

SPECIAL MEETING
CITY HALL COUNCIL CHAMBER
JANUARY 5, 1982
5:30 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

Mayor Hurley offered the invocation.

- 1 The first item Council considered was calendaring times to meet with selected boards and commissions and with employees appointed by Council. The schedule is shown below:

	Date	P.M.	Location
City Manager	February 2	7:00	Kyle House
Police Chief (biannually)	January 19	7:00	Kyle House
	July 20	7:00	Kyle House
Fire Chief	February 15	7:00	Kyle House
City Attorney	February 2	7:00	Kyle House
Public Works Commission	January 18	7:00	PWC Building
Civil Service Commission	February 4	7:00	Kyle House
Revitalization Commission (biannually)	February 23	7:00	City Hall Councilchambers
	September 7	7:00	City Hall Councilchambers
Human Service Commission	March 15	7:00	City Hall Councilchambers
Fayetteville Area System of Transit	March 15	7:00	City Hall Councilchambers
Redevelopment Commission	February 15	7:00	Kyle House

There was some discussion as to whether the meetings with the department heads that Council appoints should be in executive session. The consensus was that they should be scheduled as special meetings so that the Council could enter into executive session, as necessary, to discuss performance evaluation.

Mayor Hurley reminded Council of the up-coming Congressional Caucus in Washington, D. C. on February 28 and March 1 and 2.

Rev. Johnson requested that staff provide Council with a calendar showing meetings of appointed Boards and Commissions.

Rev. Johnson asked that a different means of displaying Council votes be considered.

Mayor Hurley suggested a new sound system was also needed and that reconfiguration of Council Chambers be considered in the next budget.

- 2 The next item Council considered was the appointment of Council Committees. Listed below are the Committees and Chairmen:

LIAISON

Milo McBryde, Chairman
Mildred Evans
Aaron Johnson

PERSONNEL

Mildred Evans, Chairman
Jimmie Jones
Aaron Johnson

STREETS, ROADS AND TRANSPORTATION

Aaron J. Johnson, Chairman
J. L. Dawkins
Milt Wofford

POLICY

Milt Wofford, Chairman
Milo McBryde
Aaron Johnson

BUILDINGS AND PROPERTIES

Jimmie Jones, Chairman
Milt Wofford
Mildred Evans

AD HOC

J. L. Dawkins, Chairman
Jimmie Jones
Milo McBryde

The Policy Committee was requested to consider Transit benches, reconfiguration of Council Chambers and Park Ranger certification.

Council requested staff to have stationery printed containing the Market House and all Council members' names.

3 The next item for consideration by Council was approval of parking plan for the lot adjacent to AMTRAK Station.

City Manager John Smith informed Council that Terminal Taxi was to move their taxi stand from the lot by January 11.

City Manager Smith presented this matter and stated that the long term solution to this situation is to consolidate this lot with other City owned parking lots in the area. However, we need to come up with a short term solution because Amtrak is not interested in getting into the parking business.

Mr. Smith presented three options:

1) Convert the lot to attendant parking with sixty (60) spaces.

(This would require a capital investment of \$19,000. and an annual operating cost of \$12,000., which would require a 40% occupancy rate to break even.) Mr. Smith stated that one problem with this option is that he does not believe there is enough parking demand to produce a 40% occupancy rate.

2) Leave the lot as is, with no changes.

(The problem with this would be leaving the lot unprotected and unimproved, creating an undesirable area.

3) Adequate lighting could be installed and leave the lot as a free parking lot.

Following brief discussion, Council requested staff investigate lighting the lot, imposing a two (2) hour limit on parking and assigning a police officer the responsibility for that area.

Rev. Johnson will give a report to Council on his trip to Detroit to the National League of Cities Conference - 1981 Congress of Cities and Expositions.

There being no further business, Council adjourned at 7:05 p.m.



Roger L. Stancil
Deputy City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JANUARY 11, 1982

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, City Attorney

Mayor Hurley called the meeting to order and Rev. Jerry Daly of the Manna Church offered 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. The Mayor also welcomed the members present from the Olde Fayetteville Association and Mr. M. J. Weeks with the Fayetteville Progress Association.

Mayor Hurley asked if any Councilmembers had a brief remark they wished to contribute.

Councilmember McBryde recognized Junior Edge, Chairman of the City School Board present in the audience.

Rev. Johnson expressed a special thank you to Rev. Daly for his coming and for his most appropriate prayer. He asked Rev. Daly to continue to remember Council in his prayers.

City Attorney Cogswell requested an executive session to be held at the end of the meeting to consider property litigation.

1 First order of business was the approval of the minutes of the Special Meeting of December 21, 1981 and Regular Meeting of December 28, 1981. Mr. McBryde offered motion to approve the minutes, seconded by Mr. Dawkins and carried unanimously.

2 Public Hearings

A public hearing had been published for this date and hour on the consideration of adoption of the Downtown Redevelopment Plan. Mr. Richard Herrera, Director of Community Development stated that he had two matters to present to Council before covering the public hearing issue. One is that since it was too cold to wear the Tee Shirts handed out this past summer for the citizen's participation program, he had printed some very fine buttons but didn't know that Personnel Director Carol Parker had a button campaign going on also.

The other matter was that one of his staff members, Janice Gerald, who is Assistant Director for County Operations was recently selected as the Chairman of County Human Relations Commission.

Mr. Herrera briefed Council on the Downtown Redevelopment Plan from its beginning. He also showed slides showing the steps to be taken during this calendar year and the source of funding. Mr. Herrera reminded Council that this money had already been budgeted.

John Monaghan, Assistant City Manager, presented the Loan Program and generally, who will have what responsibility. He also showed a very small flow chart that will show how the process will work.

Following the presentation by Mr. Herrera and Mr. Monaghan, Mayor Hurley reminded the audience that this is a public hearing and that fifteen minutes is allowed for those to speak either for or against the matter.

There were no proponents or opponents.

Councilmember Dawkins stated he would have to abstain because of being associated with a firm that will be involved with the loan agreement.

Mr. McBryde introduced the foregoing ordinance and moved its adoption, seconded by Rev. Johnson and carried with Mr. Dawkins abstaining.

Mayor Hurley offered appreciation on behalf of all the citizens of this City to the Community Development Department and staff, also Mr. John Monaghan, the Planning Department, Fayetteville Progress and everyone for their efforts on this project.

At this point, Mayor Hurley recognized County Commissioner Mrs. Mary McAllister who was in the audience.

3 Public Hearings to be Set

Upon motion by Mr. McBryde, seconded by Mr. Jones and carried unanimously, public hearings were set for February 22, 1982 for the following:

- A. Consideration of annexation of property in the Progress Street/West Jenkins Street area.
- B. Consideration of annexation of a portion of Holiday Park.

4 Planning Board Matters

Planner Al Mitchell presented the six Planning Board matters.

- A. Consideration of Hillendale Plaza Group Development, Section II, in a C(1)P Shopping Center District for preliminary review located north of 401 Bypass on the west side of Rosehill Road. The Planning Board recommends conditional approval.

Mrs. Evans offered motion to conditionally approve the request as presented by the Planning Board, seconded by Rev. Johnson and carried unanimously.

- B. Consideration of the Cottages at Windwood on Skye Drive Group Development (Townhouses) for preliminary review located north of Skye Drive and Summertime Road. The Planning Board recommends conditional approval.

Mr. Wofford offered motion to conditionally approve the request as presented by the Planning Board, seconded by Rev. Johnson and carried unanimously.

- C. Consideration of Fayetteville Mall in a C(1)P Shopping Center District for preliminary addition review located north of US 401 Business on Ravenhill Drive. Planning Board recommends conditional approval.

Mr. Mitchell stated that the petitioner has requested that this matter be withdrawn. Council took no action.

- D. Consideration of Santa Fe Freight Company in a C(1)P Shopping Center District for preliminary addition review located at Robeson Street and Village Drive. Planning Board recommends conditional approval.

Mrs. Evans offered motion to conditionally approve the request as presented by the Planning Board, seconded by Rev. Johnson and carried unanimously.

- E. Consideration of Mark Vandell Haircutters in a C(1)P Shopping Center District for preliminary group development addition review located south of Morganton Road, east of McPherson Church Road. Planning Board recommends conditional approval.

Mrs. Evans offered motion, seconded by Rev. Johnson and carried unanimously to conditionally approve the request as presented by the Planning Board.

- F. Council then gave consideration of the rezoning from C(1)P Shopping Center District to C3 Heavy Commercial District or to a more restrictive zoning classification an area located on the southeast side of Springfield Street between Murchison Road and Stackpole Road. The Planning Board recommends approval of Case No. P81-106.

Mr. Wofford asked if area residents had been notified due to the types of businesses that can be put into this area under the C3 zoning.

Mr. Mitchell stated that 160 residents had been notified but no one appeared at the hearing against the request.

Mr. Jones offered motion to follow recommendation of the Planning Board to approve the rezoning, seconded by Mr. Dawkins.

Following lengthy discussion, Mr. Dawkins withdrew his second to the motion and made a substitute motion that this matter be continued until the next meeting, carried unanimously.

At this point, City Attorney Cogswell requested Council return to Item 3B and requested that due to this being the first intent to annex under the new law, that Council adopt a resolution stating this.

Mr. McBryde offered motion to adopt resolution of intent to annex a portion of Holiday Park on the northeast side of Owen Drive adjacent to the City Limits, and being more particularly described in metes and bounds shown below, and to hold a public hearing on said annexation on February 22, 1982. Seconded by Mr. Jones and carried unanimously. The resolution title and metes and bounds are as follows:

RESOLUTION OF INTENT TO ANNEX A PORTION OF HOLIDAY PARK.
RESOLUTION NO. R1982-1

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1982.

5 Council next considered the adoption of sidewalk policy. This matter was presented by City Manager Smith, who stated he is recommending approval of the sidewalk policy and plan. Mr. Smith further stated that in order to implement the policy, there are several ordinance amendments that will be necessary and Council can make other amendments at their discretion.

Following discussion, Mr. Wofford offered motion to adopt the sidewalk policy as recommended, seconded by Mr. McBryde and carried unanimously.

Rev. Johnson thought it would be in order for Mr. Clinton Harris to give Council a standing ovation at this time, which he did, gleefully.

Mr. Wofford then offered motion to approve the first year of the sidewalk construction plan as recommended and refer the balance of that plan to the Streets, Roads and Transportation Committee for further study, seconded by Rev. Johnson and carried unanimously.

6 Council next gave consideration of an ordinance amending Chapter 26 "Streets and Sidewalks" of the Fayetteville City Code (Driveway Permits). City Manager Smith presented this matter and stated it goes along with the policy Council just adopted and there would be two more ordinance amendments that will be presented in the future for zoning and subdivision, which have been sent to the Planning Board.

Mr. Dawkins offered motion to adopt the ordinance amending Chapter 26 "Streets and Sidewalks" of the Fayetteville City Code (Driveway Permits), seconded by Mr. Jones and carried unanimously.

The ordinance title appears below:

AN ORDINANCE AMENDING CHAPTER 26, "STREETS AND SIDEWALKS", OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. S1982-1

A copy of the foregoing ordinance is on file in the Clerk's office in ordinance book S1982.

7 Council next gave consideration of a resolution amending the 504 Transition Plan (Transit Service for Elderly and Handicapped). Assistant City Manger Roger Stancil presented this matter and stated that the Handicap Advisory Committee has reviewed previous recommendation and is making a new recommendation to Council on providing transit services to the elderly and handicapped.

Mr. Stancil stated that essentially what the committee is proposing is to substitute the new recommendations for the wheelchair lifts by installing restraining devices and stop request buzzers for wheelchair passengers in the FAST buses that are equipped with hydraulic lifts; install seatbelts for elderly and handicapped passengers; pass through Section 5 funds with local match for supporting the rural transportation system provider to provide door-to-door service within the City limits of Fayetteville.

This subcommittee believes that the above described special efforts will broaden the level of service to the handicapped passengers.

The Transit Task Force met and reviewed these recommendations and concurred with them and therefore recommend approval.

Mr. Stancil stated that if Council agrees with these recommendations, the appropriate actions would be as follows:

- 1) To amend the 504 Transition Plan service element to substitute the new recommendations for the wheelchair lifts;
- 2) To authorize the City Manager to execute agreements for the provision of specialized service to the handicapped.

Following brief discussion, Mr. Dawkins offered motion, seconded by Rev. Johnson, to amend the 504 Transition Plan and authorize the City Manager to negotiate with City Transportation Service to provide door-to-door plan for specialized service for handicapped. Motion carried unanimously.

8 Council next considered establishment of an Administrative Services Department. City Manager Smith presented the entire package to Council showing long range plans and his recommendations are:

- 1) The establishment of the Administrative Services Department;
- 2) Authorization to proceed with receiving proposals for word processing equipment.

Mr. Smith stated these recommendations along with the establishment of a full time safety officer can be accomplished without additional appropriations.

There was lengthy discussion, Rev. Johnson offered motion to follow City Manager Smith's recommendation to establish an Administrative Services Department and authorization to proceed with receiving proposals for word processing equipment, seconded by Mr. McBryde. Motion carried with Mr. Jones voting "no".

9 Council next considered an ordinance amending Chapter 20 of the Fayetteville City Code (City Auto License).

City Manager Smith presented this matter and explained that staff has been working to develop a better system for billing and collecting City auto license fees. Mr. Smith proposes that the County, using the tax listing, prepare a separate bill and provide the Finance Department with the bills, who will then mail the bills and handle the decals. The cost to the City will be 3¢ per bill plus mailing. Our current fee is 50¢ per decal sold by the state motor vehicle registrars. Furthermore, with this system, the entire transaction can be handled through the mail.

Mr. Smith stated that in order to implement this system, the code needs to be amended, changing the due date to July 1. This will also correspond to the City's fiscal year.

City Attorney Cogswell presented the ordinance amendment stating that the decals on the automobiles now will expire August 15 but notices will be sent out before this date to notify the public to come in and purchase their new decal before August 15.

Mr. Cogswell stated that there was a change in the wording of Section 20-18 of the ordinance in the first line and it should read "Each owner of any motor vehicle required to register under Section 20-17.

AN ORDINANCE AMENDING CHAPTER 20, "MOTOR VEHICLES AND TRAFFIC", OF THE CITY CODE OF CITY OF FAYETTEVILLE. ORDINANCE NO. S1982-2

Mrs. Evans offered motion to adopt the foregoing ordinance, seconded by Rev. Johnson and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book No. S1982.

10 Tax Matters

A The City Manager presented these matters and stated that he has a request for a refund of \$214.76 from Samuel H. Overton, 232 Winslow Street due to an inaccurate property valuation. Mr. Smith stated that the County approved their request.

Mr. Dawkins offered motion, seconded by Mr. McBryde for approval of the foregoing refund of \$214.76 to Mr. Overton. Motion carried unanimously.

B The City Manager stated the second tax matter was a request for waiver of \$880.61 late listing penalty due to late billing of City tax.

Mrs. Evans offered motion to waive late listing for Calinda Properties of the Color Tile Store, 502 McPherson Church Road in the amount of \$880.61. Motion seconded by Mr. McBryde and carried unanimously.

11 Appointments

A. Council next considered nominations for two vacancies on the Joint Energy Advisory Committee in the categories of Homebuilder and Gasoline Dealer.

Rev. Johnson nominated Mr. Rex White, 234 Tallywood for Homebuilder category. Councilman Jones nominated Mr. Thomas M. Piner for the Gasoline Dealer.

B. Council next considered election of nominees previously made for the Fayetteville Redevelopment Commission. Mr. Dawkins made a motion that Mr. J.T. Gibson be elected by acclamation, seconded by Mr. McBryde and carried unanimously.

C. Council next considered three nominees previously made for the Historic Properties Commission. Mr. Jones offered motion that Rev. Robert L. Ladehoff, Rosalie Kelly and Charles Pearson be elected by acclamation, seconded by Mr. McBryde and carried unanimously.

E. Council next considered election of nominees previously made for the Fayetteville Appearance Commission. Mr. McBryde offered motion that Frank MacMillan be in the category of Architect, Mr. Michael Currin in the category of Landscape Architect, and Mr. Ernest Cain representing the Planning Board and Becky Dutton was nominated to fill the at-large position. Mr. McBryde offered motion to elect the above by acclamation, seconded by Mr. Wofford and carried unanimously.

D. Council next considered nominations to fill appointment of Treasurer on the Board of Trustees, North Carolina Fireman's Relief Fund.

Mr. McBryde nominated Mr. Bill Epps and voted unanimously to elect Mr. Epps to this position. Motion carried unanimously.

12 Delegations

None

13 City Manager Reports

City Manager Smith presented one item that came to his attention after the Agenda Package was distributed with regard to action Council took at a previous meeting regarding the fee schedule for Recreation & Parks Department. The previous motion was to waive the \$15. fee for ceramics building use of non-resident elderly and handicapped.

Mr. Smith stated that the fee should have been omitted from his last presentation but since it was left in, the last motion covered this fee also.

Mrs. Evans offered motion to waive annual charge to the elderly and handicapped for use of the ceramics building, seconded by Mr. Jones.

Following brief discussion, Mayor Hurley called for a vote, and announced that the motion was defeated with Mr. Wofford, Mr. Dawkins, Mr. Jones and Mr. McBryde voting "no".

At this point, Mrs. Evans asked Mr. Jones if he voted against the motion and Mr. Jones stated that he meant to vote "for" the motion and pushed the wrong button. Mayor Hurley called for a revote.

Mrs. Evans then made motion to waive annual charge to the elderly and handicapped for use of the ceramics building, seconded by Mr. Jones. Motion carried with Mr. Wofford, Mr. Dawkins, and Mr. McBryde voting "no".

14 Matters of Interest to Council

Mr. McBryde stated a desire to meet with the Cablevision people to see if more adequate service can be obtained.

Mr. Dawkins expressed grief in the loss of a former Councilman, Mayor ProTem, and former Mayor, Mr. George Herndon. He also expressed sadness for the County Attorney Heman Clark's loss of his wife recently, Mary Reade Clark.

Rev. Johnson echoed Mr. Dawkins expressions.

Mayor Hurley read a resolution dealing with future acquisitions of County property.

RESOLUTION (COUNTY COURTHOUSE ANNEX) - RESOLUTION NO. R1982-2

Mrs. Evans offered motion that the foregoing resolution be adopted, seconded by Mr. Jones and carried unanimously.

The foregoing resolution is on file in the Clerk's office in Resolutions Book R1982.

Upon motion by Mr. McBryde, seconded by Mr. Dawkins, Council went into Executive Session at 9:20 p.m. to consider property litigation.

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

City Attorney recommended Council authorize City Manager to sign lease from the First Baptist Church of Moore Street property that they own on Frink Street for the sum of \$4,750. per year with an option to purchase the property at anytime during that year for \$50,000. with rent payments being applied to that purchase price and the City will pay taxes during the time of lease.

Mr. McBryde offered motion, seconded by Rev. Johnson to authorize City Manager to sign lease from the First Baptist Church of Moore Street property as recommended by City Attorney, seconded by Rev. Johnson, motion carried unanimously.

There being no further business motion was made and seconded to adjourn at 10:10 p.m.



Bobbie Joyner
Acting City Clerk



SPECIAL MEETING
PUBLIC WORKS COMMISSION BUILDING
JANUARY 18, 1982
7:00 P.M.

Present: Mayor Bill Hurley

Councilmembers: Jimmie Jones, Milo McBryde, J.L. Dawkins, Aaron Johnson,
Mildred Evans and Milton Wofford

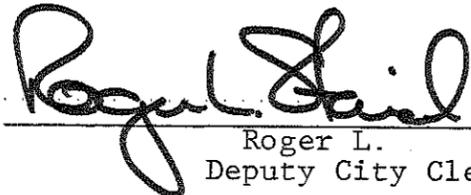
Others Present: John Smith, City Manager
Robert C. Cogswell, Jr., City Attorney
PWC Commissioners James Warner, Robert Williams, Robert H. Butler,
and Tom McCoy

The Joint Meeting with Public Works Commission was called to order by
Mayor Hurley.

Mr. James R. Warner, Chairman of PWC gave an overview and report of the
three areas of the utility operation, i.e., electric, water and sewer. Following
this there was general discussion concerning such items as:

Annual payment to the City.
Proposed Rockfish Creek interceptor and facility.
Loss of revenues on the sewer operation for the
proceeding fiscal year.
Water and sewer problems in LaFayette Village and
Drake Park Subdivision.
Special areas for future expansion and annexation.

There being no further business, the meeting was adjourned.


Roger L.
Deputy City Clerk

bj



SPECIAL MEETING
KYLE HOUSE CONFERENCE ROOM
JANUARY 19, 1982
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, City Attorney
Daniel K. Dixon, Chief of Police

Rev. Johnson was called on by Mayor Hurley to give the invocation.

- 1 The first item Council gave consideration was the Airport runway/apron overlay contract-project number 6-37-0021-06; TCA #847. City Attorney Cogswell presented this matter. He stated that the contractor is making a claim for the additional work over what the original contract called for and has accepted the City's offer to settle out of court. City Attorney Cogswell stated that Talbert Cox and Associates of Wilmington, the Airport's Consulting Engineers, will receive a total settlement of \$65,000 and that the City's portion of this will be \$10,000., to be paid from the Airport Capital Fund.

Councilmember Dawkins offered motion, seconded by Mr. McBryde to approve payment of \$10,000. in the concrete overlay dispute as recommended by City Attorney, and carried unanimously.

- 2 The last item Council considered was performance evaluation of Chief Daniel K. Dixon, Fayetteville Police Department.

Mrs. Evans then stated that she respected the right of Council to go into Executive Session and she hoped they respected her right not to; and, if the Council decided to go into Executive Session, she would have to leave because she felt the public's business should be conducted in public.

Mr. Dawkins stated that the Council was not trying to keep anything from the public. They would feel freer discussing a specific personnel evaluation in Executive Session.

Mr. Wofford made the point that the City Manager had requested that his evaluation be held in Executive Session because the City Manager felt that environment would produce a more open and relaxed discussion. Mr. Wofford stated he felt it would not be right to hold one in Executive Session and the others in open sessions.

The Council is a corporate supervisor to the four appointed employees. It should have the same opportunity to discuss personnel performance in confidences as an individual supervisor would have, Councilman Wofford stated.

Rev. Johnson added that Council must act as a body and if Councilmember Evans left she would not be paying her dues to the Council. He stated that he wanted her to be a part of this discussion with Chief Dixon.

Mayor Hurley then stated that he would like to review the job description of the Chief of Police and the law regarding Executive Session before Council went into Executive Session.

Councilmember Evans then excused herself from the meeting.

Mayor Hurley went over the job description and read N.C.G.S. § 143-318.11(8)

- (8) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of appointment, or conditions of initial employment of a public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge or grievance by or against a public officer or employee. A public body may consider the appointment or removal of a member of another body in executive session but may not consider or fill a vacancy among its own membership except in an open meeting.

Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting. If a public body considers an appointment to another body, except a committee composed of members of the public body, in executive session, it shall, before making that appointment, present at an open meeting a written list of the persons then being considered for the appointment, and that list shall on the same day be made available for public inspection in the office of the clerk or secretary to the public body. The public body may not make the appointment before the seventh day after the day on which the list was presented."

Rev. Johnson offered motion to go into executive session at 7:25 p.m. to discuss the performance of the Chief of Police of the City of Fayetteville, seconded by Mr. McBryde.

Council then reconvened into regular session at 10:00 p.m. and there being no further business adjourned.



Roger L. Stancil
Deputy City Clerk

bj

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JANUARY 25, 1982
7:00 P.M.

Present: Major John W. 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 City Attorney Cogswell to offer the invocation. Following the invocation, Mayor Hurley led the Assembly in the Pledge of Allegiance to the Flag.

There were no members of the Youth Council present.

Mayor Hurley recognized Councilmember Wofford's wife, Lucy, and daughter, Ann, present in the audience.

Mayor Hurley then asked the newly crowned Miss Cumberland County, Miss Cynthia Lynne Gentry to come forward. Miss Gentry will represent Cumberland County at the Miss North Carolina Pageant in Raleigh at the Civic Center June 21st - 25th. She was presented with an engraved letter opener from the City of Fayetteville by the Mayor.

Mayor Hurley also recognized Mrs. Zollars, one of the sponsors of the Miss Cumberland County pageant.

Mayor Hurley stated that the City Attorney requested an Executive Session at the end of this meeting to consider a land matter.

1 The first item to be considered was the approval of the Minutes of the January 5, 1982 Special Meeting.

Mr. McBryde offered motion, seconded by Mr. Jones that the Minutes of the January 5, 1982 Special Meeting be approved, and motion carried unanimously.

2 Public Hearings

Mayor Hurley explained to the audience that there is a fifteen (15) minute time limit for each spokesman for or against a public hearing matter.

A A public hearing had been published for this date and hour on the 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. Planner Mitchell presented this matter and stated the Annexation Technical Review Committee recommends denial.

Mr. John Cox, part owner and petitioner for the request, appeared for the rezoning and stated the planned sport center would benefit all area residents.

