated that downtown revitalization is high on the list of needs for this coming year. He stated the City needs a central library site but this is a County function. He stated that site selections were posing a problem. He stated there was a need for the City to purchase the Courthouse Annex site.

Mr. Wofford then offered motion that the City Manager proceed immediately with formal negotiations with the County Manager for the purchase of the Courthouse Annex property for City use. Motion seconded by Mr. Hurley.

Following some discussion, Rev. Johnson offered a substitute motion to defer this matter for the present and place it on the Agenda for consideration at the next meeting of the City Council and publicize it. Motion seconded by Mr. Jones.

There was then some discussion.

Following this discussion, Mayor Hurley called for a vote on Rev. Johnson's substitute motion and it carried unanimously.

Mr. Dawkins then stated, in amusement that the next meeting of the Council will be a fast one because of the Gator Bowl game and because both Mayor Hurley and City Manager Smith are Carolina Alumni. Mayor Hurley then stated that there were a number of City staff employees present in the Council Chamber tonight and asked City Manager Smith to recognize them.


City Manager Smith recognized the following: City Attorney Bob Cogswell; Assistant City Manager for Economic and Community Development John Monaghan; City Finance Director Bill Epps; Joint Planning Department Planner Al Mitchell; Assistant City Manager for Operations Roger Stancil; City Engineer Bob Bennett; Recreation and Parks Director Sonny Basinger; Fire Chief Thurman Bishop; Community Development Director Richard Herrera; Sanitation Department Director Clark Dill; Louis Chalmers of the City Engineer Office; George McCarthy, Budget Analyst; Fred Harris; City Buildings; Danny Dixon, Chief of Police; Ray Muench, PWC Manager; Maurice Downs, City Clerk; Mike Walker, Assistant City Engineer; Mrs. Bobbie Joyner, Clerk-Steno to City Clerk and newest member of the Kyle House staff.

Council also recognized in the audience, Mr. Frank McBryde, former City Alderman and Mr. Monroe Evans, former Mayor. Also Mr. Charles Freeman, retired, Cemetery Superintendent; Mr. John D. Horne, retired from the Sanitation Department and Mr. McKinley (Mac) Surles, retired from the Inspection Department.

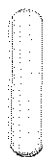
City Manager Smith also recognized his wife, Mrs. Sally Smith and Mrs. Joy Cogswell, wife of City Attorney Cogswell.

Mayor Hurley also recognized several boards and commission members present in the audience.

Thereafter, all matters of business having been concluded, this regular session was adjourned at 8:20 p.m. upon motion by Mr. Dawkins, seconded, and carried unanimously.


Maurice W. Downs
City Clerk

bj



INFORMATION MEETING
KYLE HOUSE COUNCIL CHAMBERS
DECEMBER 21, 1981
7:00 P.M.

Present: Mayor Bill Hurley

Councilmembers: Jimmie Jones, Milo McBryde, J. L. Dawkins, Aaron Johnson,
Mildred Evans and Milton Wofford

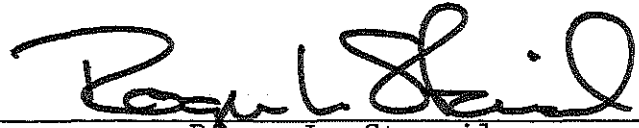
Also Present: Mr. John Smith, City Manager
Mr. Robert C. Cogswell, Jr., City Attorney

Mayor Hurley called the meeting to order and called on Councilman Aaron Johnson for the invocation.

Following discussion on several matters, Mr. McBryde made a motion for Council to go into Special Session at 9:30 p.m., seconded by Mr. Dawkins and carried unanimously.

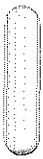
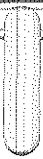
Mr. McBryde then made a motion that Council go into Executive Session, seconded by Mr. Dawkins.

Council reconvened into Special Session at 9:58 p.m. and Mr. Dawkins made motion to adjourn, seconded by Mr. McBryde.



Roger L. Stancil
Deputy City Clerk

bj



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
DECEMBER 28, 1981
7:00 P.M.