Mr. Johnny Johnson, also part owner and petitioner for the request, appeared for the rezoning and stated that they feel it would benefit the community to have this pool and tennis court and requested that Council allow them to operate as a commercial enterprise in a sport fitness mode, which will allow them to expand. He further stated that if they are unable to do this, then they will probably have to sell.

Mr. Charles Sweeney, Attorney for the Highland House Nursing Home owners, appeared in opposition of the zoning change because they feel by changing it to C1 Local Business District, it opens the possibility for that property to be used in approximately 70 different ways of the zoning ordinance, as it now reads. The residents at the nursing home are elderly and they need the quiet and peaceful setting that they have now.

Mr. Sweeney further stated that after looking over the plans of the proposed center, he doesn't believe it would conform to parking regulations and the petitioners bought it knowing it would not conform to the zoning.

Following brief discussion, Mr. McBryde offered motion, seconded by Mr. Dawkins, to deny the rezoning request. Motion carried unanimously.

B A public hearing had been published for this date and hour on the consideration of the final resolution requiring the paving, pursuant to petition of Powell Street from Trade Street to Cude Street.

Mr. Raymond Johnson, owner of two lots on Powell, appeared in opposition because he understood that it would be paved by the City without charging the residents.

Mrs. Gertrude Ruark stated she knew it needed to be paved, but did not understand why they are charged and others on nearby streets were not charged.

City Manager Smith explained that Cude, Progress and Trade Streets were paved with Federal Funds from the Redevelopment Commission and Powell Street is not included. Petitions requesting paving were received and done under standard City policy which is a \$4.00 per foot charge to property owners. The cost per foot to pave is approximately \$50.00.

The Mayor reminded area residents that they have five years in which to make payments, so this should lighten their burden somewhat.

Mr. Dawkins stated that by having the street paved, this should add about \$400.00 to the value of the lots for future sale.

Mrs. Evans offered motion to follow petitions and adopt the resolution to pave Powell Street, seconded by Mr. Wofford and carried with Mr. Jones voting "no".

FINAL RESOLUTION REQUIRING THE PAVING OF POWELL STREET. RESOLUTION NO. R1982-3

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1982.

C A public hearing had been published for this date and hour on final resolution requiring the paving pursuant to petition, of Cross Street from the western line of Plat Book 8, Page 31, to the eastern line of Plat Book 8, Page 31, Cumberland County Registry. Mr. Bennett presented this matter and stated that all property owners had been notified.

There were no opponents nor proponents present.

Mrs. Evans offered motion to honor the petition to pave Cross Street, seconded by Mr. Dawkins and carried unanimously. The resolution title appears below.

FINAL RESOLUTION REQUIRING THE PAVING OF CROSS STREET. RESOLUTION NO. R1982-4

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1982.

3 Public Hearing To Be Set

Upon motion by Rev. Johnson, seconded by Mr. McBryde, and carried unanimously to set public hearing for consideration of adoption of a resolution and order to file and publish preliminary assessment roll for the paving of McLamb Drive from the northwestern corner of Lot 13, Block "A", Page 44 to Lake Avenue for February 22, 1982. The resolution title appears below: ASSESSMENT ROLL FOR PAVING AND RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY OTHER IMPROVEMENTS ON MCLAMB DRIVE. R1982-5

Rev. Johnson requested that all area residents be notified. The City Attorney explained the procedure used for mailing notices to residents as required by law. A copy of the foregoing resolution is on file in the Clerk's Office.

4 Public Works Commission

A Ray Muench presented for Council's consideration an application for water connection to existing main to serve commercial building on Gillespie Street, outside City. Public Works Commission recommends approval.

Mr. Wofford offered motion, seconded by Rev. Johnson to approve the connection as recommended by Public Works Commission. Motion carried unanimously.

B Mr. Muench next presented for consideration an application for water connection to existing main to serve residence at corner of Buie Street and Woolard Drive, outside City. Public Works Commission recommends approval.

Mrs. Evans offered motion, seconded by Rev. Johnson, to approve water connection as recommended, and carried unanimously.

C Council next considered an application for extension of water main to serve duplex structure at 5006-5008 Patton Street, outside City. Mr. Muench stated that applicant will pay total cost and apply for annexation into the City. Public Works Commission recommends approval.

Mr. McBryde offered motion to approve extension of water main as recommended by Public Works Commission, seconded by Mr. Jones and carried unanimously.

D Council next gave consideration of bids received December 29, 1981 for the purchase of two 15.5 KV and one 25.8 KV vacuum circuit breakers. Mr. Muench presented this matter and recommends award of bid to low bidder, Rigby Electric Supply Company, in the amount of \$60,138.00.

Mrs. Evans offered motion, seconded by Mr. McBryde to award the low bid to Rigby Electric Supply Company for \$60,138.00 for the 15.5 KV and one 25.8 KV vacuum circuit breakers. Motion carried unanimously.

E Council then gave consideration of bids received January 5, 1982, for chemicals for water and wastewater plants as presented by Mr. Muench. Public Works Commission recommends award to low bidders for the following:

<u>CAUSTIC SODA (500,000 Pounds)</u>		
<u>Bidder</u>	<u>Per CWT</u>	<u>Total Bid</u>
Holtrachem, Inc.	\$13.75	\$68,750.00
<u>LIQUID CHLORINE (350 Tons)</u>		
Jones Chemicals, Inc.	\$6.99	\$48,930.00
<u>ALUMINUM SULFATE (978,000 Pounds)</u>		
Industrial & Agricultural Chemicals, Inc.	\$6.405	\$62,640.90
<u>HYDRATED LIME (300,000 Pounds)</u>		
Gold Bond Building Products	\$3.738	\$11,214.00
<u>HYDROFLUOSILICIC ACID (60 Tons)</u>		
Encee Chemical Sales	\$4.22	\$ 5,064.00
<u>SODIUM SILICOFLUORIDE (20,000 Pounds)</u>		
McKesson Chemical Company	\$17.70	\$ 3,540.00
<u>POWDERED ACTIVATED CARBON (20,000 Pounds)</u>		
Suffolk Chemical Co.	\$28.47	\$ 5,694.00
<u>BIMETALLIC GLASSY PHOSPHATE (60,000 Pounds)</u>		
Howerton Gowen Chemicals, Inc.	\$60.00	\$36,000.00

Mr. McBryde offered motion to award the bids to the low bidders as shown above as recommended by Public Works Commission, seconded by Rev. Johnson and carried unanimously.

Councilmember Dawkins wanted to thank the press for the fine reports they are doing on the Councilmembers and especially for the latest article on Rev. Johnson.

Mayor Hurley echoed his gratitude to the press also.

5. Planning Board Matters

Planner Al Mitchell presented the Planning Board members.

A Council gave consideration of Case No. P81-106, of the rezoning from C(1)P Shopping Center District to C3 Heavy Commercial District or to a more restricting zoning classification an area located on the southeast side of Springfield Street between Murchison Road and Stackpole Road. This matter was continued from the regular meeting of January 11, 1982.

5A Mayor Hurley then recognized Mr. Bill Maxwell, owner and petitioner, who stated he hopes to develop this property.

Mr. Wofford stated he was concerned because the Planning Board originally recommended denial due to there being no access to a major thoroughfare and it opens up the door to anything that falls within the C3 zoning.

Mrs. Evans stated she felt she must put herself in the place of the citizens in that area and she didn't believe she would want her neighborhood zoned C3. Mrs. Evans stated she felt that Council should provide protection to the citizens.

Rev. Johnson stated he had received several calls from residents who feel the Council is there to represent the citizens and they shouldn't have to appear. Rev. Johnson further stated that he is familiar with that area and he is against further heavy commercial being brought in and further deteriorating the area.

Mr. Wofford stated he felt that in notifying the citizens, the terminology might be too complex for the property owners to understand.

Mr. Dawkins stated he felt that out of 160 notices sent, he felt some of them had to understand the information. Mr. Dawkins further stated that he is also familiar with the area and if the residents don't object then it could be rezoned.

Mr. Jones stated he was concerned with the unemployment in the City. If we've got something that would give people a position that they could support their families with, then it should be used.

Mr. Dawkins offered motion to follow the recommendation of the Planning Board to rezone from C(1)P Shopping Center District to C3 Heavy Commercial District an area located on the southeast side of Springfield Street between Murchison Road and Stackpole Road. Mr. McBryde seconded the motion. The motion carried with Mr. Wofford, Mrs. Evans and Rev. Johnson voting "no".

City Attorney Cogswell reminded Council that a 4 to 3 vote in favor of the motion would mean that this matter would have to be continued for two weeks for a second reading. This item will be continued until February 8, 1982 for a second reading.

B Council next gave consideration of National Fitness Centers, Inc. in a C(1)P Shopping Center District for preliminary review located North of US 401 Business on Ravenhill Drive. Planner Al Mitchell stated the Planning Board recommends conditional approval.

Upon motion by Mrs. Evans, seconded by Rev. Johnson and carried unanimously, to conditionally approve the recommendation of the Planning Board for preliminary review of National Fitness Centers, Inc.

-C The next item was consideration of Watson's Group Development in an R6 Residential District for preliminary review located on the West side of Murchison Road and East of Bain Drive. Planner Mitchell presented this item and stated that the Planning Board recommends conditional approval.

Rev. Johnson offered motion to follow the recommendation of the Planning Board to conditionally approve the Watson Group Development, seconded by Mr. Dawkins and carried unanimously.

6 Council next gave consideration of an amendment to Section 69.1 (No Parking Zones) and Section 20-107 (Tow Away Zones) of the Fayetteville City Code. City Attorney presented this matter and stated it was a housekeeping amendment that was left out of the two hour free parking ordinance that was adopted at the last meeting.

Mr. Cogswell stated that Sections 20-69.1 all carry a \$5.00 ticket so the amendment being presented now will add the following paragraph to each section:

"Violations of this section may additionally be enforced pursuant to Section 20-96."

At this point, Mr. Cogswell requested Council hold their action until after Item 7 because they were related due to the effective date.

7 Council next considered the effective date of Parking Ordinance #S1981-28 presented by City Manager John Smith.

Mr. Smith stated that there may be a problem with implementing the revised on-street parking regulations on February 1st, as originally planned, due to having to order new parking tickets that conform to the revised ordinance. We are finding it difficult to get a firm delivery date.

Mr. Smith further stated that he feels that delivery of new tickets can be made by mid-February and recommends that the effective date of the ordinance be changed to March 1, 1982.

Mrs. Evans offered motion to delay parking ordinance S1981-28 from February 1st to March 1st, seconded by Rev. Johnson and carried unanimously.

Council then returned to Item 6 - Consideration of amendment to Section 69.1 (No Parking Zones) and Section 20-107 (Tow Away Zones) of the Fayetteville City Code.

Upon motion by Mr. Wofford, seconded by Mr. McBryde, it was carried unanimously to follow recommendation of staff to approve the amendment to Fayetteville City Code, Section 69.1 and 20-107 to be effective March 1, 1982. Ordinance Title:

AN ORDINANCE AMENDING CHAPTER 20, "MOTOR VEHICLES AND TRAFFIC" No. S 1982-3

At this point, Mr. Dawkins stated that in talking about parking and traveling, he would like to express appreciation to Mayor Hurley and Councilman Wofford's brother-in-law (Tom Wooten) for contacting Coach Dean Smith at Carolina and the little school (Wake Forest) that came over to play them Thursday night, for being such nice hosts and he really appreciates everything that was done.

8 Council next gave consideration of Budget Amendment Change 6. Mr. John Smith, City Manager, presented this matter and stated that a similar amendment has already been adopted for the 5% cost of living increase. It is necessary to go through each single account and make these adjustments. Mr. Smith further stated that the purpose for recommending this budget ordinance change is as follows:

1) The funds set aside by the City Council for pay plan adjustments and reclassifications under "Other Appropriations" is distributed to the departmental budgets. Funds were set aside for implementation in December and this has been accomplished.

2) A budget is established for Administrative Services by transfer of funds from other departments.

3) An account adjustment that is made each year to appropriate the amounts carried over in purchase orders the previous year that went in the fund balance.

Mrs. Evans offered motion to approve Budget Amendment Change 6, seconded by Mr. Dawkins and carried unanimously.

9 The next item Council considered was consideration of award of design contract for the Hay Street Transit Mall, presented by City Manager Smith.

Mr. Smith stated that the Capital Projects Team is recommending the award of the transit mall design contract to Parsons, Brinckerhoff, Quade and Douglas of Atlanta, Georgia. Other members of the design team are:

- 1) Paul C.K. Lu and Associates, Belmont, Mass. - (Urban Design)
- 2) McDonald Transit Associates, Inc., Ft. Worth, Texas - (Transit Management)
- 3) Averette and King Engineering Co., Fayetteville, N.C. - (Civil Engineering)

The UMTA regional office in Atlanta has reviewed the proposed contract and concurs in the recommendation and has authorized the City to proceed. It is imperative that the City and the design team proceed as rapidly as possible so that the grant amendment for construction funding can be submitted this spring.

The total amount of the contract is \$210,038.00. Of this, the Urban Mass Transportation Administration's share is \$168,030.00, NCDOT's share is \$21,004.00 and the local share is \$21,004 and 10% of the contract.

Following brief discussion, Mrs. Evans offered motion to follow recommendation to award the Transit Mall Design Contract to Parsons, Brinckerhoff, Quade and Douglas of Atlanta, Georgia. Motion seconded by Rev. Johnson and carried unanimously.

10 Tax Matters

A City Manager presented a matter of an overpayment of 1980 property taxes due to a clerical error of \$64.38 by L & O Investments, 3800 Raeford Road. City Manager Smith recommends refund.

Motion was made by Mr. McBryde, seconded by Mr. Dawkins to refund \$64.38 to L & O Investment Company, and carried unanimously.

B ~~The next item for consideration presented by City Manager Smith was a request for a refund of \$27.04 by Ethel H. Jackson, 3005 Hermitage Avenue due to personal property taxes of 1980 being listed twice and paid twice.~~

Mr. Dawkins offered motion, seconded by Rev. Johnson to refund \$27.04 to Ethel Jackson for overpayment of taxes, and carried unanimously.

11 Appointments

Council next considered election of nominees previously made for the Joint Energy Advisory Commission. Mr. McBryde made a motion that Mr. Rex White be elected to the Homebuilder category and Mr. Thomas M. Piner for the Gasoline Dealer category by acclamation. Motion seconded by Mr. Dawkins and carried unanimously.

12 Delegations

Mr. James E. Porter, from Hillendale West Subdivision, appeared regarding the Section 235 homes being built in the area and what they are opposing is in violation of the restrictive covenants as to the size of the dwellings that L & O Construction Company is placing in the area. Mr. Porter stated that as far as he could determine, the minimum was 1200 sq ft., however, they are building some of 1050 sq. ft.

Mayor Hurley asked City Manager Smith if they are in compliance with the local regulations and Section 235, and was that a matter for Council tonight.

City Manager Smith replied that he had talked with Mr. Porter by phone today regarding this and it seemed they were concerned with whether or not these houses conformed to the restrictive covenants and deed. Mr. Smith stated that the City of Fayetteville has no authority to enforce the restrictive covenants. He further stated that as far as he could tell, the building codes and zoning ordinance permits have been issued and the only legal route they can take at this point is through private legal council.

Mr. Larry Dodson, property owner in Hillendale West also appeared in opposition to the Section 235 homes being built and the type of people that will be allowed to live in these homes that are being built in this very exclusive neighborhood.

Mr. Willie J. Thomas, 1057 Landau Road also appeared in opposition to these homes. He stated that there is water build-up at a storm drainage ditch that is a hazard to children and that vacant lots are not being taken care of creating health hazards. Mr. Thomas further stated that L & O is now building these Section 235 homes where they had promised to build tennis courts, playgrounds, and boat docks. Mr. Thomas also stated, "L & O must be taking all the personnel out to the martini diners and whatnot, we can't afford to do this." He stated he feels this is a City Council problem.

Several other homeowners appeared in opposition to the homes being built and the drainage problem.

Following lengthy discussion, Council instructed the City Engineer to take care of the drainage ditch problem right away and suggested to the area residents of Hillendale West that they acquire private legal assistance, set up a neighborhood meeting and invite representatives from HUD and City Council to attend to try and resolve their problem.

Mayor Hurley thanked them all for coming and using Council as a sounding board but Council is limited under law with what they can do.

13 City Manager's Report

A. Mr. Smith requested that the promotion of the police officer be postponed to enable him to make sure it would be in compliance with the federal court order for the City to bring the number of black officers up to 30 percent of the force at all grade levels.

Mr. McBryde made motion to postpone the promotion of the police officer, seconded by Mr. Dawkins, and carried unanimously.

13B

B. Mr. Smith reminded Council that Human Service Commission and FAST will meet with Council on March 16 instead of March 15.

Mr. Smith further stated that the Redevelopment Commission and Fire Chief would be meeting with Council on February 15th.

15

Matters of Interest to Council

Mr. Wofford reminded Council that there will be a meeting of the Policy Committee at the Kyle House on January 26th.

Rev. Johnson stated he is ashamed because the city is under the court order to bring the number of black police officers up to the percent before a promotion can be made and requested City Attorney Cogswell to prepare an Equal Employment Opportunity ordinance to use to accomplish what the court order calls for and convince a federal judge to lift the court order.

Mr. Dawkins stated that Ad Hoc committee will get together in February with department heads to get input about helping to clean up our City as much as possible.

Mrs. Evans asked City Manager if money wasn't given to some committee to work on beautifying or cleaning up the City before. City Manager Smith stated that money was set aside but not given.

Mr. McBryde stated that the Liaison Committee might be able to get together with the County on a clean community system next time.

Mr. McBryde also requested that City Attorney Cogswell prepare a code of Ethics for the City.

Mr. McBryde further stated that he was against political advertisement on FAST buses.

Mr. Jones stated he would like to see a county-wide cleanup and establish "Victory Gardens" in the community.

Mr. Dawkins stated that he and his wife are celebrating their 24th Wedding Anniversary and he would like her to know that he loves her very much.

Mayor Hurley asked City Engineer Bennett about the problem with pot holes being taken care of.

Mr. Bennett replied that asphalt companies were closed down during Christmas and he has been unable to get asphalt for sometime.

Mayor Hurley announced that Bill Finch had resigned as Civil Defense Director.

Mayor Hurley made note that there would be a Council of Governments meeting at the Light House Restaurant on January 27, Wednesday, 7:00 p.m.

Upon motion by Mr. McBryde, seconded by Mr. Dawkins, Council went into Executive Session at 9:47 p.m. to consider property acquisition.

Council reconvened at 9:52 p.m. into regular session.

City Attorney recommended that City acquire the Seaboard Coastline property on the northside of Franklin Avenue. R.L. Pittman Investment Company agrees to pay \$1,000 which is one-half of the total purchase price of \$2,000, and the City will pay the remaining \$1,000.

Mr. McBryde offered motion to purchase the Seaboard Coastline property for \$1,000, one-half of the total purchase price, seconded by Mr. Jones and carried unanimously.

Meeting was then adjourned at 9:55 p.m. upon motion made and duly seconded.

Bobbie Joyner

Bobbie Joyner
Acting City Clerk

yb





REGULAR MEETING
CITY HALL COUNCIL CHAMBER
FEBRUARY 8, 1982
7:00 P.M.

Present: Mayor John W. Hurley

Councilmembers: Jimmie Jones, Milo McBryde, J. L. Dawkins, Aaron Johnson,
Mildred Evans and Milton Wofford

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

Mayor Hurley presented Scout Master Willis Smith; Troup 179 Mt. Siani Baptist Church; Explorer Post 759, sponsored by Security Police at Pope Air Force Base and Troops 973 and 773 of Fort Bragg, and requested they present their colors. They also led the Pledge of Allegiance to the Flag.

Rev. Thad M. White, Person Street Pentecostal Holiness Church offered the invocation.

Mayor Hurley then called all Scouts and sponsors to come forward and be presented a Proclamation that February 7 through February 13, 1982 be Scouting Anniversary week and expressed appreciation of our citizens to the Occoneechee Council and the Boy Scouts of America for their interest in and dedication to conservation.

Rev. Johnson advised the Mayor that he just shook hands with one of the best Scout Masters in the United States.

Mayor Hurley recognized the Youth Council members present in the audience this evening.

Mayor Hurley then asked if there were any brief comments from the members of Council.

Rev. Johnson stated he had read an article in the Fayetteville Observer about a Councilmember (Mr. Dawkins) and thinks that the President will be calling him to Washington very soon. Rev. Johnson stated that he was very appreciative to the Fayetteville Observer for all their feature stories on the members of Council, to inform the people about them.

Mr. Dawkins echoed his appreciation and said that it was really good to serve a great bunch of people.

1 Approval of Minutes

Upon motion by Mr. McBryde, seconded by Mr. Jones, the minutes of the Regular Meeting of January 11, Special Meeting of January 18, and Special Meeting of February 2 were approved with one amendment to the Special Meeting Minutes of February 2. Mr. Cogswell stated that in item 1, the name of the company receiving the settlement should be changed from Talbert Cox and Associates to Cumberland Paving Company and D. R. Allen and Son. Also, in the motion, that it read, "to approve settlement of \$65,000, \$10,000 of which is the City's liability." Motion carried unanimously.

2 Public Hearings to be Set

A. Upon motion by Mr. Dawkins, seconded by Mr. McBryde and carried unanimously, public hearing was set for March 22 on the consideration of revision of fare plan for Fayetteville Area System of Transit.

3 Public Works Commission Matters

PWC Manager Muench presented the two PWC matters.

A Upon motion by Mrs. Evans, seconded by Mr. Wofford and carried unanimously, an application for a 1-inch water connection to existing main to service residence at 2228 Progress Street, outside the City, as recommended by PWC was approved.

B Upon motion by Mrs. Evans, seconded by Rev. Johnson and carried unanimously, an application for extension of water and sewer mains, approximately 400 feet, to serve proposed Day Care Center on Veda Street, outside the City as recommended by PWC, subject to execution of annexation agreement and applicant paying full cost of the extensions was approved.

4 Planning Board Matters

Planner Al Mitchell presented the two matters from the Planning Board.

A. Council next considered the second reading of Case #P81-106, the rezoning from C(1)P Shopping Center District to C3 Heavy Commercial District or to a more restrictive zoning classification an area located on the southeast side of Springfield Street between Murchison Road and Stackpole Road, continued from January 25th meeting.

Following lengthy discussion, Mr. Dawkins offered motion to adopt the following ordinance to rezone to C3 Heavy Commercial District the southeast side of Springfield Street between Murchison Road and Stackpole Road. Seconded by Mr. McBryde and carried with Mr. Wofford, Mrs. Evans and Rev. Johnson voting "no".

AN ORDINANCE REZONING TO C3 HEAVY COMMERCIAL DISTRICT THE SOUTHEAST SIDE OF SPRINGFIELD STREET BETWEEN MURCHISON ROAD AND STACKPOLE ROAD. ORDINANCE NUMBER NS1982-3

B. Council next considered Case No. P82-4 the initial zoning to R10 Residential District or to a more restrictive zoning classification an area located at 3105 Phillies Circle.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE, THE INITIAL ZONING TO R10 RESIDENTIAL DISTRICT AN AREA LOCATED AT 3105 PHILLIES CIRCLE. ORDINANCE NO. NS1982-4

Mrs. Evans offered the foregoing ordinance and moved it's adoption as recommended by the Planning Department, seconded by Mr. Dawkins and carried unanimously.

A copy of the foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1982.

C. Council next considered approval of Holiday Park Annexation Report as submitted by the City Attorney.

Mr. McBryde offered motion to accept the Holiday Park Annexation Report as submitted, seconded by Mr. Dawkins and carried unanimously.

5 Council next considered an amendment and extension of Airline Use Agreement. City Attorney Cogswell requested Council authorize him to place an advertisement in the paper for the extension of Airline Use Agreement.

Mr. McBryde offered motion, seconded by Rev. Johnson to authorize City Attorney to place an advertisement in the paper for the extension of Airline Use Agreement. Motion carried unanimously.

6 A report from the Policy Committee was made by Mr. Wofford. Mr. Wofford stated that the refurbishing of Council Chambers and Advertising benches items would be brought before Council at a later date. However, the certification of the Park Rangers would be considered tonight and recommends that the City Manager be authorized by Council to proceed immediately with the necessary action to certify the park rangers as law enforcement officers.

City Manager Smith presented the ^{proposed} /division of responsibilities in the management of a Certified Park Ranger Program. A copy is attached to the minutes.

Following lengthy discussion, Mr. Jones offered motion, seconded by Mr. McBryde to authorize staff to proceed with certification program for the Park Rangers. Motion carried unanimously.

7 Council next gave consideration of eliminating two metered parking spaces on the south side of Russell Street to establish a bus stop. City Engineer Bob Bennett presented this matter and recommended approval so that a curb-side bus stop can be established.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 1 - "BUS STOPS". ORDINANCE NUMBER NS1982-1

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 13 - "PARKING METERS". ORDINANCE NUMBER NS1982-2

Mrs. Evans offered motion for the foregoing ordinances to be adopted, seconded by Mr. McBryde and carried unanimously.

A copy of the foregoing ordinances are on file in the Clerk's office in Ordinance Books NS1982.

- 8 Council next considered award of bids for Contract 263 - Community Development sidewalk construction presented by City Engineer Bennett. Mr. Bennett recommended approval of bid being awarded to Cobb Paving Company with a low bid of \$28,619. Mr. Bennett requested that \$31,500 be reserved (10% over the bid amount) due to prices varying slightly because of estimated quantities.

Mr. McBryde offered motion, seconded by Rev. Johnson to award the bid to Cobb Paving Company and reserving \$31,500. Motion carried unanimously.

- 9 The next item for consideration was the awarding of bids for Contract 264 - Construction of Propane Station System. Mr. Bennett, City Engineer presented this matter and stated that the low bidders were as follows:

General Construction	J. Jackson Construction	\$32,167.
Electrical	King Electric	4,989.
Plumbing	Haire Plumbing Company	6,125.
	Total low bids	<u>\$43,281.</u>

Mr. Bennett stated he recommends approval of the low bids as shown above and requests a 5% over-run of \$2,200. above the total of the low bid amount to allow for some corrective measures due to soil conditions and other contingencies, for a total of \$45,481.

Councilman Dawkins asked the City Manager if there was any truth to the Channel 40 report about the City's propane conversion being a failure. City Manager Smith responded by reviewing the allegations in the report. He reviewed all engine replacements in the Police Department for the past seven months showing the cause of each breakdown indicating that none were due to burining propane. Henext showed the job cost for the Police Department for the past nine months which showed a 30% reduction in vehicle job cost since conversion to propane.

Following lengthy discussion, Mrs. Evans offered motion to award low bids for Propane Station System construction plus the contingency, for a total of \$45,481. to the recommended low bidders. Motion was seconded by Mr. Jones and carried unanimously.

- 10 Council next considered the award of contract for tire recapping. Mr. Al Jordan presented this matter and stated that due to insufficient response on December 15, 1981, bids for furnishing tire recapping for the City of Fayetteville and the PWC for a period of two years were re-advertised and opened publicly on January 19, 1982. Mr. Jordan recommended that the bid be awarded to the low bidder of White's Tire Service for \$29,829.04.

Following lengthy discussion, Mr. Dawkins offered motion to award to low bidder, White's Tire Service for \$29,829.04 for tire recapping contract. Seconded by Mr. McBryde and carried with Mr. Jones voting "no".

11 Delegations

None

12 City Manager's Report

None

13 Matters of Interest to Council

Mr. Wofford stated that he has had a number of calls from citizens that are still confused about the decals for the automobiles. He requested that the newspapers might help by conveying to the public that the decals that they have on their cars now are still valid until August 15, 1982. Also that they will receive notice when new ones are to be purchased.

Rev. Johnson recognized a teacher in the audience, Mrs. Bishop from Pine Forest Senior High, who quite often has her students come to Council meetings.

Mr. McBryde reminded Council of the Liaison Committee meeting February 9, 1:00 p.m. at the Western Sizzler on Highway 301.

Mr. Jones stated he is concerned about the Federal Government cut in food stamps. He suggested that maybe the Inspection Department could make a list of owners of vacant lots that don't keep them cleaned properly and have them prepared for community gardens to help offset the food stamp situation.

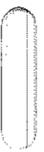
Mayor Hurley stated that it is good to see so many City Department Heads at the meeting, and recognized a new member of the Engineering Department, Chris Barna.

Mayor Hurley made note of the receipt of a request from Clinton Harris that the City adopt an ordinance on prohibiting employment discrimination. This will be brought up a future meeting when Council has had a chance to read the response from the North Carolina League of Municipalities.

Upon motion by Mr. Dawkins, seconded by Rev. Johnson, meeting was adjourned at 8:45 p.m.

Bobbie Joyner

Bobbie Joyner
Acting City Clerk





Not
Done

NOT
USED

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
FEBRUARY 22, 1982
7:00 P.M.

Present: Mayor John W. Hurley

Councilmembers: Jimmie Jones, Milo McBryde, J. L. Dawkins, Aaron Johnson, Mildred Evans and Milton Wofford

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

Mayor Hurley offered the invocation in the absence of Rev. Donald Cooper, and then led the audience and Council in the Pledge of Allegiance to the Flag.

There were no members of the Youth Council present in the audience.

Mayor Hurley recognized Mrs. Mary McAllister, County Commissioner present at the meeting.

Mayor Hurley stated that the City Manager had requested an Executive Session at the end of the meeting to discuss a land transaction.

Mr. McBryde expressed displeasure at the information being given out after Executive Sessions and he feels that there is no need for Executive Sessions if this continues and further stated that he did not want to hear of a City Employee spreading things around in the future. Mr. Dawkins concurred.

1 Approval of Minutes

A. Mr. Wofford requested that on Page 592, second paragraph of the regular minutes of January 25, 1982, the words "Planning Board" be changed to "Planning Staff."

Upon motion by Mr. Dawkins, seconded by Mrs. Evans and carried unanimously the minutes of the January 25, 1982 regular meeting were approved as amended.

B. Upon motion by Mr. Dawkins, seconded by Rev. Johnson and carried unanimously, the minutes of the Special Meeting of February 4, 1982 were approved as submitted.

C. Upon motion by Mr. Dawkins, seconded by Mr. Jones, the minutes of the regular meeting of February 8, 1982 were unanimously approved.

D. Upon motion by Mr. Dawkins, seconded by Mr. Jones and carried unanimously, the minutes of the special meeting of February 15, 1982 were approved.

2 Public Hearings

Mayor Hurley reminded the audience that there is a fifteen 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 annexation of property in the Progress Street/West Jenkins Street area. Planner Al Mitchell presented this matter and stated the Annexation Technical Review Committee recommends approval.

Mr. Tommy G. Robinson, 2227 Progress Street, stated he was speaking for several residents because they were elderly. They felt they didn't need the street paved because most of them didn't have cars and they already had City water so why have to pay City taxes when they didn't need the street paved and have to get sewer hooked up.

City Attorney Cogswell explained that the sewer hookup was not mandatory and Council listed numerous benefits of being in the City such as Police protection, garbage pickup, reduction in water charges, street paving adding to value of property, bus service, fire protection, street lighting and City tax is deductible from Federal and State Income taxes annually.

Upon motion by Mrs. Evans, seconded by Rev. Johnson the following Annexation Ordinance was approved unanimously.

AN ORDINANCE EXTENDING THE CITY LIMITS OF THE CITY OF FAYETTEVILLE
PROGRESS STREET-WEST JENKINS STREET AREA - ANNEXATION ORDINANCE NO. 82-2-247

A copy of the foregoing ordinance is on file in the clerk's office in Annexation Book 1982

2B

Council next considered annexation of a portion of Holiday Park. City Attorney Cogswell presented this matter and stated that this report has been on display in the Clerk's office and briefed Council on the report.

Mr. Henry R. Patterson appeared for the annexation stating that he wanted to be annexed into the City in order to get sewer service due to the many problems he has had.

Mr. Lamberth, Lot 71 Holiday Park, appeared in opposition to the annexation. He stated he was dissatisfied with the service to the roads already in the city and you did not have to be annexed if you don't sign the petition.

Mr. Cogswell explained to Mr. Lamberth that this annexation is under a different statute.

Mr. Lamberth also stated he didn't feel the difference in the cost of the benefits would be less than what he pays now. Also because of his lot being so low, it would cost over a thousand dollars for sewer hook-up with the city because it requires a pumping station.

Mr. Arthur Fulton, 2912 Catalina Road appeared and presented a petition against the annexation with over 100 names.

Mr. Dawkins asked if some of the people might have signed both petitions, for and against.

Mr. Fulton stated he didn't read the petition for the annexation but after talking with some of the people they might have understood it different and signed against it.

Rev. Johnson stated that there were several meetings held with residents in the area and everything was explained thoroughly at those meetings and he felt everyone fully understood who signed the petition for the annexation.

Mr. Fulton stated that the attendance at the meetings was very small so they contacted the rest of the people.

Mr. Patterson appeared in rebuttal stating that he also went to all the people also and some of them said they were told that all the costs of connections and other benefits would have to be paid right now and they didn't have the money now.

City Attorney Cogswell recommended that this item be postponed until March 8.

Rev. Johnson stated that he feels that due to the past history of this area and with the services the city can offer to make things better in this neighborhood, he recommends that this annexation be approved at the next meeting.

Mayor Hurley stated he felt that this Council was formed to help the people in every way possible and that everyone should know all about a petition whether they sign or not. Mayor Hurley stated that the only thing you get when you come into the City is service, that's what we sell. He stated that Council means no one harm only to help.

Mayor Hurley then stated that since there was no further discussion, the public hearing is over and will debate the issue at the next meeting to decide whether or not to adopt the ordinance.

2C

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 McLamb Drive from the northwestern corner of Lot 13, Block "A", Plat Book 18, Page 44 to Lake Avenue.

The City Engineer presented this matter and stated the assessment rate was \$4.00 per front foot, and that all property owners had been notified by first class mail as required.

Mr. James W. Waldon, Jr., appeared in opposition and stated he lives at 702 McLamb Drive but the letter he received had 712 McLamb Drive. He stated he lives at Lot 1, Block K. Mr. Waldon stated he didn't mind paying for quality but about 15 to 20 feet of his property was cut off and he would like to have the grass put back.

Mayor Hurley stated that the City Engineer would check into his problem and work with him any way he could.

Mrs. Claudia Boykin, 704 McLamb Drive, appeared and stated that her property was up on a hill and that the City had never fixed her yard where there is a big drop-off.

City Engineer stated that there has been so much rain that it would not be feasible to do any work until the weather clears up.

Mayor Hurley assured Mrs. Boykin that the City would make every effort to correct her problem as soon as possible.

Councilman Jones stated that he had received complaints of commercial property out there that needs screening.

Mayor Hurley referred this to City Engineer.

Mr. Wofford requested that City Engineer also check the entire area to make sure that all problems are being taken care of.

Mrs. Evans offered motion to postpone this matter until the next meeting. Mr. Wofford seconded.

Following brief discussion, Mr. Dawkins offered a substitute motion to approve the Assessment roll of McLamb Drive with the stipulation that the yards be corrected, seconded by Mr. McBryde. Motion carried at 8:27 p.m. with Mrs. Evans and Mr. Wofford voting "no". The ordinance title is as follows:

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENTS OF MCLAMB DRIVE FROM THE NORTHWESTERN CORNER OF LOT 13, BLOCK "A", PLAT BOOK 18, PAGE 44 TO LAKE AVENUE. ORDINANCE NO. NS1982-5

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1982.

3 Public Hearings to be Set

A. Upon motion by Mr. McBryde, seconded by Mr. Wofford and carried unanimously a public hearing for consideration of annexation of the C.C.M.R. property located on the west side of McPherson Church Road was set for March 22, 1982.

B. Mrs. Evans offered motion to adopt a resolution to have public hearing on the paving of Roosevelt Street without petition, seconded by Mr. McBryde and carried unanimously. Resolution title appears below:

A PRELIMINARY RESOLUTION REQUIRING THE PAVING WITHOUT A PETITION OF ROOSEVELT STREET. RESOLUTION NO. R1982-6

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1982.

4 Public Works Commission Matters

Mr. Tim Woods presented PWC matters

A. Council next gave consideration of an application for sanitary sewer service for proposed Kroger Store off Highway 59, outside City

Mrs. Evans offered motion, seconded by Rev. Johnson to approve application for sanitary sewer service to Kroger Store as recommended by PWC. Motion carried unanimously.

B. Council next gave consideration to bids received February 2, 1982 for the purchase of 68 electric distribution transformers of various types and sizes. Mr. Woods stated that PWC recommends the following low bids:

1. Two - 75 KVA Padmount - Mill-Power Supply Company - \$1,325.00 each
2. Six - 100 KVA Padmount - Rigby Electric Supply Company - \$1,600.00 each
3. Twenty - 25 KVA Overhead - Rigby Electric Supply Company - \$477.00 each
4. Thirty - 50 KVA Overhead - Mill-Power Supply Company - \$670.00 each
5. Ten - 25 KVA Overhead, Mill-Power Supply Company - \$480.00 each

Mrs. Evans offered motion to accept the recommendation of PWC and award the low bids, seconded by Mr. Jones and carried unanimously.

5 Planning Board Matters

Mr. Al Mitchell, Planner, presented this matter and recommends conditional approval of Circuit City in a C(1)P Shopping Center District for preliminary revision located on the west side of McPherson Church Road between 401 Bypass and Morganton Road.

Mr. McBryde offered motion, seconded by Rev. Johnson to follow the recommendation of the Planning Board to approve the preliminary revision of Circuit City. Motion carried unanimously.

- 6 Council next gave consideration of authorizing filing of Declaration of Restrictive Covenants for the Collier Drive Redevelopment area. Mr. Richard Herrera presented this matter and stated this is a continuing program and is part of the redevelopment plan that Council approved some time ago.

City Attorney Cogswell suggested that paragraph 1 of the resolution be amended by adding after the word terms, "as previously approved and the Community Development Block Grant Program Urban Renewal Plan for the Collier Drive Community Development Program, amended 1979-80 program year area."

Following brief discussion, Mrs. Evans offered motion to adopt resolution authorizing filing of declaration of restrictions for Collier Drive Redevelopment Area with the amendment suggested by City Attorney. Motion seconded by Mr. Dawkins and carried unanimously.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL AUTHORIZING FILING OF DECLARATION OF RESTRICTIONS FOR THE COLLIER DRIVE REDEVELOPMENT AREA. RESOLUTION NO. R1982-7

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1982.

- 7 Council next gave consideration of an ordinance requiring the City Buildings Inspector to correct conditions at 113 Preston Avenue. City Attorney informed Council that this matter had been before the Board of Adjustment and they held public hearing. The conditions were not improved so they recommend this ordinance be approved.

Mr. Edward L. Bryant, Chief Housing Inspector, stated that this building has been vacant for over two years and he usually gives owners at least 30 days to demolish a building. His last contact with the owner was by registered mail ten days ago.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 113 PRESTON AVENUE AND OWNED BY MR. RONALD SANDY. ORDINANCE NO. NS1982-6

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

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1982

- 8 Council next gave consideration of implementation of a truck route ordinance presented by City Engineer. Engineer Bennett requested this have an implementation date of June 1, in order to get the truck route signs necessary and have them installed. Mr. Bennett stated that all the firms would be supplied with maps of this route to provide to their drivers.

Mrs. Evans requested that the drivers be given warnings only for 30 days after this has been implemented and Council concurred.

AN ORDINANCE AMENDING CHAPTER 20, "MOTOR VEHICLES AND TRAFFIC", OF THE CITY CODE OF THE CITY OF FAYETTEVILLE - TRUCK ROUTES. ORDINANCE NO. S1982-4

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 9 - Local Truck Routes ORDINANCE NO. NS1982-4a

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY OF FAYETTEVILLE TRAFFIC SCHEDULE NUMBER 15 - Through Truck Routes ORDINANCE NO. NS1982-4b

Mr. Wofford introduced the foregoing ordinances and moved their adoption to be effective June 1, seconded by Rev. Johnson and carried unanimously.

Mr. Mat Smith, a local moving company owner, appeared and stated that he supports this proposal and thanked Mrs. Evans for the consideration to the drivers for the warning period.

- 9 Council next gave consideration of award for construction of a gasoline station. City Manager Smith presented this and stated that it is the second of a four-phase project. The low bidders were as follows:

		<u>Gasoline Station</u>	<u>Additions for Fueling Control System</u>
General Construction	Pleasant, Inc.	\$23,928	500.00
Electrical	King Electric	2,889	5,902.12
Plumbing	Haire Plumbing	1,635	13,165.00

Following brief discussion, Mrs. Evans offered motion to award City Contract #264 for the construction of a gasoline fuel station to the low bidders as recommended by the City Engineer Department. Motion was seconded by Mr. Jones and carried unanimously.

- 10 Council next gave consideration of Capital Project Ordinance - Downtown Circulation Funds. City Manager presented this matter and stated that there was one minor correction to be made under Section 4. The asteric at #3 should be changed to #5 and #6.

CAPITAL PROJECT ORDINANCE - ORDINANCE NO. NS1982-7

There was brief discussion.

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

- 11 The next item for consideration by Council was the fiscal year 1980-81 Audit Report.

Rev. Johnson requested that this be introduced at an information meeting due to its length.

Mr. Harris Rulnick, Cherry Bekaert & Holland CPA presented highlights of the report for Council. He finished his report by saying that last year the management letter had 32 critical paragraphs and this year the management letter had only 15 critical paragraphs. He further stated that several of these had already been taken care of and improvements were already being made. Mr. Rulnick stated that the Finance Department staff definitely needs upgrading and you couldn't turn clerk's into accountants overnight. In order to get the necessary skills to start with, you have to pay a little more money, he stated.

- 12 The next item for Council's consideration was adoption of Code of Ethics, presented by City Attorney. Mr. Cogswell pointed out the changes that were made.

Mrs. Evans requested that under Section 2, paragraph (d) to change the word "advocate" to "representative." Mrs. Evans also felt that paragraph (e) needed to be reworded.

Following brief discussion, paragraph (e) was changed to read as follows:

(e) Gifts and favors. No official or employee shall knowingly accept from any person, firm or corporation that has an outstanding contract with the City, any gift, whether in the form of money, thing, favor, loan or promise, that would not be offered or given to him if he were not an official or employee.

There was also a change in paragraph (d) by the deletion of the words "from close business or political association whether or not". Also in the same paragraph, delete the words "is involved".

Mr. Dawkins offered motion, seconded by Mr. McBryde to approve the adoption of the Code of Ethics as amended. Motion carried unanimously.

13 The next item for Council's consideration was an ordinance amending Chapter 5 "Alcoholic Beverages". City Attorney stated that this is an ordinance to block view of topless dancers from the street. Mr. Cogswell recommended that this be effective in thirty days to get the owners a chance to get this accomplished before enforcing it.

There was lengthy discussion.

Mr. Wofford introduced the following ordinance, seconded by Mr. Jones and carried unanimously to adopt the amendment to Chapter 5, "Alcoholic Beverages" of the Fayetteville City Code to be effective April 1, 1982.

AN ORDINANCE AMENDING CHAPTER 5, "ALCOHOLIC BEVERAGES", OF THE CITY CODE OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1982-5

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1982.

14 Council next gave consideration of resolution authorizing the lease of City of Fayetteville property. City Attorney presented the two lease renewals - one for Piedmont Aviation, Inc. and one for Sunbird Airlines, Inc.

A. RESOLUTION AUTHORIZING THE LEASE OF CITY OF FAYETTEVILLE PROPERTY - FAYETTEVILLE AVIATION, INC. RESOLUTION NO. R1982-8

B. RESOLUTION AUTHORIZING THE LEASE OF CITY OF FAYETTEVILLE PROPERTY - SUNBIRD AIRLINES, INC. - RESOLUTION NO. R1982-9

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

A copy of the foregoing resolutions are on file in the Clerk's office in Resolution Book R1982.

15 The next item Council considered was an ordinance amending Chapter 4 regarding landing fees at the Airport. City Attorney presented this matter.

AN ORDINANCE AMENDING CHAPTER 4, "AIRCRAFT AND AIRPORTS", OF THE CITY CODE OF THE CITY OF FAYETTEVILLE - LANDING FEES. ORDINANCE S1982-6

Mr. McBryde introduced the foregoing ordinance, seconded by Mrs. Evans and carried unanimously to approve as recommended.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1982.

16 Council next considered an ordinance prohibiting discrimination in employment in the City of Fayetteville.

Mayor Hurley stated that Clinton Harris requested permission to present this matter to Council and was granted five minutes.

Following Mr. Harris' presentation and lengthy discussion, Council agreed with City Manager to postpone this matter until they can discuss it with the Human Services Department at their next information meeting together.

- 17 The next item for consideration was a request from the Arts Council for exemption of the Blue Law in order to conduct a fund-raising event on Sunday, May 2, 1982. The City Attorney recommended approval provided they are in compliance with our special events ordinance.

Rev. Johnson offered motion, seconded by Mr. McBryde to approve the exemption of the Blue Law for the Arts Council of Fayetteville/Cumberland County, Inc. subject to their compliance with our special events ordinance. Motion carried unanimously..

18 Tax Matters

City Manager presented the two tax refund requests as follows:

- A. Tilmond Leggett, 517 Rodriquez Court for \$79.68 due to personal property listed in error..
- B. Alois Welhelm Metz, Jr., 310 Richmond Drive, for \$30.29. He does not live inside City but receives mail at a City address.

Mr. Dawkins offered motion to approve the foregoing refunds, seconded by Mrs. Evans and carried unanimously.

- 19 Council next gave consideration of a request for the City to accept an unnamed street off Wilma Street. City Manager stated he had sent out 24 petitions as requested by Council in November and has received only 4 signatures. Mr. Smith further stated that the City is currently maintaining Wilma Street unpaved and without sanitary sewer. Staff recommends the acceptance of the street as is.

Mrs. Evans offered motion to follow recommendation to accept the unnamed street off Wilma Street as is, seconded by Mr. Jones.

Mayor Hurley recognized Linda Campbell who stated she wanted to have a house moved to this lot and bought the lot believing that PWC would put in sewer. She stated PWC said they would not put in sewer so she had to put in septic tank and it has not been approved by the Health Department.

In light of this, Mrs. Evans withdrew her motion and Mr. Jones withdrew his second. This matter will be postponed until a later date.

20 Appointments

- A. Human Services Advisory Commission - Council next considered nominations for seven seats to be appointed on this commission.

James Flanders was nominated by Mr. Jones to be reappointed.

Claudia Simpson was nominated by Rev. Johnson for reappointment.

Dr. William Bell was nominated by Mayor Hurley to fill one of the resignations.

Mrs. Gloria Fowler was nominated by Mrs. Evans to fill a resignation.

Ida Ross was nominated by Rev. Johnson to be reappointed.

Rev. Johnson reminded Council that it was their hopes to keep this commission racially balanced if possible. Therefore, a report of the races of the nominees and remaining members on the commission would need to be made before the two remaining nominees should be made.

- B. Other - none.

21 Delegations

Clinton Harris wanted to know if the new Word Process Center Staff would be in compliance with the Affirmative Action Plan.

Council assured him that the Affirmative Action Plan was working in the City government.

Clinton Harris also brought up a matter of an alledged sexual harrassment that was not related to City business.

22 City Manager Reports

City Attorney presented a release contract from Golden Corral on Bragg Boulevard for any damages that might be done to their building while City empties their dumpster due to it being located so close to the building.

Mr. Dawkins offered motion to approve the release contract from the Bragg Boulevard Golden Corral, seconded by Mrs. Evans and carried unanimously..

City Attorney requested Council authorize advertisement of property for sale from a tax foreclosure, due to an offer from someone to purchase the property for what the City has in this vacant lot at Lot 13, Block G, Section 2, Eccles Park.

Mr. Dawkins offered motion to authorize City Attorney to advertise Lot 13, Block G, Section 2, Eccles Park for sale, seconded by Mr. McBryde and carried unanimously.

23 Matters of Interest to Council

Mr. Jones suggested again that City might try to get owners of vacant lots to initially cut these lots and then relenquish them to community gardens for the needy

Mr. McBryde announced that Jason Brady, reporter with Fayetteville Observer, had a son born on Saturday (February 20, 1982).

Mr. Dawkins stated he had received some calls regarding the nighttime condition of lots at the railroad station. He has also received some calls from people commenting that the streets seemed cleaner and wanted City Engineer Bennett to know this.

Mrs. Evans asked Planner Mitchell if there had been a sign posted advertising the zoning change for the Murchison Road area, due to a caller in the Springfield Drive area calling her and stating they had not seen a sign.

Planner Mitchell stated there had been a sign.

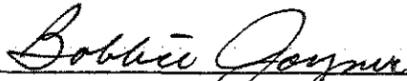
Mayor Hurley announced that Mrs. Evans had agreed to serve as a Liaison Ex-Officio on the Revitalization from the Council.

Mayor Hurley also reminded Council of the meeting with the Revitalization Commission at 7:00 p.m., Council Chambers, Tuesday, February 23.

Mr. Dawkins stated that Chapel Hill has a mighty fine ball team.

Upon motion by Mr. Dawkins, seconded by Mr. McBryde, Council entered into executive session at 10:45 p.m. to consider a property matter.

Council reconvened at 11:01 p.m. and adjourned.



Bobbie Joyner
Deputy Clerk

SPECIAL MEETING
CITY HALL COUNCIL CHAMBER

FEBRUARY 23, 1982
7:00 P.M.