Present: Mayor Bill Hurley

Councilmembers: Jimmie Jones, Milo McBryde, J. L. Dawkins, Aaron Johnson,
Mildred Evans and Milton Wofford

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

Mayor Hurley called the meeting to order and called on Councilman Jones to offer the invocation. Following the invocation, Mayor Hurley led the Assembly in the Pledge of Allegiance to the Flag.

Mayor Hurley recognized the Youth Council members present in the audience.

Mayor Hurley then asked if there were any brief comments from the members of the Council, to which there were none.

Mayor Hurley then asked if an Executive Session would be needed and City Attorney Cogswell requested an Executive Session at the end of this meeting to consider a property matter.

- 1 The first item to be considered was the approval of the Minutes of the Special Meeting, December 14 and the Regular Meeting of December 14.

Mr. McBryde offered motion that Minutes of the Regular Meeting of December 14 be approved with the following corrections, seconded by Rev. Johnson and carried unanimously:

Item 4A, second sentence, should read "property is not contiguous to the City" and Item 12 that it should read "parking meters on-street".

Mr. Wofford offered motion that Minutes of the Special Meeting, December 14 be approved as read, seconded by Mr. McBryde and carried unanimously.

2 Public Hearings

Mayor Hurley reminded the audience that there is a fifteen (15) minute time limit for each spokesman for or against a matter.

- A A public hearing had been published for this date and hour on the consideration of a proposed annexation of the Joy Dees Pitts property located at 3105 Phillie Circle. Planner Al Mitchell presented this matter and stated the Annexation Technical Review Committee recommends approval.

There were no proponents or opponents present.

AN ORDINANCE EXTENDING CITY LIMITS OF FAYETTEVILLE TO INCLUDE THE PROPERTY OF JOY PITTS LOCATED AT 3105 PHILLIE CIRCLE. ORDINANCE NO. 81-9-246

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

- B A public hearing had been published for this date and hour of the funding suggestions for Fiscal Year 1982. Mr. Richard Herrera, Executive Director stated that the Fayetteville Redevelopment Commission held public hearings on October 28, November 2, and November 18, 1981 for this funding request as shown below:

Program

Anticipated Funding	\$1,358,300
Administration	190,162
Planning	26,128
Land Marketability Study - Downtown Properties	35,000

Rehabilitation/Redevelopment

Target Area #1 - School Street Rehabilitation	255,500
Target Area #22 - University Avenue Rehabilitation	270,100
Carver Street Area Rehabilitation	58,400
Collier Drive Urban Renewal	250,000

Paving

Minor Street (TA #1)	27,000
Sidewalk - Jasper Street	25,000
Site Improvements - Southeast Fayetteville	85,180
	<u>\$1,222,470</u>
Contingency	135,830

There is also a list of funding suggestions for fiscal year 1982 from Citizen input as a result of the public hearings:

FUNDING SUGGESTIONS FOR FISCAL YEAR 1982

1. Inception of an urban renewal program on Vanstory Street.
2. Sidewalk on Jasper Street from Fuller School to Murchison Road.
3. Relocation of three houses from Montgomery Street.
4. Expansion of the Brewer Street Rehabilitation Target Area.
5. A concentrated five year rehabilitation program in the Murchison Road area.
6. Inception of a rehabilitation program in Target Area #22 (University - Pennsylvania Avenues).
7. Paving of Jones Street.
8. Inception of a rehabilitation program on Carver Street.
9. Continuation of the Collier Drive Urban Renewal Program.
10. Inception of an Urban Renewal Program on Highway 87.
11. Inception of a rehabilitation program on Norman Avenue.
12. Inceptaion of a rehabilitation program on Slater Avenue.

Mr. James Chambers, a School Street resident asked what the requirements of homeowners in this area would be in order to get this remodeling done.

Mayor Hurley advised him to go by Mr. Hererra's office and talk with him.

Mr. Garfield Davis, Dean Street, a property owner on Walker Street asked if this was a continuous process because they wanted the lighting on these streets to be continued.

Mr. Hererra replied that they will be able to handle Walker Street with this next Block.

Mr. Rudolph Hinton, Belk Boulevard wants the city-side recommended for re-development.

Mr. Hererra stated the city-side is in the planning for Belk Boulevard.

Following lengthy discussion, Rev. Johnson suggested that we use citizen volunteers for some of these studies and Mr. Wofford requested that Community Development get together with City Engineering Department to work on sidewalks and maybe save a little money there.