Present: Mayor John W. Hurley

Councilmembers: Jimmie Jones, J. L. Dawkins, Aaron Johnson, Mildred Evans,
Milton Wofford

Absent: Milo McBryde

Others Present: John P. Smith, City Manager
Roger L. Stancil, Assistant City Manager
Robert C. Cogswell, City Attorney
John M. Monaghan, Jr., Assistant City Manager for Economic
and Community Development
Bob Bennett, City Engineer
M. J. Weeks, Fayetteville Progress

Susan Tamplin
Paul Faglin
Wilson Lacy
Helen Moress
J. Bernard Stein
Tom Stewart

Fred Deem
Hap Fowler
Danny Shaffer
Carole Goforth
Stuart Kerr
Col. Bert Esworthy

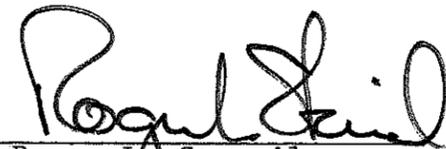
Press: Jason Brady - Fayetteville Observer
John Minter - Fayetteville Times
Connie Cummings - WFNC

Mayor Hurley called the meeting to order and the invocation was given by Robert C. Cogswell, Jr., City Attorney.

The meeting was held jointly with the Revitalization Commission to discuss issues of mutual interest. Discussion included the following topics:

- The historic significance of the Revitalization Commission;
- The status of current downtown development projects;
- The Transit Mall and the role of the Revitalization Commission in the mall design process;
- Bow Street project;
- Farmer's Market
- Loan program
- Central Library and Bond Issue

There being no further discussion, the meeting was adjourned at 9:07 p.m.


Roger L. Stancil
Deputy Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MARCH 8, 1982
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, City Attorney
Roger L. Stancil, Assistant City Manager

Mayor Hurley called the meeting to order and called on Rev. Frank Gill of Christ United Methodist Church on Raeford Road to offer the invocation. Mayor Hurley led the audience in the Pledge of Allegiance to the Flag.

Mayor Hurley then introduced the member of the Youth Council present in the audience.

City Manager has requested an Executive Session be held at the end of the meeting for a land matter.

1 Approval of Minutes

City Attorney stated that one correction to the Resolution for the Restrictive Covenants for Collier Drive was not made at the last meeting, therefore, it should be made tonight for the record. In the second paragraph of the Resolution, delete the words "as attached to these minutes."

Mr. Wofford made a motion to table the approval of these minutes until the next meeting to give Council a chance to go over them, seconded by Mr. McBryde and carried unanimously.

2 Public Hearings to be Set

Mr. Smith reminded Council that April 12 should be a regular meeting date but it is a Holiday so they might want to change it to Tuesday, April 13.

Mr. McBryde offered motion to change the meeting date to April 13 and set Item A for public hearing on that date, seconded by Mr. Dawkins and carried unanimously.

A. Consideration of the proposed Neighborhood Conservation and Revitalization Amendments for the City of Fayetteville to amend Chapter 27 and 32 of the Fayetteville City Codes. Case No. P82-14

B. Consideration of a request from Mrs. Betty Bandy for satellite annexation of the property at 2521 Muriel Drive for the suggested date of March 22, 1982.

Mrs. Evans offered motion, seconded by Rev. Johnson to set Item B for public hearing on March 22. Motion carried with Mr. McBryde voting "no".

3 Public Works Commission Matters

Mr. Ray Muench presented the PWC matters.

A. Consideration of approval of an encroachment agreement with Seaboard Coastline Railroad Company.

Mr. Muench stated that he had nothing in his folder on this item and requested this be continued until next meeting.

Mr. McBryde offered motion to defer this matter until the next meeting, seconded by Mr. Jones and carried unanimously.

B. Consideration of request for approval for PWC to use full accrual basis of accounting. Mr. Muench presented to Council an application for subject approval to the North Carolina Local Government Commission and a copy of Operating Plan for Full Accrual Basis of Accounting.

Mr. Muench stated this full accrual accounting has been discussed in detail with Mr. Harry Rulnick and others (Cherry, Bekaert and Holland, Auditors) and officials of the North Carolina Local Government Commission. He is now recommending approval so they can forward the official application to the North Carolina Local Government Commission. Mr. Muench stated this should be made effective July 1, 1982.

Mr. Jones offered motion, seconded by Mrs. Evans to approve this application to be effective July 1, 1982. Motion carried unanimously.

3 C. Council next considered an application for one 1-inch water connection to existing main to serve existing residence at 846 Old McPherson Church Road, outside City. PWC recommends approval.

Mrs. Evans offered motion, seconded by Mr. Dawkins to approve the application as recommended, and carried unanimously.

Rev. Johnson stated that there were some Holiday Park residents present and this might be of particular interest to them. He requested that Mr. Muench explain this procedure to them.

Mr. Muench explained that residents outside the City must apply for connection to existing mains and pay the total costs. The charges inside the City are less and PWC pays 1/3 of the cost.

D. Council next considered an application for one 6-inch sanitary sewer connection to existing main to serve existing duplex at 1154 Shaw Road, outside the City. PWC recommends approval.

Mr. Muench stated the applicant said he might put in a mobile home park but PWC is recommending an application for only the duplex.

Following brief discussion, Mrs. Evans offered motion, seconded by Mr. Jones, unanimously approved the request for one 6-inch sanitary sewer connection to existing main to serve existing duplex at 1154 Shaw Road.

E. Consideration of an application for one 4-inch sanitary sewer connection to existing main to serve existing residence at 1431 Shaw Road, outside city. PWC recommends approval.

Following lengthy discussion, Council asked Mr. Muench about the cost to the City for extending services outside the City.

Mr. Muench stated there was a loss of money inside the City but outside the City we broke even on sanitary sewer service and made a little money on water but inside the City, we lost money on the sanitary sewer and broke even on water.

Council asked Mr. Muench to explain to the audience the difference in rates for water inside and outside the City and if they had their own private water system.

Mr. Muench stated that it is essentially double for outside the City. If they are on a private water system, then it is a flat rate of \$7.00 for sewer which is probably more than if they had their own pump and a meter was put on it.

Mrs. Evans offered motion, seconded by Mr. Wofford to approve the application of 4-inch sanitary sewer connection to existing main to serve existing residence at 1431 Shaw Road and carried unanimously.

F. Council next considered bids received for purchase of one new 24,000-pound GVW truck, cab and chassis. PWC recommends low bid by LaFayette Motor Sales of \$12,198.

Mr. McBryde offered motion to award to low bidder, LaFayette Motor Sales, for one new 24,000-pound BVW truck, cab and chassis for \$12,198, seconded by Rev. Johnson and carried unanimously.

G. Council next considered bids received for the purchase of three 3-phase sectionalizers for use on the electrical distribution system. PWC recommends low bidder, Eastern Electric Supply Company of \$15,585.

Mr. McBryde offered motion, seconded by Rev. Johnson and carried unanimously to award to low bidder, Eastern Electric Supply Company for the purchase of three 3-phase sectionalizers.

4 Planning Board Matters

Planner Al Mitchell presented the two Planning Board matters.

A. Council next gave consideration of Valleydoah Group Development and Subdivision in an R5A Residential District for preliminary and final review located east of Owen Drive and southwest of Turtlepoint Drive. Planning Board recommends conditional approval.

Mr. McBryde offered motion, seconded by Mr. Jones to approve conditionally as recommended, and carried unanimously.

B. The last item for consideration by Planning Board was Case P82-5 of the rezoning from R5 Residential District to M2 Heavy Industrial District or to a more restrictive zoning classification an area located on both sides of the intersection of West Collier Drive and South Collier Drive. Planning Board recommends approval.

Mr. Mitchell stated there has not been an appeal filed for calling a public hearing.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE BY REZONING FROM R5 RESIDENTIAL DISTRICT TO M2 HEAVY INDUSTRIAL DISTRICT AN AREA LOCATED ON BOTH SIDES OF THE INTERSECTION OF WEST COLLIER AND SOUTH COLLIER DRIVE. ORDINANCE NO. NS1982-8

Mr. McBryde, introduced the foregoing ordinance and made motion to adopt, seconded by Mr. Dawkins and carried unanimously to approve the rezoning from R5 Residential District to M2 Heavy Industrial District an area located on both sides of the intersection of West Collier and South Collier Drive.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1982.

5 Council next gave consideration of Capital Project Ordinance (Rosehill Road Bridge Project). Recommended action is adoption.

City Manager Smith stated that Item 5 and Item 6 were related and asked City Engineer Bennett to present Item 6 at this time.

6 Consideration of award of contract for Rosehill Road Bridge. Recommended award to low bidder, Columbus Contractors, Inc. for \$182,164. Mr. Bennett, City Engineer stated that the bid amount is based on unit price of estimated construction quantities, therefore, the final construction cost will vary somewhat from the bid amount. Due to unknown foundation conditions and other contingencies, it is recommended that an additional ten (10) percent be approved for this project making a total estimated project cost of \$200,000.

He further stated the contract requires completion of the project by October 31 with a liquidating damage penalty of \$100 per day for failure to complete the project on time.

Mrs. Evans offered motion to adopt Capital Project Ordinance and Budget Amendment for Rosehill Road Bridge Project, seconded by Rev. Johnson, carried unanimously.

Mrs. Evans then offered motion to award contract of the Rosehill Road Bridge project to low bidder, Columbus Contracting, Inc. for a total of \$182,164, seconded by Mr. McBryde and carried unanimously.

7 Council next gave consideration of award of 12 month lease contract for Word Processing equipment. Mr. Al Jordan presented this matter and recommended Lanier Electronic, Inc. low bidder of \$2,944.50 per month.

Following brief discussion, Mr McBryde offered motion to award low bidder of Lanier Electronic Inc. for \$2,944.50 for Word Processing Center, seconded by Rev. Johnson and carried unanimously.

8 The next item Council considered was an offer to purchase City owned property by John C. Monroe (Corner of Lake Avenue and Varsity Drive - Lot 13, Block G - Section 2, Eccles Park). City Attorney presented this matter and stated a sign was placed for three months on this property.

RESOLUTION

RESOLUTION NO. R1982-10

Mr. McBryde introduced the foregoing resolution, seconded by Rev. Johnson to adopt the Resolution for the sale of city property in Eccles Park to John C. Monroe, and carried unanimously.

9 Council next considered annexation of Holiday Park Subdivision that had been continued from February 22 meeting.

City Attorney Cogswell stated that due to a petition being submitted at the last meeting and the fact that he has to wait until March 22 to determine if it is valid, he requests that this matter be continued until the April 13 meeting.

Mr. McBryde offered motion to continue the annexation of Holiday Park until the April 13 meeting, seconded by Mr. Dawkins and carried unanimously.

10 The next item for Council to consider was amendment to Truck Route Ordinance with a three month warning provision. The City Attorney presented this matter and recommended approval.

AN ORDINANCE AMENDING CHAPTER 20, "MOTOR VEHICLES AND TRAFFIC", OF THE CITY CODE OF THE CITY OF FAYETTEVILLE. ORDINANCE NO. S1982-7

Rev. Johnson introduced the foregoing ordinance and offered motion to adopt as recommended, seconded by Mrs. Evans and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS 1982.

11 Council next gave consideration of amendment to Chapter 20 regarding off-street parking lots and enforcement of violations. City Attorney presented this matter and recommended approval.

AN ORDINANCE AMENDING CHAPTER 20, "MOTOR VEHICLES AND TRAFFIC", OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. S1982-8

Rev. Johnson introduced the foregoing ordinance and offered motion for adoption as recommended, seconded by Mr. Dawkins and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1982.

12 Council next gave consideration of the first reading of amendment to Taxicab Ordinance to provide for the reissuance of surrendered and revoked certificates. City Attorney presented this item and stated that the current City Code does not cover the issuance of taxicab franchises so this would allow the Taxicab Inspector to review the applications and submit them to the Taxicab Review Board and they would make the final decision.

Mr. McBryde offered motion to adopt the first reading of the Taxicab Ordinance with a change in the Taxicab Inspector's procedure #2 from 15 days notification of cut-off date for acceptance to 30 days. Motion seconded by Mr. Dawkins and carried with Mrs. Evans voting "no".

13 Appointments

A. Human Services Advisory Commission - Council postponed this matter again in order to obtain more information on the Commission, its members, and any volunteers that might have notified the Mayor's office, in hopes of maintaining a racial balance on this Commission.

14 Delegations

Ms. Joanne Archie, a Person Street business owner, appeared in behalf of several business owners in this area regarding the parking situation. She stated they felt that some better arrangements should be provided for their parking. The business owners feel there is a danger to them in walking some distance to and from parking lots because of carrying money. She further stated that they have been putting money in the parking meters for a number of years and what they are asking is that they get at least one parking space for each business in front of the business. They do not mind renting the parking spaces.

She also stated that they, as business owners could not go out and move their cars every two hours to keep from paying the \$5.00 fine. They had checked out the County Courthouse but were told they could only park if they worked there. She stated that they are asking the City Council to rent or give them one park each in front of their businesses or some type of sticker for their cars to protect them from the \$5.00 fine.

Council then informed them that each dime they put into the parking meters that had been there, was breaking the law and if they would check with the First Presbyterian Church behind their businesses, they would rent them a space.

The Mayor explained to Ms. Archie that the main intent in removing the parking meters was to encourage the people to come downtown and shop and if we parked in those spaces it would be defeating their purpose.

Ms. Archie thanked Council and said they would check this out.

15 City Manager's Reports

City Manager Smith stated that Council had indicated they would like to have an information meeting to hear the Audit Report that was briefed at the last Council Meeting. The regular information meeting would be March 15 and there is a function that night.

Council also indicated they would like to have a pre-budget meeting. Mr. Smith suggested that perhaps they could schedule an information meeting and cover both subjects in one night.

Council agreed on first Monday in April, which is April 5th.

Mr. McBryde made motion to go into Executive Session at 8:26 p.m., to consider a property matter, seconded by Rev. Johnson.

Council reconvened at 8:55 p.m. and there being no further business, adjourned.

Robbie Joyner

Robbie Joyner
Deputy City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MARCH 22, 1982
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
Roger L. Stancil, Assistant City Manager
Robert C. Cogswell, City Attorney

Mayor Hurley called the meeting to order and called on Rev. Bob Carter, Cape Fear Valley Hospital Chaplain, to offer the invocation. Mayor Hurley led the audience in the Pledge of Allegiance to the Flag.

There were no Youth Council members present.

Mayor Hurley then asked if any of the Councilmembers had a brief comment before beginning the Agenda.

Mr. Dawkins just wanted to wish UNC luck in the National Championship Basketball tournament.

City Manager requested an Executive Session be held on Item 6 for a property acquisition. Mr. Smith also requested executive session for a personnel matter, and City Attorney has a matter of litigation and stated these could all be heard at the same executive session.

1 Approval of Minutes

- A. Rev. Johnson offered motion, seconded by Mr. Wofford and carried unanimously to approve the minutes of the Regular meeting of February 22, 1982.
- B. Rev. Johnson offered motion, seconded by Mr. Dawkins to approve minutes of Special Meeting of February 23, 1982. Motion carried unanimously.
- C. Rev. Johnson offered motion, seconded by Mr. McBryde and carried unanimously to approve Regular Meeting of March 8, 1982 minutes.

2 Public Hearings

Mayor Hurley reminded the audience that there was a 15 minute time limit for those for or against an item.

A. A public hearing has been published for this date and hour on the consideration of revision of fare plan for Fayetteville Area System of Transit presented by City Manager Smith. He stated that due to President Reagan's budget cut, within three (3) years there will be a complete phasing out of federal operating assistance. Mr. Smith recommended that a fare increase be implemented to assist in the cost of operating the buses.

Assistant City Manager Stancil presented the Transit Task Force recommendation on proposed fare increase:

(Continued on page 624)

Our projected ridership and revenue changes are as follows:

			RIDERSHIP		REVENUE	
			CURRENT	EXPCTED	CURRENT	EXPECTED
1.	50¢ Passenger to	60¢	37,395	36,273	18,697.50	21,765.60
2.	50¢ Pass w/Transfer	85¢	15,215	13,617	6,808.50	11,547.45
3.	25¢ Passenger to	30¢	4,681	4,541	1,170.25	1,362.30
4.	25¢ Pass w/Transfer	40¢	1,605	1,461	401.25	584.40
5.	42¢ Passenger to	54¢	2,005	1,976	842.10	1,067.04
6.	42¢ Pass w/Transfer	79¢	841	736	309.12	581.44
7.	21¢ Passenger to	27¢	1,605	1,536	337.05	414.72
8.	21¢ Pass w/Transfer	37¢	192	170	40.32	62.90
			63,599	60,310	28,606.09	37,385.85
9.	50¢ Passenger to	60¢	347	347	173.50	208.20
			63,946	60,657	28,779.59	37,594.05
FAST Pass					1,400.00	2,364.00
TOTAL					30,179.59	39,958.05

(32% increase)

Betty Goodenough, 310 Holden Street, Massey Hill resident, stated she was opposed to the increase because they could not afford the 25¢ increase in the transfer fee. She presented petitions for bus service in the East Fayetteville and Cumberland areas.

Clinton Harris also appeared in opposition.

Nadine McDaniel appeared in opposition. She stated she uses the bus system to go to and from selling her wares and that she could not afford the increase, especially in the transfer.

Following lengthy discussion, Rev. Johnson offered motion to follow the recommendation of staff to approve the fare increase to be effective April 1. Motion seconded by Mr. Wofford.

Mr. Jones offered a substitute motion to table this matter until later date and further studies have been made.

There was no second, therefore, the Mayor declared it a dead motion.

Mayor Hurley called for a vote on the motion by Rev. Johnson and second by Mr. Wofford to approve the fare increase to be effective April 1, 1982. Motion carried with Mr. Jones voting "no".

B. A public hearing has been published for this date and hour for consideration of annexation of C.C.M.R. property located on the west side of McPherson Church Road. Planner Al Mitchell presented this and stated that the Annexation Technical Review Committee recommends approval.

There were no proponents nor opponents present.

Mr. Wofford stated he felt that there was a pattern going on in that area in that buildings are either finished or almost finished before annexation into the City is requested and the City does not have the benefit of the taxes. He further stated that he felt the whole area should be brought in and not one piece at the time.

There was brief discussion.

Upon motion by Mrs. Evans, seconded by Mr. McBryde, the following Annexation Ordinance was approved with Mr. Wofford voting "no".:

AN ORDINANCE EXTENDING THE CITY LIMITS OF THE CITY OF FAYETTEVILLE OF THE C.C.M.R. PROPERTY LOCATED ON THE WEST SIDE OF MCPHERSON CHURCH ROAD. ANNEXATION ORDINANCE NO. 82-3-248

A copy of the foregoing ordinance is on file in the clerk's office in Annexation Book 1982.

C. A public hearing has been published for this date and hour for the consideration of the paving without petition of Roosevelt Street. City Manager Smith presented this matter and stated that staff recommends this matter be continued and no action taken at this time due to the discovery of some houses being located in right-of-way.

Mayor Hurley asked if there was anyone in favor of the paving.

Carol L. Smith, property owner appeared in favor.

Mayor Hurley explained the procedure of \$4.00 per front foot assessment for the paving.

Ella McIver appeared and stated that the only ones that were against the paving were the ones paying rent, it was the owners that wanted the paving done and they all knew how much it cost.

Henry Blue, 2211 Roosevelt Drive stated he was in favor of the paving but his house is almost on the right-of-way and would have no yard after paving.

City Engineer Bennett explained that this was one of those situations where the street was dedicated in the late 40's or 50's and the houses were built without the benefit of survey so some were built in the right-of-way.

Mandi Blue, Roosevelt Drive also appeared in favor of the paving.

Mr. Dawkins offered motion, seconded by Mr. McBryde to continue until April 26, 1982 and carried unanimously.

D. A public hearing has been published for this date and hour on the consideration for satellite annexation of property located at 2521 Muriel Drive. Planner Al Mitchell presented this matter and stated that the Annexation Technical Review Committee recommends denial.

Betty Bandy, petitioner, appeared and stated that she has twenty-four (24) elderly and handicapped people in her care and needs to be annexed to get water and sewer.

No one in opposition appeared.

There was brief discussion and Council asked Mrs. Bandy if she would be willing to circulate a petition in that area to get it into the City and she replied that she would.

There was no opposition present.

Motion by Mrs. Evans, seconded by Mr. Wofford to follow recommendation and deny the request for satellite annexation of the property located at 2521 Muriel Drive. Motion carried unanimously.

At this time, Mayor Hurley recognized the Youth Council members that had come in during meeting. They presented letters of invitation to Councilmembers to play the Youth Council at a basketball game to be played on April 27th. Proceeds to go to restoration of Barges Tavern.

3 Public Hearings to be set

A A. Rev. Johnson offered motion, seconded by Mrs. Evans to adopt a resolution to have public hearing on the intent to close a portion of East Collier Drive on April 26, 1982. Motion carried unanimously.

RESOLUTION AND NOTICE OF INTENT TO CLOSE A PORTION OF EAST COLLIER DRIVE AT EASTERN BOULEVARD. RESOLUTION NO. R1982-10a

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1982.

3

B+C Upon motion by Rev. Johnson, seconded by Mr. McBryde, Item B and C were set for public hearing on April 13, 1982. Motion carried unanimously.

- B. Consideration of an application to amend the Fayetteville Zoning Ordinance Article V "District Dimensional Regulations" Sections 32-36, 32-37, 32-38.1, 32-38, 32-29, 32-40, 32-42, 32-43, 32-47 and Article VI "General Dimensional Regulations" Sections 32-50 and 32-53 as requested by Walter C. Moorman. Planning Board recommends approval.
- C. Consideration of an ordinance to amend the Fayetteville City Codes, Chapter 27-15, "Subdivision" and Chapter 32-56 "Zoning" requiring concrete sidewalks in certain developments and protecting sidewalk development from encroachment by parked vehicles. Planning Board recommends approval as written.

4 Public Works Commission Matters

Mr. Ray Muench presented the three PWC items.

A. Consideration of approval of an encroachment agreement with Seaboard Coastline Railroad Company that was continued from the March 8, 1982 meeting. Mr. Muench stated that PWC recommends approval.

RESOLUTION AUTHORIZING MAYOR TO ENTER INTO AGREEMENT WITH SEABOARD COASTLINE RAILROAD COMPANY. RESOLUTION NO. R1982-11

Mrs. Evans 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 R1982.

B. Council next considered approval for PWC to use full accrual basis of accounting, effective July 1, 1981. Mr. Muench stated that Council had approved this item at the last meeting but he had presented the effective date as July 1, 1982 by mistake and asked that Council approve the effective date as of July 1, 1981.

Mr. McBryde offered motion to correct the effective date for PWC to use full accrual basis of accounting to be effective July 1, 1981. Seconded by Mr. Jones and carried unanimously.

C. Council next gave consideration of an application for one 1-inch water connection to existing main to serve existing residence at 811 McArthur Road, outside City. Mr. Muench stated owner would pay entire cost and PWC recommends approval.

Mr. Jones offered motion to approve request for one 1-inch water connection to existing main to serve existing residence at 811 McArthur Road, seconded by Rev. Johnson and carried unanimously.

Mr. Muench was then excused from the meeting.

5 Planning Board Matters

A. Planner Al Mitchell presented to Council for consideration of Vanstory Hills Subdivision, Section 7, Part 3 in an R10 district for preliminary review located south of Morganton Road on Thorncliff Drive. Planning Board recommends approval.

Upon motion by Mrs. Evans, seconded by Mr. Wofford, Council unanimously approved preliminary review of Vanstory Hills Subdivision, Section 7, Part 3 in an R10 district.

Mr. Dawkins made motion, seconded by Mr. McBryde to go into executive session to discuss property acquisition, personnel matter and litigation at 8:25 p.m.

Council reconvened at 9:38 p.m.

6

City Attorney Cogswell then recommended that Council authorize the Mayor to enter into an option to purchase the LaFayette Ford property on Grove Street for the purchase price of \$950,000 which would be contingent upon the offer and acceptance by the City of an UMTA Grant to aid in the purchase of that property.

RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE A GRANT APPLICATION WITH UMTA. RESOLUTION NO. R1982-12

A copy of the foregoing Resolution is on file in Clerk's office in Resolutions Book R1982.

7

Council next gave consideration of modification of N.C.D.O.T. grant for construction of corporate hangar, taxiway, install taxiway signs, and install handicapped drinking fountains. Airport Commission recommends approval. City Manager Smith presented this matter and stated there were funds left over in the project and project budget for the items listed. The Airport Commission is asking that the State Grant be amended so that these items can be approved in the State grant and they can receive the funds for them.

Mrs. Evans offered motion, seconded by Rev. Johnson to follow recommendation and adopt resolution for grant modification of N.C.D.O.T. Motion carried unanimously.

RESOLUTION. RESOLUTION NO. R1982-13

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1982.

8

Mr. Smith, City Manager, presented the consideration of budget amendment - Change 8 to Council and stated that this was concerning the Word Processing Center.

Mrs. Evans offered motion to approve Budget Amendment Change 8, seconded by Mr. Jones and carried unanimously.

9

Council next considered a resolution for ordering the write-off of uncollectible assessment accounts. City Attorney presented this matter and explained the uncollectible assessment accounts. Mr. Cogswell recommended that this item be deferred until he can complete the compiling of figures.

Following brief discussion, Mr. McBryde offered motion to continue the ordering of write-offs until the City Attorney is ready to present it to Council. Seconded by Mr. Wofford and carried unanimously.