Rev. Johnson then made motion to follow recommendation of the Fayetteville Redevelopment Commission for approval of these funds, seconded by Mr. Dawkins and carried unanimously.

3 Public Hearings to be Set:

Upon motion by Mr. McBryde, seconded by Mr. Jones and carried unanimously, public hearings were set on the following two (2) matters for January 25, 1982:

- A Consideration of paving, pursuant to petition, of Powell Street from Trade Street to Cude Street.

PRELIMINARY RESOLUTION REQUIRING PAVING PURSUANT TO PETITION OF
POWELL STREET. RESOLUTION NO. R1981-71

- B Consideration of paving pursuant to petition of Cross Street from western line of Plat Book 8, Page 31, to eastern line of Plat Book 8, Page 31 Cumberland County Registry.

PRELIMINARY RESOLUTION REQUIRING PAVING PURSUANT TO PETITION OF CROSS STREET. RESOLUTION NO. R1981-72

A copy of the two (2) foregoing resolutions are on file in the Clerk's office in Resolutions Book R1981.

4 Public Works Commission Matters

Public Works Commission Assistant Manager Tim Wood presented the consideration of an application for water and sanitary sewer connections to existing mains to serve proposed restaurant on McPherson Church Road, outside the City. Mr. Wood stated the property is contiguous to City limits and owner has petitioned for annexation.

Mrs. Evans offered motion to approve the foregoing connections, seconded by Rev. Johnson and carried unanimously.

5 Planning Board Matters

Planner Al Mitchell presented the four (4) matters from the Planning Board.

A. Consideration of Hillendale West Subdivision, Section II, Part III, for preliminary extension located west of Rosehill Road, north of 401 By-Pass. The Planning Board recommends conditional approval.

Upon motion by Mrs. Evans, seconded by Rev. Johnson, Council voted unanimously to follow recommendation of conditional approval.

B. Consideration of Haymont Court Group Development for preliminary review located on the north side of Woodland Drive, east of Kooler Circle. The Planning Board recommends conditional approval specifying plant materials for screening.

Mr. Dawkins asked Planner Mitchell how many members were on the Board and Mr. Mitchell replied there were thirteen (13).

Mr. Wofford expressed a concern that restrictions were getting too strict, such as telling a developer what kind of shrubbery to use for screening.

Following some further discussion, Mr. Wofford offered motion to follow recommendation of Planning Board but omitting condition of type of plant, just Evergreens for screening. Mrs. Evans seconded.

Mr. Dawkins stated that normally, the developers are not instructed in this detail but in this case, this is conducive to the area that is being developed.

Mr. McBryde stated that since the developer had no objection to the condition he would make a substitute motion to accept the recommendation as passed by the Planning Board which will include that specification. Mr. Jones seconded and the motion carried with Mrs. Evans and Mr. Wofford voting "no".

C. Consideration of Westwood Court Subdivision for preliminary review located south of Cliffdale Road, east of South McPherson Church Road and the Planning Board recommends conditional approval.

Mrs. Evans offered motion, seconded by Mr. Dawkins and carried unanimously to approve the Planning Board's recommendation with conditions.

D. Consideration of Oakmount Group Development preliminary review located on west side of Oakridge Avenue at its intersection with West Rowan Street.

Mr. Dawkins read a portion of the Planning Board's memo:

"Mr. John Horneday, developer, appeared before the Board in behalf and stated the purpose of this request for a variance was to preserve as many of the trees on the site as possible. He indicated that the current zoning of the property would allow 18 units, but they cut back to 16 units in order to save these trees."

Mr. Dawkins conveyed Council's appreciation for developer's attempt to go beyond what is required in order to preserve these trees. He also pointed out that Mrs. Sue Bandy, representing Haymount Preservation, appeared before the Planning Board in behalf of the request.

Rev. Johnson also felt that the developer needed to be praised for his effort and this very good spirit.

Upon motion by Mrs. Evans, seconded by Mr. Dawkins, the Council voted unanimously to approve the Planning Board's recommendation with conditions.

- 6 Council next considered a resolution authorizing the sale of City property to Calvary United Methodist Church. City Attorney Cogswell presented this matter and stated it had been advertised and Calvary Church had offered \$4,500 which is consistent with the appraisal. He stated there is a CPL easement across it and it would be subject to that.

Mr. Dawkins offered motion for approval of the sale of the property to Calvary United Methodist Church, seconded by Mr. McBryde and carried unanimously. The resolution is as follows:

RESOLUTION AUTHORIZING THE SALE OF CITY OF FAYETTEVILLE PROPERTY TO CALVARY UNITED METHODIST CHURCH FOR \$4,500. RESOLUTION NO. R1981-73

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1981.

Rev. Johnson wanted it duly noted that the Methodist got a Baptist vote.

- 7 Consideration of authorization for the City Manager to execute certain leases. City Attorney Cogswell presented the following leases and stated they are basically renewals. Mr. Cogswell requested that A, B, and C be considered together with D being considered separately.

A. Downtown Fayetteville Association. At this point the Mayor made note that the name had been changed to OldeFayetteville, Inc.

RESOLUTION AUTHORIZING THE LEASE OF CITY OF FAYETTEVILLE PROPERTY TO OLDEFAYETTEVILLE, INC. RESOLUTION No. R1981-74

B. Vera Bulla dba Vera Bulla Travel Agency.

RESOLUTION AUTHORIZING THE LEASE OF CITY OF FAYETTEVILLE PROPERTY TO VERA BULLA, dba VERA BULLA TRAVEL BUREAU. RESOLUTION NO. R1981-75

C. Fayetteville Optical Company

RESOLUTION AUTHORIZING THE LEASE OF CITY OF FAYETTEVILLE PROPERTY TO FAYETTEVILLE OPTICAL COMPANY. RESOLUTION NO. R1981-76

Mr. McBryde abstained from voting on Item A due to being Treasurer of this association.

Upon motion by Mr. Dawkins, seconded by Mr. Jones, and carried with Mr. McBryde abstaining on A, and the vote on B and C being unanimous to authorize the City Manager to execute the foregoing leases for A, B. and C.

D. Fayetteville Inland Port. Mr. Cogswell reminded Council that this was originally advertised for a period of a year to pay rent with an option to renew for a rental payment of \$275. per month for approximately 1½ acre. The people requesting to rent this premises came after advertisement occurred and stated they were interested in more land there. Mr. Cogswell then showed Council a plat of the area involved and stated tenant expressed a need for a storage area for empty trailers and they would pay \$300 for 2.84 acres. Mr. Cogswell further stated this is a 12 month lease with no renewal obligations and the tenants have all maintenance obligations.

Following some further discussion, Mrs. Evans offered motion for the following resolution, seconded by Mr. Dawkins and carried unanimously.

RESOLUTION AUTHORIZING LEASE OF CITY OF FAYETTEVILLE PROPERTY TO FAYETTEVILLE TERMINAL PROPERTY TO CAROLINA TRUCK BROKERS. RESOLUTION No. R1981-77

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1981.

- 8 Council next gave consideration of an extension of the Terminal Taxi lease for an additional thirty (30) days. City Attorney Cogswell presented this matter and stated Terminal Taxi has asked for an extension of an additional thirty (30) days due to the fact that their FCC application has yet to be approved.

Mr. Jones offered motion, seconded by Mr. McBryde and carried unanimously to grant the thirty (30) day extension to Terminal Taxi.

- 13 At this point, Mayor Hurley moved to Item 13 so Mr. Hollinshed could be excused.

Council gave consideration of acceptance of the Alexander Graham Cupola from Joe Hollinshed and Jim Kiley.

Mr. Dawkins gave thanks to classmate Joe Hollinshed and lifelong resident and made motion that City accept the Alexander Graham Cupola, seconded by Mr. McBryde, motion carried unanimously.

There was a round of applause from Council and audience and Mayor Hurley expressed the great appreciation with which the Cupola was accepted.

- 9 The next item was for consideration of retaining attorney for representation in litigation (Schmidt vs. City of Fayetteville). City Attorney Cogswell recommended John Shaw to represent City at \$40. per hour out of court and \$50. per hour in court.

Mr. McBryde offered motion, seconded by Mr. Wofford and carried unanimously to follow recommendation of the City Attorney.