10

Council next considered an ordinance amending Chapter 20, "Motor Vehicles and Traffic", of the Fayetteville City Code. City Attorney presented this matter and stated that this amendment was to define the motorcade so there will be no interruption of regular flow of traffic. He recommends adoption.

AN ORDINANCE AMENDING CHAPTER 20, "MOTOR VEHICLES AND TRAFFIC", OF THE FAYETTEVILLE CITY CODE - MOTORCADE. ORDINANCE NO. S1982-9

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

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1982.

11

Council next considered second reading of an ordinance amending Chapter 28 "Taxicabs", of the Fayetteville City Code - Certificate of Public Convenience. Ordinance No. S1982-10.

AN ORDINANCE AMENDING CHAPTER 28, "TAXICABS", OF THE FAYETTEVILLE CITY CODE. (CERTIFICATE OF PUBLIC CONVENIENCE.) ORDINANCE NO. S1982-10

Mr. Dawkins introduced the foregoing ordinance and moved its adoption on second reading, seconded by Rev. Johnson and carried with Mrs. Evans voting "no".

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1982.

12

Tax Matters

Upon motion by Mr. McBryde, seconded by Mr. Dawkins and carried unanimously to approve request for tax refunds on Items A & B.

A. Refund of \$25.19 to Mrs. Elgia Smith, 1827 Conover Drive, for double payment.

B. Refund of \$22.23 to Corder-Vosler Company, c/o U.S. Leasing Corporation P.O. Box 3985, San Francisco, CA for paying taxes on computer equipment which is no longer owned.

13 Appointments

Mayor Hurley reviewed what had been done at previous meetings on the Human Services Advisory Commission.

On February 22, 1982, the following were nominated:

James Flanders, Claudia Simpson, Dr. William Bell, Mrs. Gloria Fowler, and Ida Ross. All of these are black.

Mayor Hurley stated that of the remaining four active members, Mr. Hudspeth is the only white member.

Mayor Hurley then opened the nominations and asked for the race to be given so that a balance could be maintained on this commission.

Ken Benton, white (with the Cumberland County School System), was nominated by Mr. Dawkins.

Clark Williams, white, was nominated by Mr. Wofford.

Miss Sharon Hindle, white (active in social services); Mr. Carl McCollum, white (banker); and Sadie Dump, white, were all nominated by Mayor Hurley.

This makes a total of ten (10) nominees for five (5) seats.

Mr. McBryde offered motion to close nominations and that Council vote in two weeks, seconded by Mr. Dawkins.

Mrs. Evans feels that a Liaison member should be appointed.

Rev. Johnson informed the Council that an ad was published in the paper requesting interested persons to contact them and it appeared only yesterday.

Mr. McBryde withdrew his motion.

Mayor Hurley stated that this matter would be continued at the next meeting.

14 Delegations

Theodore Kinney, Chairman of the Human Services Commission, appeared before Council and requested that a Liaison member from Ft. Bragg and Pope Air Force Base be appointed to the commission also.

City Attorney read from the City Code that Council may, at its discretion, appoint an ex-officio representative from Ft. Bragg and one from Pope Air Force.

Mayor Hurley stated this could be discussed when they have the joint meeting with the Human Services Commission.

Clinton Harris appeared and commended the Council for its swift action on getting the property down on 301 area before the Planning Board for re-zoning and he hopes we can get a sale for that property very soon and hope to get some jobs in the Fayetteville area for the citizens soon also.

Mr. Harris stated he was also concerned with the property on Adams Court because this property was purchased from the citizens with the intention of building senior citizen apartments there and nothing has been done about it. He stated he would like to see this Council do something about this, including an option such as a year option to any proposed buyer who would like to put a senior citizens' place on the property let them go out and see what they can really do.

15 City Manager Reports

None

16 Matters of Interest to Council

Mr. Jones gave a letter to City Engineer from Mr. Hunter Olive regarding the paving of Olive Road and Sherwood Drive.

Mr. Jones also stated he would like to thank the Boy Scout Troup and the Troup leaders who helped clear out the undergrowth at the Senior Citizens Center on Blue Street, over the weekend. He stated there is a great need for paving for parking and good topsoil could be removed on the east side of Blue Street if the Street Department had good use for it and replace it with sand clay. This would be a big help. Also a shelter at the bus stop is needed. He has also had requests from citizens for a stop light on Ramsey Street near Kroger Store and Law Road due to the number of wrecks in that area.

Mr. Dawkins responded to this by saying he thought progress was being made with the State to have this done.

Mr. Jones stated he is also concerned about the condition of the street that runs from old 301 back to Middle Road where a plant has been built.

Mr. McBryde has received a complaint that some patch-work needs to be done on Fargo Drive and he has talked with Mr. Smith about a drain on Hinsdale Drive. Mr. Smith is already checking into this.

Mr. Dawkins stated that Mr. Jones has a good point about the industrial area and he was thinking along an industrial park in the area because he feels it is going to double or triple in size.

Mr. Dawkins also stated he is hoping that possibly next Tuesday, the Ad Hoc Committee can get together with the department heads and City Administration to discuss street cleaning, sanitation and anything that goes along with this to clean up our community.

Mr. Dawkins also wanted to show his appreciation to his fellow members of Council for all the hard work and extra time and effort spent, and he really enjoys working with all of them.

Rev. Johnson stated he agrees with Mr. Jones about the Ramsey Street stop light issue and hopes that they can work with the State in some way to get lights put up in the areas where there is so much danger.

Rev. Johnson requested that the City Attorney draw up an Ordinance for an appeal to the Blue Law, and he requests a public hearing for this matter. Rev. Johnson stated there was some economic values to be considered. Spring Lake, Lumberton, and the surrounding areas are benefiting from the sales and its time Fayetteville took a look at its Blue Law because of the economic standpoint.

Mr. Wofford suggested that this be brought before the Policy Committee for study and a recommendation.

Council asked the City Attorney what procedure is followed in placing an item on the Agenda for public hearing.

City Attorney Cogswell replied that anyone can request an item be placed on the Agenda under "Public Hearings to be Set" and then Council votes to have or deny a public hearing.

Following further discussion, Mayor Hurley stated that this matter would be brought before the Policy Committee and then be brought back to Council.

Mrs. Evans addressed her comment to City Engineer Bennett, that some citizens on Sherwood Drive have asked that a "Children At Play" sign be placed on that street.

Mr. Bennett responded that these are not uniform signs authorized by the Traffic Control and there are none in use in the City. He will look into this matter to see what can be done.

Mayor Hurley asked Council to enter on their calendar for June 6th, the Annual employee picnic to be held at Lamons Sreet Park. The rain date will be the next Sunday.

Mayor Hurley then asked City Manager if he had any information on the budget meeting.

Mr. Smith stated that at the last meeting they had discussed having a pre-budget meeting on April 5th.

Therefore, all matters of business having been completed, this regular session was adjourned at 10:40 p.m. upon motion made and duly seconded.

Bobbie Joyner

Bobbie Joyner
Deputy City Clerk



SPECIAL MEETING
KYLE HOUSE CONFERENCE ROOM
APRIL 5, 1982
7:00 P.M.

Present: Mayor John W. Hurley

Councilmembers: Jimmie Jones, Milo McBryde, J. L. Dawkins, Aaron Johnson,
Mildred Evans, Milton Wofford

Others Present: John P. Smith, City Manager
Roger L. Stancil, Asst. City Manager
Robert C. Cogswell, Jr., City Attorney
John M. Monaghan, Asst. City Manager for Economic and
Community Development
Bill Epps, Finance Director
Richard Hererra, Community Development Director
Becky Long
Cliff LeCornu
Walter Vick

Press: Jason Brady - Fayetteville Observer
John Minter - Fayetteville Times
Connie Cummings - WFNC Radio

Mayor Hurley called the meeting to order and Councilmember Dawkins offered the Invocation.

John Monaghan introduced Mr. Cliff LeCornu, of Region M, who presented the Senior Center Grant Request. Mr. LeCornu indicated that limited State Grant Funds are available for construction of Phase IIA Senior Citizens Center, provided that these funds can be obligated prior to June 30, 1982. Through discussion with the project architect, it was determined that a package of necessary site improvements associated with Phase II Building could be bid prior to receiving construction bids for the building, and therefore, meet the June 30th deadline. The State Grant funds would provide a more adequate budget for site improvements, and thus avoid the potential need to shift funds from the building itself. The proposed application requests \$6,000. State Funds to be matched by \$6,925. of Community Development Block Grant funds already budgeted for the project.

Mrs. Evans asked Mr. Hererra if the Redevelopment Commission planned to match these funds. Mr. Hererra responded that there would be no problem.

Mr. Dawkins offered motion, seconded by Mr. Jones to authorize City Manager to execute the application for Senior Citizens Center, Phase IIA, and carried unanimously.

Motion was made by Mr. McBryde, seconded by Mr. Dawkins to go into Executive Session at 7:12 p.m.

Council reconvened at 8:15 p.m. into regular session.

City Attorney Cogswell recommended that we not appeal the decision regarding the Tilden Walker case.

Mr. McBryde offered motion not to appeal the Tilden Walker case as recommended, seconded by Rev. Johnson, and carried unanimously.

Motion was made by Mr. Dawkins, seconded by Mr. McBryde to adjourn the Special Session at 8:17 p.m. and to enter into Information Meeting.

City Manager Smith presented the following for discussion:

1981-82 Audit

Progress since 1979-80 Audit

Employee productivity

Progress Report from Walter Vick on the Farmer's Market.

There being no further business, Meeting was adjourned at 10:00 p.m.



Roger L. Stancil
Deputy City Clerk

bj



9

The next item for Council's consideration was award of Contract No. 266 - Renovation of Seabrook Swimming Pool.

Bob Bennett presented this matter and stated the present Recreation and Parks Departmental budget has a Federal Revenue Sharing funded project to renovate Seabrook Swimming Pool. In addition to the contract work, we have discovered an 8-inch cast iron pipe needs replacing and two high rate sand filters need a change of filter sand. Therefore, Mr. Bennett recommends the total budget fund request is \$53,400.

Mr. McBryde asked what Alternate I and Alternate II are.

Mr. Bennett responded that Alternate II includes green coated fencing material and Alternate I is galvanized. The green coated fencing will dress up the area and last a little longer.

Mrs. Evans offered motion to accept the low bid from Bullard Construction Company for the renovation of Seabrook Swimming Pool at a total cost of not more than \$53,400. and carried unanimously.

10

Council next gave consideration of Grant Amendments for Airport:

Mr. Wofford offered motion to approve items A and B of amendment to grants for lighting at Airport, seconded by Mr. Jones and carried unanimously.

A. FAA Grant for ADAP Project No. 6-37-0021-07 to add rewiring lights on runway 4-22 and add 30 KW regulator. R1982-15

B. State Airport Aid Project 81-09 to add rehabilitation of lights on runway 4-22 and add 30 KW regulator. R1982-16

11

Council next gave consideration of a request for funding by Clean Community System, Inc. of Fayetteville/Cumberland County.

Assistant City Manager Stancil stated that the request is from the Clean Community System, Inc. for a grant of \$7,500 to match another grant that they have and then introduced the Project Team Leader, Gerald Teele, who signed the letter for request.

Mr. Teele stated they need to change the attitude of people regarding keeping the community clean more than just clean-up projects. They are asking for funds now but should be self-sufficient later.

Following lengthy discussion, Mr. McBryde offered motion to refer this matter to Ad Hoc Committee to be studied and return to Council, seconded by Mr. Wofford and carried unanimously.

Mayor Hurley then stated he had a request from the TV media to move to Item 13B due to their deadline for getting the film in on time.

(13B)

Mayor Hurley recognized Ms. Betty Goodenough, Bus Riders Association, who stated they couldn't be here due to lack of transportation. Ms. Goodenough gave Council figures of the medium and low income as well as the handicap and elderly that depend on buses of income and what has to be paid out.

Ms. Goodenough presented petitions with approximately 364 names. She challenged Council and those in transportation to park their cars for one week and travel exclusively by bus as they do.

Rev. Johnson thanked Ms. Goodenough for her interest and said that Council needs citizens' input. He stated Council does not want to do away with the bus system but hopes to be able to maintain the system. He further stated that they have not finished the work yet. There has been some changes for the elderly and handicapped and the bottom line is whether or not the City of Fayetteville is going to be able to maintain the FAST system because of finances.

Rev. Johnson stated that the system needs more riders and the Fayetteville citizens behind the system in order to expand the system and to keep it going.

Ms. Goodenough responded that the rate hike caused a decrease in ridership because the people could not stand a 35¢ hike in transfer charge.

Following further discussion, Rev. Johnson made a suggestion that this be brought before the Streets and Roads Committee soon for further discussion.

Mr. Wofford stated that he had reconsidered Item 9. In light of the requests of Ms. Goodenough and Mr. Teele, he felt that the \$3,000 difference in a green fence and a galvanized fence was too much to spend at this time.

Mr. Wofford offered a motion to reconsider Item 9, seconded by Mr. McBryde and carried unanimously.

(9) Mr. Wofford offered motion to accept Bullard Construction Company's base bid and Alternate I, not to exceed \$49,800 for City Contract No. 266 - Renovation of Seabrook Swimming Pool, seconded by Mr. McBryde and carried unanimously.

12 Appointments

Mayor Hurley stated that this item goes back to February 22 and reviewed the nominations made on that date and the nominations made at the March 22 meeting.

Mr. Jones then nominated Mrs. Marjorie Jones (white), 1710 Camden Road in Massey Hill area and she owns and operates a nursing home.

Mr. McBryde offered motion to close the nominations, it was seconded and carried unanimously.

Council agreed to waive the rule of a waiting period before voting on a nomination.

Mr. McBryde offered motion to appoint the following for the Human Services Advisory Commission:

Claudia Simpson (Black)
Gloria Fowler (Black)
Clark Williams (White)
Sharon Hindle (White)

Ida Ross (Black)
Carl McCollum (White)
Marjorie Jones (White)

13 Delegations

Dr. Otto Rogers appeared in behalf of the Emergency Medical System and a copy of his report to Council is attached to these minutes.

Council also requested a copy of this report and thanked Dr. Rogers for appearing. Council told Dr. Rogers they tried to support this system in every way they could.

Clinton Harris appeared in behalf of the Fayetteville Cumberland County Citizens Association concerning the bus situation. They wanted a rollback on the transfer charge and feel that there should be fewer buses coming downtown and more going to surrounding areas. He also feels that further studies should be made to help the bus system be self supporting.

Mayor Hurley stated that the City Attorney has requested an executive session to consider personnel matters. Upon motion by Mr. McBryde, seconded by Rev. Johnson, Council went into executive session to discuss personnel matters at 9:50 p.m.

Council reconvened at 10:20 p.m.

14 City Manager's Reports

A. Police Department request for hire. City Attorney Cogswell requested that this matter be continued until April 19 in order for him to get more information.

Mr. Wofford offered motion, seconded by Mr. McBryde to continue the Police Department request for hire until April 19. Motion carried unanimously.

B. Assistant City Manager Stancil presented this item stating that a request has been made by Mrs. Norma Britt for her husband's badge and service revolver. Mr. Stancil stated that there were no guidelines for awarding a service revolver to a police officer and staff suggests Council refer this matter to their Policy Committee to establish some guideline.

Mrs. Evans offered motion to sell this revolver to Mrs. Britt for \$1.00, seconded by Mr. Jones.

Rev. Johnson offered substitute motion to refer this matter to the Policy Committee, seconded by Mr. McBryde and carried with Mrs. Evans and Mr. Jones voting "no".

15

Matters of Interest to Council

Mr. Wofford made reference to the Blue Law being referred to the Police Committee. A tentative date of April 19 was set for the Policy Committee to meet but it conflicted with the Council Information Meeting being set for the same night.

There was lengthy discussion by Council.

Mr. McBryde offered motion to have this item put on the Agenda for the Information meeting, seconded by Mr. Jones and carried unanimously.

Rev. Johnson stated that there was a neighborhood, off Robeson Street in the Roxie Street/Village Drive area, that has no public street in or out. The only service this neighborhood said they had ever gotten from the City was garbage collection. Rev. Johnson asked Mr. Bennett to check into what the City is legally obligated to.

Mr. McBryde asked Mr. Bennett if the patching of the street had been done on Fargo Drive. Mr. Bennett responded that some construction had to be done first and he talked with the owners who agreed.

Mr. McBryde also asked City Engineer Bennett when the uneven spacing would be taken care of on Hay Street and he responded they hoped to begin the work within a week.

Mr. McBryde feels they need to reconsider the \$5.00 penalty for overparking in the lots. He said he felt it has worked for on-street parking to create a turnover in parking, but it seems to be running people off from the off-street parking lots.

Mr. Jones feels that the Personnel Department should only be opened two days a week to accept applications because the turn-over is not that great in the other departments. We could use the other three days more constructively in the Word Processing Center.

Mayor Hurley responded that Mr. Stancil would check into this and return to Mr. Jones.

Mayor Hurley reminded Council that 7:00 p.m. on April 15 is the Annual Neighborhood Community Watch Presidents meeting at the Law Enforcement.

Therefore, all matters of business having been completed, this regular session was adjourned at 10:40 p.m. upon motion made and duly seconded.

Bobbie Joyner
Bobbie Joyner
Deputy City Clerk

SPECIAL MEETING
CITY HALL COUNCIL CHAMBERS
APRIL 19, 1982
7:00 P.M.

Present: Mayor John W. Hurley

Council Members: Jimmie Jones, Milo McBryde, J. L. Dawkins, Aaron Johnson,
Mildred Evans, Milton Wofford

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

Press: Jason Brady, Fayetteville Observer
John Minter, Fayetteville Times

Mayor Hurley called the meeting to order and Councilmember Johnson offered the invocation.

City Attorney Cogswell requested that the Council go into executive session to discuss personnel matters and possible litigation. Motion was made by Mr. Dawkins, seconded by Rev. Johnson to go into executive session at 7:05 p.m. The motion carried unanimously.

Council reconvened at 7:30 p.m. into regular session.

City Manager Smith recommended that the Council fill 20 of the 24 vacancies in the Police Department to be in compliance with the court order. Those recommended for hire were as follows: Dale Crosby, Billy J. McRorie, Wesley H. Waters, Phillip Watson, Jonathan Nunnery, Kenneth A. Reid, Howard Johnson, Wayne Lafreniere, March Zeider, Daniel Lussier, Billy F. Parnell, William Norton, Ellis Haveman, Robert Weathers, Charles Levine, Zebedee Graham, Ricky Matthews, Cecelia Gray, James Chambers, Marcella Jones. Motion was made by Mr. Dawkins, seconded by Mr. McBryde and carried unanimously to approve the hire of 20 police officers as recommended by the City Manager.

Motion was made by Mr. Dawkins, seconded by Rev. Johnson to adjourn the special session at 7:32 p.m. and enter into a scheduled Information Meeting.

The following items were discussed during the information meeting:

1. Zero lot line presentation by Al Mitchell of the Joint Planning Board. Mr. Player and Mr. Moorman representing local developers, indicated that these proposed ordinance changes were basically what they desired.

2. Sidewalk policy, plan, and proposed ordinances. Local developers expressed their concerns about the proposed ordinance changes. Council members indicated that their intent had been to start the process of building the sidewalks on busy streets. In order to reconsider the policy and ordinances to implement the policy, the Council referred the matter back to the Policy Committee for its recommendation.

There being no further business, the meeting was adjourned at 9:15 p.m.


Roger L. Stancil
Deputy City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
APRIL 13, 1982
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: Roger L. Stancil, Assistant City Manager
Robert C. Cogswell, City Attorney

Mayor Hurley called the meeting to order and asked Bob Cogswell, City Attorney, to offer the invocation. Following the invocation, Mayor Hurley led the assembly in the Pledge of Allegiance to the Flag.

Mayor Hurley commented that the City Manager was out of town and would not be present tonight.

Rev. Johnson inquired about the progress of Mr. Downs', City Clerk, recovery from surgery and was informed that he was doing better.

Mayor Hurley recognized the Youth Council members present in the audience.

1 Approval of Minutes

A. Regular Meeting of March 22, 1982. Mr. Wofford had one correction to be made on Page 629 by changing "~~Appeal~~ to the Blue Law" to read "appeal of the Blue Law". Mayor Hurley corrected the number of seats under Appointments for the Human Services from five (5), to read seven (7) seats.

Mr. Wofford offered motion to approve the minutes with the corrections, seconded by Mr. Dawkins and carried unanimously.

B. Special Meeting of April 5, 1982. Mr. McBryde offered motion, seconded by Rev. Johnson to approve the Minutes of the Special meeting of April 5, 1982 as submitted, and carried unanimously.

Mayor Hurley then recognized Joy Cogswell and daughter Kathy in the audience.

2 Public Hearings

Mayor Hurley reminded the audience that there would be a fifteen minute time limit for those in favor and fifteen minutes for those against.

A. Case No. P82-14 was the consideration of the proposed neighborhood Conservation and Revitalization Amendments for the City of Fayetteville to amend Chapter 27 and 32 of the Fayetteville City Code.

City Attorney Cogswell recommended to Council that this item be reset for May 10, 1982 due to the newspaper's failure to publish the ad delivered to them.

Following lengthy discussion, Council agreed to have an information meeting on Monday, April 19th, 7:00 p.m. and have this item on the agenda for discussion.

Mr. Wofford offered motion to postpone until May 10, seconded by Mr. McBryde and carried unanimously.

B. Council next considered Case 82-12 of an application to amend the Fayetteville Zoning Ordinance, Article V, "District Dimensional Regulations" Sections 32-36, 32-37, 32-38.1, 32-38, 32-39, 32-40, 32-42, 32-43, 32-47 and Article VI "General Dimensional Regulations" Sections 32-50 and 32-53 as requested by Walter C. Moorman.

Planner Al Mitchell presented this matter and stated these changes would standardize the measurements and the Planning Board recommends approval as written.

Mr. Walter C. Moorman, applicant, was recognized and stated that as the ordinance now reads, it is very confusing to developers. He is asking Council to adopt the changes so as to make standard measurements from right-of-way of street.

Mr. Henry Player appeared and stated he appeared before Council on this matter some sixteen months ago and this is a joint effort of private individuals and public agencies working together. It makes a step forward to help the City annex sections so that they'll be in conformance with what's being done in the County.

Mr. Don Broadwell also appeared in favor of the amendment and stated this would help in annexation problems and the side dimensional appearance would be better.

There was no opposition present in the audience.

AN ORDINANCE AMENDING CHAPTER 27, "SUBDIVISION", AND CHAPTER 32, "ZONING", OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. S1982-11.

Mrs. Evans introduced the foregoing ordinance and recommended its approval, seconded by Rev. Johnson and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1982.

2 C. Council next gave consideration of Case P82-13 to amend the Fayetteville City Codes, Chapter 27-15 "Subdivision" and Chapter 32-56 "Zoning" requiring concrete sidewalks in certain developments and protecting sidewalk development from encroachment by parked vehicles.

Planner Mitchell presented this matter. The Planning Board has held a public hearing and recommends approval as written and modified slightly from what was previously presented in Council's information meeting.

Mr. Henry Player appeared in favor, stating that he was for sidewalks. However, he feels there needs to be some clarification on the language in that 26 talks about comprehensive sidewalk construction plan, where here, we talk about a thoroughfare plan.

Planner Mitchell responded that these are two separate plans.

Mr. Player requests to have the whole policy and the Section 26 and 27 all mesh together. Also, that the policy comes with an equitable distribution to the property owner and equitable participation by the City. The formula is not working out on a 50/50 basis, he stated. The City should adjust their dollars that they would reimburse the property owners so that it becomes truly 50/50, he stated. Mr. Player also suggested that the sidewalk policy be uniform in where they are located.

Mr. Walter Moorman appeared in opposition to this amendment. Mr Moorman stated he also was for sidewalks but not under the policy that is being operated now. Mr. Moorman stated he is concerned for the inconsistency of the policy that the City has now. Mr. Moorman's recommendation is not to adopt an ordinance to require sidewalks unless it is made to go from block to block or street to street.

Clinton Harris appeared in opposition to the ordinance as written because he doesn't think it's strong enough or goes far enough. He stated that the current policy does not require the developer to install sidewalks, only to grade for sidewalks. Mr. Harris also feels that Item 5D should be considered with this item and either pass it or delay 2C until they look at 5D.

Mr. Dawkins left due to illness.

Mrs. Evans offered motion to continue public hearing until May 10th and bring before Council's information meeting, seconded by Mr. Jones and carried with Mr. Dawkins being absent.

3 Public Hearings to be Set

A. Council next gave consideration of a joint public hearing of the City Council and Historic Properties Commission to consider designation of Cool Spring Tavern as historic property pursuant to Section 2-54 of the Fayetteville City Code.

Mr. McBryde offered motion to set the public hearing date for April 26 as recommended, seconded by Rev. Johnson and carried unanimously.

B. The next item for consideration was the annexation of property located on Ireland Drive.

Mr. McBryde offered motion, seconded by Rev. Johnson to set public hearing for May 10 as suggested, carried unanimously.

C. Council next gave consideration of a resolution ordering the paving and assessment of Currie Street, a portion of South King Street and Ernest Street.

Assistant City Manager Stancil referred to City Manager Smith's memo regarding Revenue Sharing, Street projects. He stated that since Curry and South King Streets are set up in the Revenue Sharing Budget, only Ernest Street need be set up for public hearing.

Mr. McBryde offered motion to have public hearing for Ernest Street only on May 10, seconded by Mr. Jones and carried with Rev. Johnson abstaining.

Mr. McBryde offered motion, seconded by Mr. Wofford to officially excuse Councilmember Dawkins from the meeting due to illness.

D. Council next gave consideration of the rezoning from P1 Professional District to P2 Professional District or to a more restrictive zoning classification an area located at 1613 Owen Drive. The Planning Board recommends denial.

Mrs. Evans offered motion, seconded by Rev. Johnson to set public hearing for April 26 as suggested, carried unanimously.

4 Public Works Commission Matters

Mr. Ray Muench presented all of the PWC matters.

A. Council considered an application for one 4-inch sanitary sewer connection to existing main to serve existing residence at 4345 Lakeside Drive, outside the City. PWC recommends approval.

Rev. Johnson offered motion, seconded by Mr. Jones to follow recommendation to approve an application for one 4-inch sanitary sewer connection to existing main to serve existing residence at 4345 Lakeside Drive, carried unanimously.

B. Next was a consideration of an application for one 1-inch water connection to serve residence off Zepher Drive (off Carver's Falls Road), outside the City. Mr. Muench stated that no extension was required and PWC recommends approval.

Upon motion by Mrs. Evans, second by Rev. Johnson and carried unanimously, Council approved application for one 1-inch water connection to serve residence off Zepher Drive.

C. Council next gave consideration of an application for one 4-inch sanitary sewer connection to existing main to serve existing residence at 308 Boone Trail, outside City. PWC recommends approval.

Mr. Muench stated applicant is trying to get annexation petition signed but can get no cooperation from the area residents.

Mr. Wofford offered motion, seconded by Mr. Jones to approve application for one 4-inch sanitary sewer connection to existing main to serve existing residence at 308 Boone Trail, and carried unanimously.

D. The next item for Council's consideration was an application for water and sewer outside City connections to serve existing residence at 2609 Southern Avenue. PWC recommends approval.

Mr. Wofford offered motion, seconded by Mr. Jones to approve the application for water and sewer outside City connections to serving existing residence at 2609 Southern Avenue and carried unanimously.

E. The final PWC matter for Council is the consideration of bids received March 23, 1982 for the purchase of 130 sets of manhole rings and covers. Mr. Muench stated PWC recommends the low bid by Davis Meter and Supply Company for \$10,207.60.

Motion was made by Mr. McBryde, seconded by Mr. Jones to accept the low bid of \$10,207.60 by Davis Meter and Supply Company of Raleigh, North Carolina and carried unanimously.

Mr. Muench was then excused from the meeting.

5 Planning Board Matters

Planner Al Mitchell presented the four Planning Board matters.

A. Consideration of McPherson Square Group Development review in a C(1)P Shopping Center District located on the east side of South McPherson Church Road approximately 0.2 miles south of Morganton Road. Planning Board recommends conditional approval.

Mr. McBryde offered motion to conditionally approve as recommended by Planning Department, seconded by Mr. Jones and carried unanimously.

B. Case P82-22, consideration of the rezoning from R5 Residential District to P2 Professional District or to a more restrictive zoning classification an area located at 2901 Breezewood Avenue. Planning Board recommends approval.

Mrs. Evans asked if a sign had been placed in the area of the prospective change and Mr. Mitchell stated it had been.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE OF THE REZONING FROM R5 RESIDENTIAL DISTRICT TO P2 PROFESSIONAL DISTRICT AN AREA LOCATED AT 2901 BREEZEWOOD AVENUE. ORDINANCE NO. NS1982-9

Mr. McBryde introduced the foregoing ordinance, seconded by Rev. Johnson to rezone from R5 to P2 an area located at 2901 Breezewood Avenue, and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1982.

5 C. Council next considered Case No. P82-24, consideration of the rezoning from R5 Residential District and C3 Heavy Commercial District to M2 Heavy Industrial District or to a more restrictive zoning classification an area located on the south-east side of US301 (Eastern Boulevard) between Old Wilmington Road and East Collier Drive. Planning Board recommends approval.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R5 RESIDENTIAL DISTRICT AND C3 HEAVY COMMERCIAL DISTRICT TO M2 HEAVY INDUSTRIAL DISTRICT AN AREA LOCATED ON THE SOUTHEAST SIDE OF US301 (EASTERN BOULEVARD) BETWEEN OLD WILMINGTON ROAD AND EAST COLLIER DRIVE. *ORD No. NS1982-10*

Mr. McBryde introduced the foregoing ordinance, seconded by Mr. Jones to approve the rezoning as recommended by Planning Board, and carried unanimously.

D. The last Planning Board item for consideration was of a Planning Board Resolution suggesting changes to the City of Fayetteville Sidewalk Policy. Planning Board recommends this be referred to the Policy Committee.

Mrs. Evans offered motion to defer this matter until the May 10 meeting, seconded by Mr. Wofford and carried unanimously.

6 The next item for Council was the consideration of annexation of Holiday Park Subdivision (continued from the regular meeting of March 8, 1982).

City Attorney Cogswell explained that under the new law, Council cannot annex if they receive a petition against that annexation bearing a majority of the registered voters in the area to be annexed. Mr. Cogswell stated that there was such a petition so therefore, Council could not annex.

7 Council next gave consideration of an agreement with N.C.D.O.T. for street thoroughfare responsibility. Assistant City Manager Stancil presented this matter and stated that from a memo from City Engineer Bob Bennett to City Manager Smith, City staff has review the various listings of street and thoroughfare responsibilities and recommend the execution of the agreement.

Mr. McBryde offered motion to adopt the agreement with N.C.D.O.T., seconded by Rev. Johnson and carried unanimously.

8 City Engineer Bennett presented for Council's consideration of adoption of ordinance prohibiting parking:

A. Fort Bragg Road (North side) west of Park Street, and Russell Street (South side) east of Worth Street, to establish bus stops.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 1 - "BUS STOPS" ORDINANCE NO. NS1982-11

Rev. Johnson introduced the foregoing ordinance and offered motion for the adoption seconded by Mr. Jones, and carried unanimously.

B. Broadfoot Avenue (West side) North of Raeford Road.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 11 - "PARKING PROHIBITED" ORDINANCE NO. NS1982-12

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

A copy of the two foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1982.

9

The next item for Council's consideration was award of Contract No. 266 - Renovation of Seabrook Swimming Pool.

Bob Bennett presented this matter and stated the present Recreation and Parks Departmental budget has a Federal Revenue Sharing funded project to renovate Seabrook Swimming Pool. In addition to the contract work, we have discovered an 8-inch cast iron pipe needs replacing and two high rate sand filters need a change of filter sand. Therefore, Mr. Bennett recommends the total budget fund request is \$53,400.

Mr. McBryde asked what Alternate I and Alternate II are.

Mr. Bennett responded that Alternate II includes green coated fencing material and Alternate I is galvanized. The green coated fencing will dress up the area and last a little longer.

Mrs. Evans offered motion to accept the low bid from Bullard Construction Company for the renovation of Seabrook Swimming Pool at a total cost of not more than \$53,400 and carried unanimously.

10

Council next gave consideration of Grant Amendments for Airport:

Mr. Wofford offered motion to approve items A and B of amendment to grants for lighting at Airport, seconded by Mr. Jones and carried unanimously.

A. FAA Grant for ADAP Project No. 6-37-0021-07 to add rewiring lights on runway 4-22 and add 30 KW regulator. R1982-15

B. State Airport Aid Project 81-09 to add rehabilitation of lights on runway 4-22 and add 30 KW regulator. R1982-16

11

Council next gave consideration of a request for funding by Clean Community System, Inc. of Fayetteville/Cumberland County.

Assistant City Manager Stancil stated that the request is from the Clean Community System, Inc. for a grant of \$7,500 to match another grant that they have and then introduced the Project Team Leader, Gerald Teele, who signed the letter for request.

Mr. Teele stated they need to change the attitude of people regarding keeping the community clean more than just clean-up projects. They are asking for funds now but should be self-sufficient later.

Following lengthy discussion, Mr. McBryde offered motion to refer this matter to Ad Hoc Committee to be studied and return to Council, seconded by Mr. Wofford and carried unanimously.

Mayor Hurley then stated he had a request from the TV media to move to Item 13B due to their deadline for getting the film in on time.

(13B)

Mayor Hurley recognized Ms. Betty Goodenough, Bus Riders Association, who stated they couldn't be here due to lack of transportation. Ms. Goodenough gave Council figures of the medium and low income as well as the handicap and elderly that depend on buses of income and what has to be paid out.

Ms. Goodenough presented petitions with approximately 364 names. She challenged Council and those in transportation to park their cars for one week and travel exclusively by bus as they do.

Rev. Johnson thanked Ms. Goodenough for her interest and said that Council needs citizens' input. He stated Council does not want to do away with the bus system but hopes to be able to maintain the system. He further stated that they have not finished the work yet. There has been some changes for the elderly and handicapped and the bottom line is whether or not the City of Fayetteville is going to be able to maintain the FAST system because of finances.

Rev. Johnson stated that the system needs more riders and the Fayetteville citizens behind the system in order to expand the system and to keep it going.

Ms. Goodenough responded that the rate hike caused a decrease in ridership because the people could not stand a 35¢ hike in transfer charge.

Following further discussion, Rev. Johnson made a suggestion that this be brought before the Streets and Roads Committee soon for further discussion.

Mr. Wofford stated that he had reconsidered Item 9. In light of the requests of Ms. Goodenough and Mr. Teele, he felt that the \$3,000 difference in a green fence and a galvanized fence was too much to spend at this time.

Mr. Wofford offered a motion to reconsider Item 9, seconded by Mr. McBryde and carried unanimously.

- (9) Mr. Wofford offered motion to accept Bullard Construction Company's base bid and Alternate I, not to exceed \$49,800 for City Contract No. 266 - Renovation of Seabrook Swimming Pool, seconded by Mr. McBryde and carried unanimously.

12 Appointments

Mayor Hurley stated that this item goes back to February 22 and reviewed the nominations made on that date and the nominations made at the March 22 meeting.

Mr. Jones then nominated Mrs. Marjorie Jones (white), 1710 Camden Road in Massey Hill area and she owns and operates a nursing home.

Mr. McBryde offered motion to close the nominations, it was seconded and carried unanimously.

Council agreed to waive the rule of a waiting period before voting on a nomination.

Mr. McBryde offered motion to appoint the following for the Human Services Advisory Commission:

Claudia Simpson (Black)	Ida Ross (Black)
Gloria Fowler (Black)	Carl McCollum (White)
Clark Williams (White)	Marjorie Jones (White)
Sharon Hindle (White)	

13 Delegations

Dr. Otto Rogers appeared in behalf of the Emergency Medical System and a copy of his report to Council is attached to these minutes.

Council also requested a copy of this report and thanked Dr. Rogers for appearing. Council told Dr. Rogers they tried to support this system in every way they could.

Clinton Harris appeared in behalf of the Fayetteville Cumberland County Citizens Association concerning the bus situation. They wanted a rollback on the transfer charge and feel that there should be fewer buses coming downtown and more going to surrounding areas. He also feels that further studies should be made to help the bus system be self supporting.

Mayor Hurley stated that the City Attorney has requested an executive session to consider personnel matters. Upon motion by Mr. McBryde, seconded by Rev. Johnson, Council went into executive session to discuss personnel matters at 9:50 p.m.

Council reconvened at 10:20 p.m.

14 City Manager's Reports

A. Police Department request for hire. City Attorney Cogswell requested that this matter be continued until April 19 in order for him to get more information.

Mr. Wofford offered motion, seconded by Mr. McBryde to continue the Police Department request for hire until April 19. Motion carried unanimously.

B. Assistant City Manager Stancil presented this item stating that a request has been made by Mrs. Norma Britt for her husband's badge and service revolver. Mr. Stancil stated that there were no guidelines for awarding a service revolver to a police officer and staff suggests Council refer this matter to their Policy Committee to establish some guideline.

Mrs. Evans offered motion to sell this revolver to Mrs. Britt for \$1.00, seconded by Mr. Jones.

Rev. Johnson offered substitute motion to refer this matter to the Policy Committee, seconded by Mr. McBryde and carried with Mrs. Evans and Mr. Jones voting "no".

15

Matters of Interest to Council

Mr. Wofford made reference to the Blue Law being referred to the Police Committee. A tentative date of April 19 was set for the Policy Committee to meet but it conflicted with the Council Information Meeting being set for the same night.

There was lengthy discussion by Council.

Mr. McBryde offered motion to have this item put on the Agenda for the Information meeting, seconded by Mr. Jones and carried unanimously.

Rev. Johnson stated that there was a neighborhood, off Robeson Street in the Roxie Street/Village Drive area, that has no public street in or out. The only service this neighborhood said they had ever gotten from the City was garbage collection. Rev. Johnson asked Mr. Bennett to check into what the City is legally obligated to.

Mr. McBryde asked Mr. Bennett if the patching of the street had been done on Fargo Drive. Mr. Bennett responded that some construction had to be done first and he talked with the owners who agreed.

Mr. McBryde also asked City Engineer Bennett when the uneven spacing would be taken care of on Hay Street and he responded they hoped to begin the work within a week.

Mr. McBryde feels they need to reconsider the \$5.00 penalty for overparking in the lots. He said he felt it has worked for on-street parking to create a turnover in parking, but it seems to be running people off from the off-street parking lots.

Mr. Jones feels that the Personnel Department should only be opened two days a week to accept applications because the turn-over is not that great in the other departments. We could use the other three days more constructively in the Word Processing Center.

Mayor Hurley responded that Mr. Stancil would check into this and return to Mr. Jones.

Mayor Hurley reminded Council that 7:00 p.m. on April 15 is the Annual Neighborhood Community Watch Presidents meeting at the Law Enforcement.

Therefore, all matters of business having been completed, this regular session was adjourned at 10:40 p.m. upon motion made and duly seconded.

Bobbie Joyner
Bobbie Joyner
Deputy City Clerk

SPECIAL MEETING
CITY HALL COUNCIL CHAMBERS
APRIL 19, 1982
7:00 P.M.

Present: Mayor John W. Hurley

Council Members: Jimmie Jones, Milo McBryde, J. L. Dawkins, Aaron Johnson,
Mildred Evans, Milton Wofford

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

Press: Jason Brady, Fayetteville Observer
John Minter, Fayetteville Times

Mayor Hurley called the meeting to order and Councilmember Johnson offered the invocation.

City Attorney Cogswell requested that the Council go into executive session to discuss personnel matters and possible litigation. Motion was made by Mr. Dawkins, seconded by Rev. Johnson to go into executive session at 7:05 p.m. The motion carried unanimously.

Council reconvened at 7:30 p.m. into regular session.

City Manager Smith recommended that the Council fill 20 of the 24 vacancies in the Police Department to be in compliance with the court order. Those recommended for hire were as follows: Dale Crosby, Billy J. McRorie, Wesley H. Waters, Phillip Watson, Jonathan Nunnery, Kenneth A. Reid, Howard Johnson, Wayne Lafreniere, March Zeider, Daniel Lussier, Billy F. Parnell, William Norton, Ellis Haveman, Robert Weathers, Charles Levine, Zebedee Graham, Ricky Matthews, Cecelia Gray, James Chambers, Marcella Jones. Motion was made by Mr. Dawkins, seconded by Mr. McBryde and carried unanimously to approve the hire of 20 police officers as recommended by the City Manager.

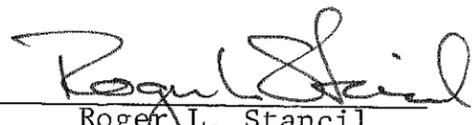
Motion was made by Mr. Dawkins, seconded by Rev. Johnson to adjourn the special session at 7:32 p.m. and enter into a scheduled Information Meeting.

The following items were discussed during the information meeting:

1. Zero lot line presentation by Al Mitchell of the Joint Planning Board. Mr. Player and Mr. Moorman representing local developers, indicated that these proposed ordinance changes were basically what they desired.

2. Sidewalk policy, plan, and proposed ordinances. Local developers expressed their concerns about the proposed ordinance changes. Council members indicated that their intent had been to start the process of building the sidewalks on busy streets. In order to reconsider the policy and ordinances to implement the policy, the Council referred the matter back to the Policy Committee for its recommendation.

There being no further business, the meeting was adjourned at 9:15 p.m.


Roger L. Stancil
Deputy City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
April 26, 1982
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 P. Smith, City Manager
Roger L. Stancil, Assistant City Manager
Robert C. Cogswell, City Attorney

Mayor Hurley called the meeting to order and Rev. Warren Petteway, Haymount United Methodist Church offered the invocation. Mayor Hurley led the assembly in the Pledge of Allegiance to the Flag.

Mayor Hurley recognized the Youth Council present in the audience and reminded Council that they will be Council's counterparts the week of May 10th, "Youth Week".

Councilmember Dawkins asked the Youth Council members if they would like to serve a full year.

Councilmember Johnson thanked Rev. Petteway for the lovely prayer.

Mr. Dawkins also thanked Councilmembers and others that had shown concern and prayers for his health recently.

1 Approval of Minutes

A A. Regular Meeting of April 13, 1982. Mayor Hurley had two typographical corrections to make on page 639, to read Policy Committee. Mr. Wofford asked that, on page 633, under "Approval of Minutes", appeal be changed to Repeal.

Rev. Johnson offered motion that the minutes of the April 13, 1982 Regular meeting be approved as corrected, seconded by Mr. McBryde and carried unanimously.

B B. Special Meeting, April 19, 1982. City Attorney Cogswell requested that in second paragraph, the word "possible" be struck.

Mr. McBryde offered motion, seconded by Mr. Dawkins, to approve the Special Meeting minutes of April 19, 1982, with the corrections. Motion carried unanimously.

2 Public Hearings

Mayor Hurley reminded the audience that there is a fifteen minute time limit for those to speak in favor or opposition of a matter.

A A. Case P82-21. Consideration of rezoning from P1 Professional District to P2 Professional District or to a more restrictive zoning classification, an area located at 1316 Owen Drive.

Mr. Tom Lloyd presented this matter and stated that the Planning Board recommends denial.

Mr. Jack Thompson, representing Dr. Philbrick, petitioner, displayed photographs of the area and stated it does fit all the specifications. He stated that Dr. Philbrick is on the first floor and plans to rent the second floor but would not let anything come in that will be detrimental to the area. Mr. Thompson asked Mr. McBryde to abstain on this issue due to his profession.

Mr. McBryde stated that the City Attorney advised him not to abstain and there were also objections from Council to him abstaining.

Mr. Don McFayden, representing an adjacent property owner, appeared in opposition to the request and stated that only one of 21 lots was zoned something other than P1 Professional District. He further stated that P2 would bring in businesses that would change the concept of the area, which is primarily medical use.

Dr. George Levi, area property owner, also appeared in opposition. He stated he purchased this property because the realtor assured him the site would remain exclusively for medical office uses.

Dr. Edward Garber also appeared in opposition to this request. He stated that when Mr. Sandrock gave the land across the street for a hospital, then this land was set up as a medical professional village. The streets that go into this island are not dedicated, they maintain them, he stated. Dr. Garber stated they did not want to see the area change after investing their time and funds for development.

Dr. Gary Copeland, representing Fayetteville Area Health Education Center (FAHEC), appeared in opposition to the request and stated that the FAHEC Board of Directors had voted unanimously to oppose this request. They feel this would be a definite detriment to this area.

There was lengthy discussion.

Mr. Dawkins offered motion to follow recommendation of the Planning Board and deny the rezoning of the area located at 1613 Owen Drive from P1 to P2 Professional District. Seconded by Mr. Wofford and carried with Mayor Hurley and Mr. Jones voting "no".

2B B. Council next gave consideration of a joint public hearing of the City Council and Historic Properties Commission to consider designation of Cool Springs Tavern as historic property pursuant to Section 2-54 of the Fayetteville City Code.

Mayor Hurley recognized the members of the Historic Properties Commission present tonight.

Crawford MacKethan appeared in favor of this matter and stated that in 1973, this property was put in the National Registry of Historical Properties. Mr. MacKethan said the family would appreciate anything Council could do.

Chairman of Historical Properties Commission, Dr. Charles Speegle, appeared before Council and read a letter from the Department of Archives and History, dated March 3, 1982. The letter stated that they wholeheartedly concur that Cool Spring Tavern be designated historic property. It further stated that they would like for the Ordinance of designation clearly state that both building and the one acre included in the National Register nomination are being designated historic property. This will clarify the commission's jurisdiction, making certain that the entire property is entitled to the 50% property tax deferral, and make it possible for the Commission to protect any archeological resources that may exist on the site.

No one appeared in opposition.

City Attorney Cogswell informed Council that if the Ordinance is adopted it will be amended to include the language that Dr. Speegle mentioned in his letter.

AN ORDINANCE DESIGNATING COOL SPRING TAVERN AS AN HISTORIC PROPERTY
PURSUANT TO SECTION 2-54 OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO.
NS1982-13

Mrs. Evans introduced the foregoing ordinance and moved to adopt, seconded by Mr. McBryde and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1982.

C C. Council next gave consideration of a final resolution requiring the paving without petition of Roosevelt Street, Wilma Street to cul-de-sac. Continued from the regular meeting of March 22, 1982.

City Engineer Bennett presented this matter stating that the property owners have been notified by mail and the survey finds three houses have been built onto the right-of-way to the extent that the street cannot be paved unless the houses are removed.

Mr. William McCoy, property owner, appeared in favor of the paving.

Inez Davis, property owner, was in favor of the paving if the City would move her house at their cost.

Mr. Smith stated that under the assessment policy of only \$4.00 per foot, that would be part of acquiring the right-of-way. The houses are in the right-of-way and the City could require the owners to move them at their expense.

Mrs. Elizabeth Henderson, a property owner, appeared and stated that the people that bought the houses didn't know they had been built on the right-of-way and had been paying taxes and don't have the money to move the houses.

There was lengthy discussion.

Rev. Johnson offered motion to table this item, seconded by Mr. Jones and carried unanimously.

- 2 D Council next gave consideration of adoption of a resolution and notice of intent to close a portion of East Collier Drive.

Mr. Richard Herrera, Executive Director of Community Development, presented this matter and stated this needs to be done in order to proceed with an initiation of a land sales program for the properties acquired on behalf of the City in the Collier Drive Redevelopment Plan.

Clinton Harris appeared in favor because he felt it would create jobs for citizens.

Mr. J. T. Squires, property owner adjacent to City property, appeared in opposition to closing it at this time. He stated it would put him on a dead-end road making it difficult to sell if the City did not buy it from him. He further stated that if the City was going to purchase his land, then wait until then to close the road.

Following lengthy discussion, Mrs. Evans offered motion to adopt the Resolution to close a portion of Collier Drive, seconded by Rev. Johnson.

There was further discussion and Mr. McBryde offered substitute motion to defer for two weeks, seconded by Mr. Jones and carried unanimously.

- E The last public hearing for Council's consideration was amendment to UMTA Capital Grant for purchase and renovation of transit facility.

City Manager Smith presented this to Council and stated that this is the application approved by Council for submission to UMTA for their share of the purchase of the transit City garage facility. A transcript of this public hearing will be forwarded to the Atlanta office of UMTA. Mr. Smith stated that the total funding in which UMTA is participating is \$530,455; Federal share is \$424,364; the NCDOT share is 53,045 and the applicant or City share is \$53,046.

There was no one present to speak in favor of the matter.

Mr. Clinton Harris appeared in opposition stating that he didn't feel the money should be spent for a transit garage facility when he was told that there would not be a transit system in 1985.

No one else appeared in opposition.

There was no action to be taken on this matter.

- 3 Public Hearings to be Set

- A Consideration of grant for fiscal year 1982-83 - transit operating assistance. Suggested date June 14, 1982.

Mr. McBryde offered motion, seconded by Rev. Johnson to set public hearing for June 14, 1982, and carried unanimously.

- B Council next gave consideration of an Ordinance to amend the Fayetteville City Codes, Chapter 32 "Zoning", Mixed Use provision. Suggested date is May 24, 1982. Planning Board recommends approval with minor changes.

City Attorney Cogswell stated that this was another one just like the other two at the last meeting when Council remarked that they would like to have more input before it comes before Council. Mr. Cogswell asked if Council would like to have an information meeting before the next regular meeting.

Mr. McBryde offered motion that Item B be set for public hearing on May 24, 1982, seconded by Mr. Dawkins and carried unanimously.

- 4 Public Works Commission Matters

Mr. Muench presented the two PWC matters.

- A Consideration of an application for one 4-inch sanitary sewer connection to existing main to serve residence at 821 Stoneykirk Drive, outside City. Mr. Muench stated that PWC recommends approval subject to execution of annexation agreement and applicant paying entire cost of connection.