- 10 Council next gave consideration of revisions to Chapter 2 and Chapter 4 of the City Code. City Attorney Cogswell presented this matter and stated these were taken up at the last information meeting of Council and was related to Item 11.

Upon motion by Mr. McBryde, seconded by Mr. Dawkins, the following ordinance was carried unanimously:

AN ORDINANCE AMENDING CHAPTER 2, "ADMINISTRATION", OF THE CITY CODE
ORDINANCE NO. S1981-27

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1981.

- 11 The next matter was consideration of adoption of a resolution designating official depositories of the City of Fayetteville. City Attorney Cogswell presented this and recommended approval.

RESOLUTION AUTHORIZING DESIGNATION OF OFFICIAL DEPOSITORIES OF
THE CITY OF FAYETTEVILLE. RESOLUTION NO. R1981-78

Mr. Wofford offered motion, seconded by Mr. McBryde and carried with Mr. Dawkins abstaining to the foregoing resolution.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1981.

- 12 City Engineer Bennett presented for Council's consideration, the following traffic ordinance schedules. He stated that these are routine revisions brought about by street changes and some oversights in the past in not revising ordinances.

A. AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 6 - "STOP INTERSECTIONS". ORDINANCE NO. NS1981-61

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

B. AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 14 "YIELD RIGHT-OF-WAY". ORDINANCE NS1981-62

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

C. AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 8 "SPEED CONTROL". ORDINANCE NO. NS1981-63

Mr. Dawkins introduced the foregoing ordinance and moved its adoption, seconded by Mr. McBryde and carried unanimously that speed limit on Rosehill Road from Ramsey Street North to U. S. 401 By-Pass be changed from 35 mph to 45 mph.

A copy of the foregoing ordinances are on file in the Clerk's office in ordinance book NS1981.

14 Council next gave consideration of Downtown Parking. The City Attorney presented these two items.

A Mr. Cogswell stated that by eliminating the word "meter" this would create 2 hour parking with exception of the Post Office which will remain 12 minutes. City Attorney Cogswell recommended making this effective February 1, if adopted to give them time to prepare the meters for this. It is recommended that the meter heads be removed and the posts be left for a period of time to see if this system will work.

Mr. Cogswell stated that one change should be made in the wording of 20-94 - to eliminate "collection division" which was overlooked in the preparation and a change in the new provision for 20-96 which gives provision for municipalities to enforce the ordinance by going to small claims court.

Mr. Cogswell stated that in 20-91 it should be changed from 12 consecutive minutes to 30 consecutive minutes at City Hall and at the Post Office on Green Street.

Rev. Johnson questioned how the City officials could park around the Law Enforcement Center on official business and not have to pay to park.

Mr. Cogswell suggested he notify the Chief of Police when he was going to make a visit and then maybe the Chief could make some arrangements. He also stated he would look into this matter.

Mr. McBryde offered motion, seconded by Rev. Johnson and carried unanimously to follow the recommendation of the City Attorney for the three changes. Ordinance title is as follows:

AN ORDINANCE AMENDING CHAPTER 20, "MOTOR VEHICLES AND TRAFFIC", OF THE CITY CODE OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1981-28.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1981.

B The next item was consideration of implementation of attendant off-street parking-Phase I. City Manager Smith presented this matter and stated that this study has come before Council on at least two (2) study sessions. At one session, Council requested that the Revitalization Commission be brought into this process and that they make a recommendation. They also held a public hearing and made a survey of those present including some of the downtown businesses. One of the recommendations the Revitalization Commission made was in keeping of McBryde's ordinance for free two (2) hour parking on-street and second was recommending that Council consider proceeding with a phased implementation of attendant off-street parking. The recommended first phase would be the lots located west of Hay Street. Mr. Smith further stated he would recommend that the initial off-street rate for attendant lots be set at 20¢ per hour.

The estimated costs of landscaping and conversion are as follows:

Lot #2	Russell & Dick	(57 Spaces)
	Site Improvements	\$10,000
	Parking Control	18,800
	Landscaping	1,500
	Contingencies	3,000
		<u>\$33,400</u>
Lot #3	Russell Street and Donaldson (100 Spaces)	
	Site Improvements	\$12,300
	Parking Control	24,600
	Landscaping	2,000
	Contingencies	3,900
		<u>\$42,900</u>
Lot #8	Franklin and Donaldson	(80 Spaces)
	Site Improvements	\$ 9,200
	Parking Control	13,900
	Landscaping	1,000
	Contingencies	2,700
		<u>\$26,800</u>

Totals for Phase I

Site Improvements	\$31,600
Parking Control	57,300
Landscaping	4,500
Contingencies	9,600

\$103,000

Mr. Smith further stated that one of the problems with the metered operated lots would be enforcement and the other is security. Mr. Smith recommends that Council authorize him to get bids to phase in the attendant in these three lots in Phase I and that the other lots be phased in in accordance with the construction schedule on various capital projects.

Following considerable discussion, Mrs. Evans offered motion, seconded by Mr. Wofford to follow the recommendation of the City Manager to receive bids. The motion carried with Rev. Johnson, Mr. McBryde and Mr. Jones voting "no".

- 14C The next item was discussion of courthouse annex property. City Manager Smith stated that the County plans to vacate this building sometime in the Spring and the County Manager approached him regarding the City's possible interest in using this site. Mr. Smith passed along some information to the Council that was sent by the County Manager with regard to the tax value of the annex property.

There was brief discussion but Council took no action on this matter.

- 15 The next item was consideration of budget amendment Change 4. Mr. Smith presented this item which included the Airport Fund appropriation carried over from the last meeting, also that \$90,000 was set aside in reserve to purchase Police vehicles. Mr. Smith stated this is a request to transfer these funds into the Police Department account in order to purchase these vehicles that will be needed before they can be purchased without using these funds.

Mrs. Evans offered motion for approval of budget amendment Change 4, seconded by Mr. Jones and carried unanimously.

- 16 The next item was consideration of adoption of a revised schedule of Recreation Fees and Charges. Mr. Smith stated that this matter had been presented at a prior information meeting. He noted that there were two typing errors to be corrected on the first set of fees for swimming pools, the daily fees should read \$.50 for children and \$1.00 for adults. Mr. Smith stated it was recommended that there be no effort to distinguish between resident and non-resident. Mr. Smith also recommended that season passes for tennis be deleted.

There was some discussion regarding concern for children who can't pay the fees, senior citizens and handicapped. Also it was suggested that parking charges be made rather than user fees.

Following this discussion, Mr. McBryde introduced a resolution and moved to adopt with the deletion of tennis season passes, seconded by Mr. Wofford and carried with Mr. Jones and Mrs. Evans voting "no". The resolution title is as follows:

RESOLUTION PROVIDING FEE SYSTEM FOR THE CITY OF FAYETTEVILLE DEPARTMENT OF RECREATION AND PARKS. RESOLUTION NO. R1981-79

A copy of the foregoing resolution is on file in the Clerk's office in resolutions book R1981.

- 17 Council next gave consideration of a request by the Town of Spring Lake for Transit Service. City Manager Smith presented this matter and stated that the Town of Spring Lake has applied for a demonstration grant for bus service between Spring Lake and Fayetteville. The grant will cover the local share of the operating deficit of the service for one year. The Town through its Town Supervisor has requested that FAST provide the service. The City Council in the past has stated its willingness to provide transit service outside the City limits if the service would be self-supporting or if another unit of government would pay the deficit. Mr. Smith recommends that the service be provided so long as the City is reimbursed for its expenses.

There was brief discussion.

Following this discussion, Rev. Johnson offered motion to follow recommendation to grant transit service to Spring Lake, seconded by Mrs. Evans and carried unanimously.

- 18 The last item was consideration of award of bids for sanitation equipment. This item was presented by City Manager Smith and he stated that in the 1981-82 budget funds were appropriated for the purchase of two sanitation trucks. At a later meeting of the City Council, Mr. Smith recommended that the funds set aside for purchase be used instead for leasing five (5) replacement vehicles. Council authorized us to proceed with receiving bids for the acquisition of five vehicles on a five-year lease/purchase plan.

Because of the long delivery time, we decided to take bids in two steps. First to bid the equipment, and second to bid the lease agreement. Mr. Smith further stated that he was advised that under a lease/purchase contract the only appropriation necessary was whatever the lease payment would be for one fiscal year. However, in order to award a contract for the equipment without the lease contract the total amount of the purchase should be appropriated.