Rev. Johnson offered motion to approve the application for one 4-inch sanitary sewer connection to existing main to serve residence at 821 Stoneykirk Drive as recommended by PWC. Seconded by Mr. Wofford and carried unanimously.

4 B Council next gave consideration of an application for one 1-inch water connection to existing main to serve church near intersection of Cedar Creek Road and Highway I-95, outside City. PWC recommends approval.

Mrs. Evans offered motion, seconded by Rev. Johnson to approve application for one 1-inch water connection to existing main to serve church near intersection of Cedar Creek Road and Highway I-95, seconded by Rev. Johnson and carried unanimously.

Mr. McBryde asked Mr. Muench if the seven year contract that we have with Hope Mills runs out this summer.

Mr. Muench replied that we actually have two contracts, one is for sewer that was executed initially in 1972 and the second is for water, that was executed initially in 1973. They were for seven years each and upon expiration of the initial seven year period, they automatically renew themselves for one year at the time unless written notice pursuant to the contract is given by either one of the parties.

Mr. Muench was excused from the meeting.

5 Planning Board Matters

Mr. Tom Lloyd presented the two Planning Board matters.

A Council next gave consideration of Pizza Palace, in a ClP Shopping Center District for preliminary review located at 528 McPherson Church Road. Planning Board recommends conditional approval.

Mrs. Evans offered motion to conditionally approve preliminary review for Pizza Palace, 528 McPherson Church Road, in ClP Shopping Center. Seconded by Mr. McBryde and carried unanimously.

B The last Planning Board item for consideration was Enchanted Forest Mobile Home Park in an R6 Residential District for group development review located on south side of Country Club Drive and west side of intersection at Harveydale Drive. Planning Board recommends conditional approval.

There was some discussion as to trailer parks being expanded indefinitely, and the potential flood problem.

Following some discussion, Mrs. Evans offered motion to conditionally approve the request. There was no second.

Mr. Frank Edwards, petitioner, appeared before Council and stated that when he appeared before Council about three years ago, it was all one tract then. They recommended a park to be able to add on and all you had to do was to submit plans to Council or go through procedures and it could be put in.

Following further discussion, City Attorney requested two weeks delay to check into this further.

Mr. Dawkins offered motion to defer this matter for two weeks, seconded by Mr. McBryde and carried unanimously.

6 Council next gave consideration of award of contract for fiscal year ending June 30, 1982 audit. City Manager Smith presented this matter and stated this would be the third year with Cherry, Bekaert & Holland. Staff has been satisfied with their performance to date, and recommends at least one more year's contract with this firm. The \$24,000 maximum amount represents an increase of \$2,000 over last year's contract. This is shared 50/50 with PWC. This must also be approved by local government commission.

Mrs. Evans requested to abstain due to her brother-in-law working for this firm.

Mr. Dawkins offered motion, seconded by Mr. McBryde to award contract for fiscal year ending June 30, 1982 audit to Cherry, Bekaert & Holland. Carried with Mrs. Evans abstaining.

7

Council next gave consideration of request for funding by Clean Community System, Inc. of Fayetteville/Cumberland County. Continued from the regular meeting of April 13, 1982. Mayor Hurley recognized Mr. McBryde, Chairman of Ad Hoc Committee.

Mr. McBryde stated that the Ad Hoc Committee feels that this Clean Community System would work hand-in-hand with what the City is trying to do to clean up and voted unanimously to recommend the appropriation of the requested \$7,500.

There was lengthy discussion.

Mr. McBryde offered motion to approve the appropriation of the requested \$7,500, seconded by Mr. Dawkins. Motion carried with Mrs. Evans and Rev. Johnson voting "no".

Mr. Gerald Teele appeared before Council and stated that Clean Community System has prepared a budget as to where the \$15,000 is going to go and they feel City Council, Staff and the foundation has a right to expect accountability and he wants them to be their severest critic. Mr. Teele also stated that hopefully in a very few months, they can show how this project is going to work.

Mayor Hurley recognized Mr. & Mrs. Conrad Martin. Mr. Martin represents the Chamber of Commerce, who is having a drive to work with organizations in the City for cleaner community.

8

Council next gave consideration to approval of a contract with Rockwell Radio and Equipment Company for Airport Runway Lighting System. Mr. Smith presented this matter and stated that Council approved the amendment to the Airport State and Federal grants to fund this contract at their last meeting.

Mrs. Evans offered motion to award Airport Runway Lighting System contract under the provisions of GS 143-129 Emergency provisions. Motion seconded by Rev. Johnson and carried unanimously.

9

The next item Council considered was approval for authorization of advertisement-Use Agreement with Air-Lift Associated, Inc. at Fayetteville Municipal Airport. City Attorney presented this and stated staff recommended approval.

Mr. Dawkins offered motion, seconded by Mr. Jones to authorize advertisement of Use Agreement, carried unanimously.

10

Council next gave consideration of approval of NCDOT Grant for terminal study and project formulation (consultant contract was approved December 14, 1981). Mr. Smith presented this matter and stated that when Council approved the contract at a previous meeting, the grant agreement was left out of the package forwarded to Council, due to an oversight.

RESOLUTION (NCDOT GRANT FOR AIRPORT TERMINAL STUDY AND PROJECT FORMULATION) - RESOLUTION NO. R1982-17

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

11

The next item for consideration was amendment of Section 20-138 of the Fayetteville City Code -fine for overtime parking in off-street lots. City Manager Smith presented this matter and stated that due to the cost of enforcement of off-street and on-street parking, he could not recommend the reduction in fines back to \$1.00 for off-street as proposed.

Councilmember McBryde stated that he did not feel the \$5.00 fine was helping us downtown and that there are not enough tickets being written in the lots to make a great difference in the income from the parking tickets.

There was lengthy discussion.

Mr. McBryde introduced the following ordinance and moved its adoption, seconded by Rev. Johnson and carried with Mayor Hurley voting "no":

AN ORDINANCE AMENDING CHAPTER 20, "MOTOR VEHICLES AND TRAFFIC", OF THE FAYETTEVILLE CITY CODE - (FINE FOR OVERTIME PARKING IN OFF-STREET LOTS). ORDINANCE NO. S1982-12.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1982.

12 Council next gave consideration of approval of bids - Equipment Lease/Purchase Agreement with First Union National Bank for three Rear Loaders and two Front-End Loader/Compactors. Mr. Smith presented this matter and stated that discussion on this goes back several months. Bids were received and staff is recommending award to First Union Leasing Group in the amount of \$8,462.87 per month.

Following lengthy discussion, Mrs. Evans offered motion to adopt the following resolution, seconded by Rev. Johnson.

Mrs. Evans then withdrew her motion, due to her husband being on First Union's Board, and asked to abstain from voting. Rev. Johnson also withdrew his second.

CERTIFICATE OF RESOLUTION - (EQUIPMENT LEASE/PURCHASE AGREEMENT FOR GARBAGE TRUCKS) RESOLUTION NO. R1982-18

Rev. Johnson introduced the foregoing resolution and moved that Council approve the equipment lease/purchase agreement with First Union National Bank for the purchase of five trucks and authorize the Mayor to sign the agreement on behalf of the City, ratifying, confirming the agreement and that the Mayor is authorized to sign on behalf of the City, the Agreement and any addenda, schedules, notes, UCC financing statements or other instruments issued under the provisions of the Agreement and any other instrument or document which may be necessary or expedient in connection with agreement upon or fulfillment of the provisions of the Agreement. Motion seconded by Mr. Dawkins and carried with Mr. Jones voting "no" and Mrs. Evans abstaining as required by NCGS 14-234(a).

A copy of the foregoing resolution is on file in the Clerk's office in Resolution Book R1982.

13 Council next gave consideration of amendment to Architects Contract on Farmer's Market Project.

Mr. Wofford asked for clarification on the name, whether it is the Farmer's Market or the Municipal Market.

Mrs. Evans offered motion, seconded by Mr. Jones to approve up to \$27,000 for the work by the architect on the Municipal-Farmer's Market. Motion carried unanimously.

14 Council next gave consideration of approval of paving the north end of Worth Street.

Mr. McBryde offered motion to approve the paving of the north end of Worth Street, seconded by Rev. Johnson and carried unanimously.

Mayor Hurley explained to the audience that there are sufficient unallocated Powell Bill funds in the current budget to cover the cost of this paving.

15 Council next gave consideration of the appointment of a Civil Preparedness Director. Mayor Hurley recognized Mr. McBryde, the Chairman of the City-County Liaison Committee. Mr. McBryde stated that they had interviewed three applicants for the job and voted to recommend that John McGinnis be hired. Mr. McBryde stated that Mr. McGinnis works at Frye Camping Equipment Company, he is a rural Fire Department Chief and President of the Rural Fire Department Association, working with Civil Preparedness with both of these and is well qualified.

Following brief discussion, Mr. McBryde offered motion to approve the appointment of Mr. John McGinnis as Civil Preparedness Director.

16 Delegations

Mrs. Betty Goodenough appeared stating she could not understand the inconsistency of Council's actions. She gave examples such as approving the Clean Community project's money and dropping the parking fines from \$5.00 to \$1.00 that would bring in money, but yet she felt Council doesn't care about the bus riders since they raised the fares.

Mr. Dawkins reminded Mrs. Goodenough that the bus system is subsidized by the taxpayers and Council must care or they wouldn't subsidize hundreds of thousands of dollars.

Mrs. Goodenough stated she could not understand the inconsistency of voting one thing down and voting another one to take it up. She then mentioned giving money to the clean-up or educational crew for the downtown area, and stated the business downtown is already gone.

Mr. McBryde informed Mrs. Goodenough that this was for the entire City, not just downtown.

Mr. Dawkins wanted to comment to the audience that if they didn't think there was money to be made in downtown Fayetteville, they should try to rent a building in the first three blocks and they would find the rent is pretty high.

Mrs. Goodenough then stated that clean-up education started within inside and no one could tell her how to take self-pride and that's what we need downtown.

17 City Manager's Reports

City Attorney presented a request for exemption from Special Privilege License and tax, in accordance with Section 17-23 (b), for all of the Special Events to be conducted along with WALKAMERICA on May 1st from the Cape Fear Chapter--March of Dimes, a licensed Non Profit Organization.

Mrs. Evans offered motion, seconded by Mr. Dawkins to grant request for tax exemption for Cape Fear Chapter--March of Dimes, carried unanimously.

Mr. Smith reminded Council of the Wednesday night meeting with the Policy Committee, 7:00 p.m.

18 Matters of Interest to Council

There will be a basketball game tomorrow night, Tuesday, April 27th, with Youth Council.

Mr. Dawkins informed Council that Mr. Gurney Edgerton, who for many years had been Chairman of Board of Elections, had passed away.

Mr. Wofford stated that due to a number of complicated motions that had come up tonight and there had been quite a bit of confusion, he suggested that these motions be prepared in advance and included in the recommendation. Second, the Policy Committee tentatively scheduled a meeting for May 3, Kyle House, and the third item was that several weeks ago a set of minutes were approved referring the Blue Law to the Policy Committee and then scheduled another meeting for that time. In this meeting's minutes, Council approved the minutes which referred the matter to the Agenda for the Information Meeting and he assumed that that is "the" Information meeting coming up, which will be May 17th. Mr. Wofford asked for a clarification as to whether or not the Blue Law will be on the Agenda for the May 17th meeting.

Following some discussion, Mayor Hurley asked for a show of hands of those on Council who would prefer that this item of the Blue Law be brought to Council at the May 17th Information Meeting. It was a four (4) to three (3) vote to put the discussion of the Blue Law on the agenda.

Mayor Hurley stated that the Clean-up Campaign was very successful and Mr. Dill reported 330 tons of trash collected in one day. The downtown vacant property owners did cooperate and he is very pleased with the results.

There being no further business, the meeting was adjourned at 10:55 p.m.

Bobbie Joyner
Bobbie Joyner
Deputy City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MAY 10, 1982
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 P. Smith, City Manager
Roger L. Stancil, Assistant City Manager
John M. Monaghan, Assistant City Manager for Economic
and Community Development
Robert C. Cogswell, City Attorney

Mayor Hurley called the meeting to order and Rev. Mike Aiken, Urban Ministry, offered the invocation. Mayor Hurley then led the assembly in the Pledge of Allegiance to the Flag.

Mayor Hurley recognized the Youth Council members in the audience and each Councilmember introduced their counterpart present with them tonight.

Mr. Dawkins asked the Youth Council members if they would like to serve for a full year after being exposed to the duties for an almost full day.

Rev. Johnson asked if he should vote on the Ernest Street paving matter coming up since he lives on that street although he doesn't own property in the affected area. City Attorney Cogswell stated that he need not abstain.

1 Approval of Minutes

Mr. Dawkins noted that on page 647, Item 18, third paragraph, it should show that there was a four to three vote to consider the Blue Law matter after Budget time.

Mr. McBryde offered motion to approve minutes of the Regular Meeting of April 26, 1982 as corrected, seconded by Rev. Johnson and carried unanimously.

2 Public Hearings

Mayor Hurley informed the audience that there is a fifteen minute time limit to those who want to speak in favor or opposition of a matter.

A Public hearing has been published for this date and hour on the consideration of Case No. P82-14, the proposed Neighborhood Conservation and Revitalization Amendments for the City of Fayetteville to amend Chapter 27 and 32 of the Fayetteville City Codes.

Planner, Al Mitchell presented this matter and stated that unless there are any questions, since we have had this at an information meeting and have gone over the specifics of the amendment, he would not give any presentation at this time.

Mr. Walter Moorman appeared in favor of this amendment stating that it is something that people in the building business are very interested in and have been trying to bring it about and hope that they can bring about a satisfactory conclusion tonight.

Mr. David Godwin, local realtor, appeared in favor stating this is one of the biggest steps forward that has been taken in the planning of the City of Fayetteville in a long time.

There was no one in opposition to appear.

AN ORDINANCE AMENDING CHAPTER 32, "ZONING" AND CHAPTER 27 "SUBDIVISION" OF THE CITY CODE OF FAYETTEVILLE-NEIGHBORHOOD CONSERVATION AND REVITALIZATION. ORDINANCE NO. S1982-13.

Mr. Dawkins introduced the foregoing ordinance and offered motion to adopt, seconded by Mrs. Evans and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1982.

2B A public hearing has been published for this date and hour on the consideration of Case P82-13, an ordinance to amend Fayetteville City Codes, Chapter 27-15, "Subdivision" and Chapter 32-56, "Zoning" requiring concrete sidewalks in certain developments and protecting sidewalk development from encroachment by parked vehicles. (Continued from the April 13, regular meeting).

City Manager Smith presented this matter and stated that although the Planning Board recommends approval, the Policy Committee does currently have the whole sidewalk matter under review. Mr. Smith stated that staff recommends this matter be continued pending a recommendation by the Policy Committee.

Mr. McBryde offered motion to follow the recommendation of staff to continue the public hearing until a recommendation can be made by the Policy Committee, seconded by Mr. Jones and carried unanimously.

Mr. Wofford asked Council to consider having a Policy Committee meeting on Monday, May 17th, since the Information Meeting was not going to be held.

Rev. Johnson asked if the Streets and Roads Committee could meet jointly with the Policy Committee.

Following brief discussion, Council agreed to have a Special Meeting on Monday, May 17, 1982.

2C Public hearing has been published for this date and hour on the consideration of annexation of property located on Ireland Drive. Planner Al Mitchell presented this matter and stated that ATRC recommends approval.

James Cooper, Attorney for Fayetteville Metropolitan Housing Council, appeared in favor and stated that the Board of Commissioners of the Fayetteville Housing Authority recommends that this property be annexed and we have had some of the most excellent management of public housing that he knows of anywhere. He further stated that they know what they are doing and know why they want to annex this area into the City. These will be well-built units with space for children to play. It will not be a high density neighborhood. He further stated that if it is not annexed, it will be the only public housing development in Cumberland County that would be outside the City limits.

Mr. Dolph Berry, representing three property owners, appeared in opposition to the annexation. Berry stated that Mr. Mitchell said when they started out they had 90 some odd acres and they've drawn their lines very carefully around to exclude all the developed property. Everything you see there, with three notable exceptions, is vacant property. He stated that he wonders if it is annexation or colonization. Mr. Berry asked if the street named Ireland Drive would be accepted and maintained if annexed. He further stated because of an error in survey between two different surveyors, that road has never been dedicated for public use. It was on a recorded plat as a proposed highway. He further stated that they do intend to draw the correct description and make a public dedication of that roadway. They planned to re-record the plat showing the correct cause and that was not done and in his opinion the best way to do it is by deed. Until this is done, he recommends Council not adopt this ordinance until this is cleared up.

A resident of 1313-A Ireland Drive appeared in opposition stating that his services were fine and he didn't want to have to pay anymore taxes.

Mr. Dawkins made reference to a letter from Mrs. Isobelle C. Barnhill, who is out of State, and is opposed to the annexation.

There was lengthy discussion.

Mrs. Evans offered motion to follow recommendation of Annexation Technical Review Committee to approve the annexation of property located on Ireland Drive. Motion seconded by Rev. Johnson and failed with Mr. Wofford, Mr. Dawkins, Mr. McBryde and Mayor Hurley voting "no".

2D Public hearing has been published for this date and hour on the consideration of a resolution ordering the paving and assessment of Ernest Street (without petition) from Pennsylvania Avenue to the eastern line of Broad Acres Subdivision.

City Engineer Bennett presented this matter and stated that all the property owners have been notified by first class mail.

FINAL RESOLUTION REQUIRING THE PAVING WITHOUT A PETITION OF ERNEST STREET.
RESOLUTION NO. R1982-19

Mrs. Evans 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 R1982.

2E

E. Public hearing has been published for this date and hour on the consideration of adoption of a resolution and notice of intent to close a portion of East Collier Drive. (Continued from the regular meeting of April 26, 1982.)

City Attorney stated that the urgency of this matter brought up at the last meeting has disappeared, so staff recommends that this matter be postponed indefinitely.

Mr. McBryde offered motion, seconded by Mr. Jones to continue indefinitely and carried unanimously.

Mr. McBryde asked that any public street that has been blocked off should be opened up to allow access to any private property that might be blocked.

3

Public Hearings to be Set

RESOLUTION (PROPOSED ANNEXATIONS). RESOLUTION NO. R1982-20

Mr. McBryde introduced the foregoing resolution to set public hearings for proposed annexation as follows:

- A. Property located on the east side of Fargo Drive - May 24, 1982
- B. Property located on West Mountain Drive and Muriel Street - June 14, 1982
- C. Tract of land located on the north side of Raeford Road - June 28, 1982
- D. Property located on Ramsey Street - June 28, 1982
- E. Tract of land located east of McPherson Church Road - June 28, 1982
- F. Tract of land located on west side of Rosehill Road - June 28, 1982

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1982.

4

Public Works Commission Matters

Mr. Muench presented the two PWC matters.

A

A. Council next gave consideration of an application for one 1-inch water connection to existing main to serve residence on Blanton Road, outside City. Mr. Muench stated that this residence is not contiguous to the City and the applicant will execute annexation agreement and will pay total cost of connection.

Mr. McBryde offered motion, seconded by Mr. Dawkins to follow recommendation of PWC and approve application for one 1-inch water connection to existing main to serve residence on Blanton Road. Motion carried unanimously.

B. Council next gave consideration of application for two 1-inch water connections to existing main to serve commercial building and residential structure on Gillespie Street, outside City. Sanitary sewer is not available. Mr. Muench stated that applicant will execute annexation agreement and pay entire cost.

Mrs. Evans offered motion, seconded by Mr. Jones to follow recommendation of PWC and approve application for two 1-inch water connections to existing main to serve commercial building and residential structure on Gillespie Street. Motion carried unanimously.

There being no further PWC matters, Mr. Muench was excused from the meeting.

5

The next consideration was of amendments to Chapter 26-35 of the Fayetteville City Code, "Driveway Permits". Mr. Smith, City Manager, presented this matter and stated that in light of the Policy committee meeting next Monday night, they might want to postpone this item until they can review it also.

Mrs. Evans offered motion to continue this item until May 17 meeting, seconded by Mr. McBryde and carried unanimously.

6 Planning Board Matters

A Council next gave consideration of Enchanted Forest Mobile Home Park in R6 Residential District for Group Development Review located on the south side of Country Club Drive and the west side of the intersection at Harvey Dale Drive. (Continued from the regular meeting of April 26, 1982.)

City Attorney Cogswell presented this matter and stated that there is a revision of one of the requirements that is being attached and made a part of the review of the Enchanted Forest Mobile Home Park Extension. This condition has to do with the flood boundary and floodway map of the City. Specifically, you cannot put a mobile home in the floodway, but you can put one in the floodway fringe.

Mr. Cogswell stated staff recommends that a condition be placed upon your approval that the development of certain lots not be commenced nor the construction of Harveydale Drive conducted beyond the point of rough grading without the approval of the City Engineer and only after a new flood boundary and floodway map have been approved.

Following brief discussion, Mr. Dawkins offered motion to follow the recommendation of the Planning Board and conditionally approve, subject to Item 6, seconded by Mr. McBryde and carried unanimously.

B Council next gave consideration of Mark Vandell Haircutters in a C(1)P Shopping Center district for Group Development Review located south of Morganton Road at 103 McPherson Church Road. Planner Mitchell presented this item and stated that the Planning Board recommends conditional approval.

Mr. McBryde offered motion to follow recommendation of the Planning Board and conditionally approve the application of Mark Vandell Haircutters, 103 McPherson Church Road in a C(1)P Shopping Center District for Group Development Review. Motion seconded by Rev. Johnson and carried unanimously.

C The next item for Council's consideration was Vanstory Hills Subdivision Section 7, Part E, in an R10 Residential District for Preliminary Review located south of Morganton Road on Thorncliff Drive. Planner Mitchell stated that the Planning Board recommends conditional approval.

Mr. McBryde offered motion, seconded by Mr. Wofford to follow recommendation of the Planning Board to conditionally approve the preliminary review for Vanstory Hills Subdivision, Section 7, Part E, in an R10 Residential District, and carried unanimously.

D The next item for Council's consideration was of David L. Godwin property in an R10 Residential District for Townhouse Group Development Review located on the east side of McPherson Church Road, 120 feet north of Jura Drive.

There were a number of area residents in the audience who asked if they would be able to speak on this matter.

Mayor Hurley informed them that this was not a public hearing, only a site plan approval.

The City Attorney explained that on site plan approvals, as long as the property owner meets the zoning ordinance in terms of the minimum requirements, setback requirements and density, he can put on the property within those confines. The Council is here to approve his site plans of property. If the petitioner meets all the requirements of the subdivision ordinance and zoning ordinance, then the Council has to, more or less, approve it.

Planner Mitchell explained that with the new adoption of the new regulation, this is now a Zero Lot Line Development. Mr. Mitchell then reviewed the request of the petitioner for the audience. The term "Townhouse" will not be used in the future. It will now be referred to as "Zero Lot Line Development".

It was explained that if all requirements are met, then this is not a public hearing matter.

David Godwin, property owner and petitioner, explained to the audience that this plan did meet the R10 zoning requirement before the passage of the Zero Lot Line. Mr. Godwin stated they did not intend for the neighborhood to get upset but they were trying to utilize the land to the highest maximum use. He further stated to the area residents present that David Godwin as a developer, will do nothing to distract from the value of their homes.

There was further discussion.

Mr. Wofford offered motion to follow the recommendation of the Planning Board to conditionally approve the David L. Godwin property on the east side of McPherson Church Road in an R10 Residential District for Zero Lot Line Development, seconded by Mr. McBryde and carried unanimously.

6E

Council next gave consideration to Case P82-28 of the rezoning from R10 Residential District to a more restrictive zoning classification an area located at the southeast corner of Stedman Street and Morganton Road. Mr. Mitchell presented this item and stated that there were no appeals and the Planning Board recommends approval.

TO REZONE FROM R10 RESIDENTIAL DISTRICT TO R6 RESIDENTIAL DISTRICT AN AREA LOCATED AT THE SOUTHEAST CORNER OF STEDMAN STREET AND MORGANTON ROAD. ORDINANCE NO. NS1982-14

Mr. Dawkins 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 R1982.

6F

Council next gave consideration of Case P82-26 for the initial zoning to R6 Residential District and C1 Local Business District or to a more restrictive zoning classification an area located on the north side of Owen Drive between Dallas Street and Southern Avenue. Mr. Mitchell stated the Planning Board recommends approval. There were no appeals.

INITIAL ZONING TO R6 RESIDENTIAL DISTRICT AND C1 LOCAL BUSINESS DISTRICT AN AREA LOCATED ON NORTH SIDE OF OWEN DRIVE BETWEEN DALLAS STREET AND SOUTHERN AVENUE. ORDINANCE NS1982-15

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 NS1982.

G

The final Planning Board matter for Council's consideration was the initial zoning C(1)P Shopping Center District or to a more restrictive zoning classification an area located on the northwest side of McPherson Church Road, 1500 feet south of 401 Bypass. Mr. Mitchell stated there has been no appeal and Planning Board recommends approval.