Mr. Smith recommended that when we award the bid for equipment, we also amend the budget and appropriate enough from fund balance to cover the entire purchase. When a lease contract is awarded, these funds will revert back into the fund balance.

Mr. Al Jordan presented the bids for the Police vehicles and recommended low bid of \$389,778. to Kabco, Inc.

Mr. Wofford offered motion to accept recommendation for budget amendment revision and low bid of \$389,778. by Kabco, Inc., seconded by Rev. Johnson and carried unanimously.

19 Appointments

A. Joint Energy Advisory Commission. Mr. McBryde made a motion that the five (5) nominees previously made be elected, seconded by Mr. Jones and carried unanimously. The names and categories are listed below and the terms run for one (1) year:

Mr. Dickie Detter - Architects/Engineer
Mr. Clair Hudspeth - Business
Ray Muench - Electrical/Utilities
Ralph Harris, Jr. - Elderly and Handicapped
Michael Green - Energy Advocacy Groups

This leaves a vacancy in the category of Gasoline Dealer and Homebuilders.

B. Senior Citizens Advisory Commission. Mr. McBryde offered motion that Louise Wilkie be elected to serve the unexpired term of Mr. E. E. Miller, seconded by Mrs. Evans and carried. The term will expire October, 1982.

C. Fayetteville Redevelopment Commission. Council next considered nominations to fill one vacancy on the Redevelopment Commission and Mr. McBryde nominated J. T. Gibson.

D. Fayetteville Historic Properties Commission. On nominations to fill three expiring terms of the Historic Properties Commission, Mrs. Evans nominated Rev. Robert L. Ladehoff; Mr. Dawkins nominated Rosalie Kelly; and Mr. McBryde nominated Charles Pearson.

E. Fayetteville Appearance Commission. Council next considered nominations to fill four vacancies on the Appearance Commission. Mr. McBryde nominated Michael F. Currin; Mrs. Evans nominated Frank MacMillan; Mr. Wofford nominated Becky Dutton and Rev. Johnson nominated Ernest Cain.

The classifications for each nominee will be available at the next meeting.

20 Delegations

A local citizen, Clinton Harris, was recognized by Council who requested Council check into unemployment of the minority groups and requested improvement be made by City on Affirmative Action employment.

City Manager Smith replied that City has an Affirmative Action plan in effect now and it was noted by Council that there were two City Department Heads that are present in the audience from the minority groups.

21 City Manager's Report

Mr. Smith presented a Compliance Agreement from the Office of Revenue Sharing and recommended approval.

Mr. Wofford offered motion to approve the Compliance Agreement, seconded by Mr. Jones and carried unanimously.

Mr. Smith stated he had been approached, along with PWC, to ascertain if the City would be interested in purchasing topographic maps. He stated we would be, subject to appropriation in next year's physical budget. It would cost the City approximately \$70,000. to get topo maps of the entire City. Mr. Smith stated it is something we desperately need and PWC has indicated that for every map the City purchases inside the City limits, they will purchase a map outside the City limits. We would get coverage of almost the entire urban area with topo maps. Mr. Smith indicated that this was a matter for Council to consider for a later date.

Mr. Smith reminded the Council that some material had been presented to them of study on street sweeping and can be brought up at a later date.

22 Matters of Interest to Council

Rev. Johnson requested that the Taft Street be checked into to see if we could do anything about paving it.

Mayor Hurley requested that Council consider a luncheon meeting to discuss calendaring exercise.


Upon motion by Mr. Dawkins, seconded by Mr. McBryde, Council entered into Executive Session at 10:13 p.m. to consider a property matter.

Council then reconvened into regular session at 10:26 p.m.

City Attorney Cogswell recommended that City acquire the 355 sq feet that is need from the J. A. Holmes family at the intersection of Bow and Person Streets for the sum of \$2,000. to settle the condemnation suit.

Mr. Dawkins offered motion to approve the recommendation of the City Attorney, seconded by Mr. McBryde and carried unanimously.

Meeting was then adjourned at 10:28 p.m. upon motion made and duly seconded.


Bobbie Joyner
Acting City Clerk