INITIAL ZONING TO C(1)P SHOPPING CENTER DISTRICT AN AREA LOCATED ON THE NORTHWEST SIDE OF MCPHERSON CHURCH ROAD. ORDINANCE NS1982-16.

Mr. McBryde 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 NS1982.

7

Council next gave consideration of approval of the contract format for participating lenders in the redevelopment loan program. City Manager Smith presented this matter and stated that staff recommended this be continued due to some changes in the contract format and Council might want to review this before acting.

Mrs. Evans offered motion, seconded by Mr. Jones to continue the consideration of approval of the contract format for participating lenders in the redevelopment loan program as requested by staff. Motion carried unanimously.

8

The next item for consideration by Council was the design and advertisement for bids for the Bow Street/Maiden Lane Connector project. City Manager Smith stated that following the joint meeting of the City Council and Revitalization Commission, the staff has reviewed the specifications and the construction schedule for this project and for the Transit Mall Project. Based upon that review, he recommends that the City Council approve the design and authorize staff to advertise for bids for the project. Our anticipated schedule for the project is to advertise for bids on May 11, award a contract at the June 14th City Council Meeting, and for construction to be completed by mid-December, 1982. The current schedule calls for construction to begin on the Hay Street Transit Mall in January, 1983 and for construction to be complete by mid-November, 1983.

Mr. John Monaghan, Jr., showed a time film on the turnover in the parking lots affected by the project.

Following lengthy discussion, Mayor Hurley stated we've been involved in this for many years, that the ultimate goal is to benefit everyone and bring people back to downtown. This will be the first step and has to be done before anything else can happen.

Mrs. Evans offered motion to follow recommendation of the City Manager and approve the Bow Street/Maiden Lane Connector project, seconded by Mr. Wofford. The motion carried with Mr. Jones, Mr. McBryde and Rev. Johnson voting "no".

Council next gave consideration to contract with Region "M" Council of Governments to fund site improvements at the Senior Citizens' Service Center. City Manager Smith stated that as a result of the bids received far exceeding the funds set aside he could not recommend approval of grant contract until these contract prices are brought into line. Therefore he recommends this item be continued.

Mr. Wofford offered motion, seconded by Rev. Johnson to follow recommendation of staff and postpone the Region "M" Council of Governments contract, and carried unanimously.

Council next gave consideration of bids received for automated gasoline diesel and propane dispensing and accounting system. Mr. Al Jordan presented this item and recommended Trak Engineering Inc., Tallahassee, Florida with a low bid of \$16,800.00.

Following brief discussion, Mr. Wofford offered motion, seconded by Rev. Johnson to award low bid of \$16,800.00 to Trak Engineering Inc. for automated gasoline diesel and propane dispensing and accounting system. Motion carried unanimously.

City Manager Smith presented Capital Project Ordinance #3 (Various Street Improvements), and Capital Project Ordinance #4 (Fueling Station).

CAPITAL PROJECT ORDINANCE #3 (VARIOUS STREET IMPROVEMENTS)
ORDINANCE NO. NS1982-17

CAPITAL PROJECT ORDINANCE #4 (FUELING STATION). ORDINANCE NO. NS1982-18

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

A copy of the foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1982.

Mr. Smith presented Budget Ordinance Amendment Change #9 (Allocation of telephone costs) for Council's consideration. He stated that there was a typographical error on the last page. Intersection Improvements should read \$6,000 and Transfer to Capital Projects should read \$688,200. This budget amendment change #9 simply allocates the total telephone expenditures from one line item in "Other Appropriations" out of the various departmental budgets.

Mr. Wofford offered motion, seconded by Mr. McBryde to approve Budget Amendment Change #9. Motion carried unanimously.

Council next gave consideration to the private sale of surplus property. City Manager Smith stated that all sales of surplus property will be coordinated by the Administrative Services Department.

RESOLUTION (AUTHORIZE TO DISPOSE OF FIVE FARE BOXES BY PRIVATE SALE FOR \$100.) RESOLUTION NO. R1982-21

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

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1982.

RESOLUTION - (AUTHORIZE TO DISPOSE OF SURPLUS TIMBER BY PRIVATE SALE)
RESOLUTION NO. R1982-22.

Mrs. Evans 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 R1982.

15

Council next gave consideration of approval of Airport Use Agreement with Air-Lift Associates, Inc. at Fayetteville Municipal Airport. City Attorney Cogswell stated that if Council approves this lease agreement tonight, Air-Lift's first flight will land tomorrow.

RESOLUTION AUTHORIZING THE LEASE OF CITY OF FAYETTEVILLE PROPERTY
(FAYETTEVILLE MUNICIPAL AIRPORT) RESOLUTION NO. R1982-23

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

Mr. Cogswell then stated that if it had not been for the Word Processing, he would not have been able to have this information ready for Council tonight.

16

City Attorney Cogswell requested that consideration of request for legal representation by J. P. McGuiness be held in Executive Session.

17

The next item for consideration by Council was of policy regarding presentation of service revolvers to retiring police officers and surviving spouses of police officers killed in the line of duty.

Mr. Wofford presented the policy that was adopted by the Policy Committee for recommendation to the City Council as follows:

It shall be the policy of the City Council of the City of Fayetteville that a retiring police officer who qualifies for full retirement benefits, shall receive upon request at no cost the service sidearm of said officer. The award of said sidearm shall be subject to applicable state and federal law with regard to any required permit or registration of said sidearm. It shall be the policy of the City Council that upon written request of the surviving spouse of a police officer killed in the line of duty, the City shall award to the surviving spouse the service sidearm of the deceased officer. For purposes of this policy, line of duty shall be defined as "proper performance of duties as a law enforcement officer". Any weapon awarded to a surviving spouse shall be made inoperable prior to being awarded.

Following discussion, Mrs. Evans offered motion to add a sentence to the Policy that in case of extraordinary circumstances, then Council can waive the condition and present a revolver to the next of kin of an officer not killed in the line of duty, that we do present to Mrs. Britt the revolver made inoperable. Motion seconded by Mr. Jones.

Mr. McBryde offered a substitute motion to adopt the original policy as presented, and not to award the revolver to Mrs. Britt, seconded by Mr. Wofford.

Following some discussion regarding the two-part motion, Mr. Wofford withdrew his second.

Then Mr. McBryde withdrew his substitute motion.

Mr. Dawkins offered substitute motion to adopt the Policy as recommended by the Policy Committee, seconded by Mr. McBryde.

Mayor Hurley then called for a vote to cease debate and it was unanimous.

The substitute motion by Mr. Dawkins, seconded by Mr. McBryde was approved with Mr. Jones, Mrs. Evans, Rev. Johnson voting "no".

Mr. McBryde offered motion to not award the service revolver to Mrs. Britt as recommended by Mr. Smith, seconded by Rev. Johnson.

Mrs. Evans offered substitute motion to award Officer Britt's revolver made inoperative to Mrs. Britt, seconded by Mr. Jones.

There was further discussion.

Mayor Hurley called for a vote and it failed with everyone voting "no" and Mrs. Evans and Mr. Jones voting "yes".

18 Appointments

Mayor Hurley stated that due to follow-up work needing to be done, it would be best to postpone the appointments of the Board of Appeals members whose terms are expiring.

Mayor Hurley then recognized the hard work Mrs. Warner had put into the book showing all the commissions, members names, addresses, terms, race and sex.

19 Delegations

Mr. Hyman Fleishman appeared to discuss Police protection in the downtown area. Mr. Fleishman stated that we are training police officers for other cities because they leave and go elsewhere for more money. Mr. Fleishman further stated that he felt protection deters crime, therefore, Council should put Police salaries as top priority.

Mr. Dawkins informed Mr. Fleishman that this is top priority and there were twenty more police officers hired two weeks ago. Also, we should be concerned for the officers that stay with us, in terms of salary.

Rev. Johnson stated to Mr. Fleishman that higher salaries was not the only reason officers were leaving. Also, he might look into the Neighborhood Watch program because they have been quite successful.

Mr. McBryde also informed Mr. Fleishman that Council has worked very closely with the City Manager on priorities and this was the top of the list in working with the budget.

Mrs. Evans told Mr. Fleishman that she plans to vote for salary increases for Police officers when the budget comes up.

Mr. Fleishman also discussed revitalization of downtown. He, as a merchant, doesn't want parking spaces removed, because they want to be as near to the stores for shopping as possible.

Clinton Harris appeared before Council regarding his past request for additional lighting being placed at Marlborough and Alden in Glendale Acres, due to several wrecks in one location.

Council requested City Engineer check out this area and report back to them.

Clinton Harris also stated that he felt the City did not properly notify the citizens regarding the zero lot line issue so that is the reason no one appeared but himself when this matter was brought before Council.

Mr. Harris also stated that he feels the representative for the Mayor from the Youth Council is a future governor.

20 City Manager's Reports

Mr. Smith stated that one of the applicants for Police Officer that was approved by Council for hire has become ineligible for hire. The Chief of Police has selected another name from the list of eligibles to bring the total back up to twenty. He recommends Frank Parisio.

Mr. McBryde offered motion seconded by Mr. Jones to follow recommendation to hire Frank Parisio as a Police Officer.

Mr. Smith mentioned that Council might want to have the mixed use zoning issue brought up at the information meeting.

21 Matters of Interest to Council

Mr. Jones commended the Engineering Department for the magnificent patching work on Ann Street and he is happy to report that the bridge on Rosehill Road is under construction.

Mr. Jones asked Mr. Smith if the rescue tool that was budgeted in Fire Department's budget has been purchased. Mr. Smith replied that it had been installed at Fire Department #2.

Mr. Jones also stated that he was disturbed at the article about Fayetteville written in the Army newspaper. He asked City Attorney if we still had padlocking privileges on places of nuisance. Mr. Cogswell replied that the District Attorney had this authority.

Mr. Dawkins added that the Police Department works on this night and day and the judges throw it out.

Mr. Wofford mentioned the screening of these places. This ordinance is not being carried out like it should because some still are not screened.

Mayor Hurley stated that he felt the revitalization of the downtown area will do more to clean up our City than anything else.

Mr. McBryde congratulated Assistant City Manager Stancil on his recent marriage.

Mr. McBryde stated that he recently went to one of the Police Assemblies and then rode with an officer until 4:00 a.m. He said you can really learn a lot. Mr. McBryde also stated that the only tax increase he would vote for would be for Police salaries.

Mr. Dawkins was glad to have Mayor Hurley back from Switzerland.

Rev. Johnson stated that he has been working with the State League of Municipalities Ad Hoc Committee on transportation. They have been meeting to try and find ways for additional revenue in case the Federal funds are cut off for operations. One area was the City tax and gasoline tax was another. They are also working along with the League of Cities Transportation Committee.

Rev. Johnson stated that he had made a couple of trips to Washington lately and had a chance to meet the President twice. They were getting some input from the local level and someone asked the President what was the greatest lesson he had learned. He said that he had learned that local government didn't trust state government as much as they did Federal government.

Mr. McBryde stated that we are lucky Rev. Johnson decided to stay with us instead of going to Raleigh.

Mr. Dawkins stated he also was glad Rev. Johnson did not file in Raleigh because we needed him on the Council more.

Mrs. Evans stated that she would like to see the different committees disbanded and Council act as an Ad Hoc Committee whenever necessary. Mrs. Evans then requested that City Manager put this on the Agenda for the next meeting.

Mr. Wofford stated that he felt this was a historic meeting because we began our Downtown Revitalization program.

Mayor Hurley agreed with Mr. Wofford and encouraged all Councilmembers to attend all Revitalization meetings.

Mr. Dawkins offered motion to go into Executive Session at 10:40 p.m. to discuss a litigation matter, seconded by Mr. McBryde and carried unanimously.

Council reconvened at 10:50 and Mayor Hurley recognized City Attorney Cogswell. Mr. Cogswell recommended that the City purchase the tract of property at the intersection of Worth and Russell Streets owned by the Miller, Willitt & McNaughten, Inc. for \$23,000.

Mr. McBryde offered motion to purchase the property at the intersection of Worth & Russell Streets for \$23,000, seconded by Rev. Johnson and carried unanimously.

Mr. Cogswell then recommended that the City provide legal representation for Officer J. P. McGuinness for the law suit against him.

Mrs. Evans offered motion, seconded by Mr. Jones to authorize legal representation for Officer J. P. McGuinness.

Thereafter, all matters of business having been concluded, this regular session was adjourned at 10:57 p.m. upon motion by Mr. Dawkins, seconded and carried unanimously.

Bobbie Joyner
Bobbie Joyner
Deputy City Clerk



SPECIAL MEETING
CITY HALL COUNCIL CHAMBERS
MAY 17, 1982
7:00 p.m.

Present: Mayor John W. Hurley

Council Members: Jimmie Jones, Milo McBryde, J.L. Dawkins, Aaron Johnson, Mildred Evans, Milton Wofford

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

Mayor Hurley called the meeting to order and City Attorney Cogswell offered the invocation.

City Attorney Cogswell requested that the Council go into Executive Session to consider a request for authorization to employ an attorney to represent the City in Schmidt vs. Fayetteville. Mayor Hurley suggested that the Council would go into Executive Session at the end of the scheduled information meeting.

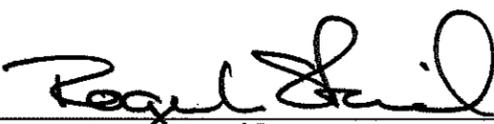
The Council considered the following items during the information session:

1. Presentation by Cecil Carlyle on the establishment of Bible College in Fayetteville.
2. Discussion of the proposed sidewalk policy and related ordinances. Council Member Wofford discussed a summary of comments heard during the May 3 meeting of the Policy Committee. City Manager Smith discussed the adopted policy and several alternatives for changing the proposed ordinance. City Engineer Bennett discussed his feelings on the sidewalk issue. Local developers Henry Player, Walter Moorman and David Godwin presented their views. A consensus was that the staff would take the discussions of this meeting and put together a proposed package of policy, plan, and ordinance revisions to present to the Policy Committee and other Council Members as soon as possible.
3. Al Mitchell and Cliff Strassenburg of the Joint Planning Board discussed mixed use zoning.
4. John Corbett, President elect of the Chamber of Commerce made a presentation regarding the Chamber's 1982-83 Budget Request.

City Manager Smith presented his Recommended Budget for 1982-83.

Motion was made by Mr. McBryde, seconded by Mr. Dawkins and carried unanimously to go into Executive Session.

Council reconvened at 10:25 p.m. and the meeting was adjourned.



Roger L. Stancil
Deputy City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MAY 24, 1982
7:00 P. M.

Present: Mayor Bill Hurley

Councilmembers: Jimmie Jones, J. L. Dawkins, Aaron Johnson, Mildred Evans
and Milton Wofford

Absent: Milo McBryde

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

Mayor Hurley called the meeting to order and Rev. Johnson offered the invocation. Mayor Hurley then led the assembly in the Pledge of Allegiance to the Flag.

Mayor Hurley recognized John Kennedy, Brad Dent, Larry Gerald and Lee Boughman, the Youth Council representatives in the audience. The Youth Council Members read a proclamation to Council for appreciation shown during Youth Council week and presented to Council, an agenda and a copy of the minutes from the Youth Council meeting.

1 Approval of Minutes

Rev. Johnson offered motion, second by Mr. Dawkins to approve the minutes of the regular meeting of May 10, 1982 and carried it unanimously.

2 Public Hearings

Mayor Hurley informed the audience that there would be a fifteen minute time limit to those who want to speak in favor or opposition in a matter.

A Public hearing has been published for this date and hour on the consideration of case number P82-34, an ordinance to amend the Fayetteville city codes Chapter 32, "Zoning" Mixed Use Provision.

Planner, Al Mitchell presented this matter and stated there had been a briefing on May 17 of this matter therefore, it was ready for Council's consideration unless there were any questions.

There was no one for or against this matter.

AN ORDINANCE AMENDING CHAPTER 32, "ZONING" OF THE CITY CODE OF THE CITY OF FAYETTEVILLE-MIXED USE PROVISIONS. RESOLUTION NO. S1982-14.

Mrs. Evans introduced the foregoing ordinance and offered motion to adopt, seconded by Mr. Dawkins and carried unanimously.

B Council next gave consideration of an annexation of property located on the east side of Fargo Dr. Public hearing has been published for this date and hour for this annexation. No one appeared for or against.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE THE PROPERTY LOCATED ON THE EAST SIDE OF FARGO DR. ORDINANCE NO. 82-5-249.

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 Annexation Ordinance Book.

3 Public Hearings to be Set

PRELIMINARY RESOLUTION AND NOTICE OF INTENT TO CLOSE A PORTION OF MORGAN LANE. RESOLUTION NO. R1982-24

Mr. Dawkins introduced the foregoing resolution to set public hearing for the proposed street closing seconded by Mr. Jones and carried unanimously for June 28, 1982.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1982.

3B PRELIMINARY RESOLUTION AND NOTICE OF INTENT TO CLOSE McDUFFIE, NEW YORK, BELL AND HOLT-WILLIAMSON STREETS RESOLUTION NO. R1982-25

Mr. Dawkins introduced the foregoing resolution to set public hearing for the closing of the streets seconded by Rev. Johnson and carried unanimously. Suggested date is June 28, 1982.

A copy of the foregoing Resolutions are on file in the Clerk's office in Resolutions Book R1982.

C Council next gave consideration for a public hearing on fiscal year 1982-83 City of Fayetteville budget and 1982-83 General Revenue Sharing budget suggested date is June 14, 1982.

Upon motion by Mr. Dawkins seconded by Rev. Johnson public hearing was set for June 14, 1982.

4 Public Works Commission Matters

Mr. Tim Woods presented the three PWC matters.

A Council next gave consideration of an application for one 1-inch water connection to existing main to serve a residence on River Road. PWC recommends approval.

Mr. Wofford offered motion, seconded by Mr. Jones and carried unanimously to follow recommendation of PWC to approve one 1-inch water connection to existing main to serve a residence on River Road.

B Council next gave consideration of an application for one 4-inch sanitary sewer connection to serve existing main outside City for a residence at 713 Southview Circle, which is contiguous to City limits and sewer is available. PWC recommends approval subject to receipt of petition for annexation.

Mr. Dawkins offered motion, seconded by Rev. Johnson to approve application for one 4-inch sanitary sewer connection to serve existing main at 713 Southview Circle. Motion carried unanimously.

City Attorney Cogswell brought to Council's attention that it was not in the motion that approval was subject to petition for annexation.

Mrs. Evans offered an amendment to motion that it was approved subject to petition for annexation. Mr. Dawkins and Rev. Johnson accepted the amendment and it carried unanimously.

C The last PWC item for consideration by Council was an application by Dennis Drake to extend 380 feet of 8-inch sanitary sewer main to serve Inland Harbor Restaurant on Hope Mills Road, outside City. Public health necessity claimed.

Mr. Wood read a letter from the Public Health Department Sanitarian addressed to owner recommending connection to City system to evade public health hazard. Owner will be assessed 100% of the cost.

Mr. Dawkins offered motion, seconded by Rev. Johnson to follow recommendation of PWC and approve application for 380 feet of 8-inch sanitary sewer main to serve Inland Harbor Restaurant on Hope Mills Road.

5 Planning Board Matters

Planner Al Mitchell presented the three Planning Board matters.

A Council gave consideration of ^{Stoneleigh} ~~Stonleigh~~ Townhouses in a R5A Residential District for zero lot line group development review located on the south side of Tamarack Drive and the west side of Landau Drive at Rose's Pond. Planning Board recommends conditional approval.

Mrs. Evans offered motion, seconded by Rev. Johnson to conditionally approve the request for zero lot line group development review located on the south side of Tamarack Drive and the west side of Landau Drive at Rose's Pond as recommended by Planning Department. Motion carried unanimously.

There were a number of interested persons in the audience on the next item who wished to speak. Council agreed to allow ten minutes.

5B

Council next gave consideration of the "Courtyards" in an R10 Residential District for zero lot line group development review located on Morganton Road and east of Farmbrook Drive. Planner Mitchell stated that the Planning Board recommends conditional approval based on the items listed on a memo distributed to Council.

Mr. Mitchell stated that right now the development plan only calls for one entrance off Morganton Road. The staff, including the Planning Staff and City Engineer, in reviewing this feels that due to the number of units, connection to Mandalay Street could be provided by redesigning the building along that lot line. This could be a future alternate entrance.

Council asked about #9 - regarding fencing the area.

Mr. Mitchell explained in the first request, fencing was requested rather than buffer and that is the reason for the term "fencing". It was noted that there was a maximum height but no minimum was set.

There was lengthy discussion.

Mr. J. P. Riddle, the developer, appeared and stated that there would be a guard situation at the entrance. The second entrance is something that might be needed in the future. With regard to the fencing, there will be chain link fence in parts with plants as cover and in parts it would be brick.

Mr. Don Whitehead, Mandalay Street resident, appeared and stated that he feels it is not of the best interest to the residents to make an entrance on Mandalay Street but that Granville should be used because it is wider.

Mrs. Hattie Odom, Mandalay Street resident, appeared and stated she feels the street is too narrow and it is very close to the main entrance on Morganton Road.

Mr. Robbie Walston, Mandalay Street resident, also appeared in opposition to using this street for an exit.

Mr. Whitehead further stated that in talking with the developer, he felt they didn't object to Mandalay Street or Granville being used and he felt that if Council would go out and observe the area, they would agree with them.

Charles Kirkman, a Farmbrook Street resident, appeared requesting that the service road that runs behind the complex and faces his street, be screened so that the yawning doors of the garages will not be what they see from their front doors. He was also concerned for the water drainage when so much area is paved.

Mrs. Judith Ghoneim, a Granville Drive resident, appeared stating that she feels that Granville is already handling as much traffic as possible. She stated that the extra 7 feet of width that Granville has over Mandalay should not double or triple the volume it is already bearing.

Mr. Williams, a Blount Creek resident, appeared and was very concerned with the drainage of water and the feeling that they might want to try and condemn his property to put in drainage.

Mayor Hurley assured him that the City Engineer would check into this and work with them every way possible.

Planner Mitchell reworded Item 9 regarding fencing and asked Council if this was more satisfactory. It reads: That a wood, brick, and/or chain link fence with evergreen screen on both sides be constructed around the entire perimeter of the property (not less than 4 feet nor more than 6 feet in height).

Council all agreed on this reading.

Rev. Johnson asked the City Engineer to respond to the issue of using Mandalay for entrance.

Mr. Bennett replied that Mandalay was chosen instead of Granville because Granville was already taking much of the traffic from the area.

Mrs. Evans asked which lots would have to be made vacant in order to use Granville and Mr. Mitchell replied lots 57 and 58.

Lengthy discussion followed.

Rev. Johnson offered motion to approve all items with the exception of #9 which will read That a wood, brick, and/or chain link fence with evergreen screen on both sides be constructed around the entire perimeter of the property (not less than 4 feet nor more than 6 feet in height.) and item #13 which will change the vacant lots to 57 and 58 and future connection with Granville instead of Mandalay Street. Motion seconded by Mr. Dawkins and carried with Mr. Wofford voting "no".

50 Council next gave consideration of Northumberland Subdivision, Section I in an R10 Residential District for preliminary and final review located north of Pamalee Drive on Tryon Drive. Mr. Mitchell stated that the Planning Board recommends conditional approval as submitted in the memo to Council.

Mrs. Evans offered motion, seconded by Rev. Johnson to conditionally approve Northumberland Subdivision, Section I in an R10 Residential District for preliminary and final review located north of Pamalee Drive on Tryon Drive. Motion carried unanimously.

6 Council next gave consideration of amendments to Chapter 26 of the Fayetteville City Code, "Driveway Permits" (Section 26-36). This was continued from the regular meeting of May 10, 1982.

City Manager Smith presented this and stated that the Policy Committee requested him to prepare several alternatives for consideration. He recommended that the ordinance provision be tied to the sidewalk plan. In order to have an effective sidewalk construction program, the Council should adopt a long-range sidewalk plan, a five-year construction program to be updated each year and make an annual appropriation for each year. Mr. Smith also recommended that the driveway permit provision be tied to the long-range plan. At a minimum, it should be tied to the five-year construction program. Of the five options, he recommended #3 to insert after the word reconstructed "in those areas designated in the City's adopted sidewalk plan,".

There was brief discussion.

AN ORDINANCE AMENDING CHAPTER 26, "STREETS AND SIDEWALKS", OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. S1982-15

Rev. Johnson introduced the foregoing ordinance and moved its adoption and to follow the recommendation of City Manager to insert after the word reconstructed "in those areas designated in the City's adopted sidewalk plan,". Motion seconded by Mr. Dawkins.

Following further discussion, Mr. Wofford offered a substitute motion to adopt paragraph 2 recommendation and repeal paragraph (b).

There was no second to the motion.

Mayor Hurley called for a vote on the original motion and it was unanimous. A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1982.

7 Council next gave consideration of resolution accepting from North Carolina Department of Transportation maintenance of Powell, Trade and Goins Streets.

City Engineer presented this and stated that this request is per their usual practice of requesting the city to accept maintenance responsibility on these type local streets after the entire street length has been annexed into the City unless the streets are numbered highways or significant to the area wide thoroughfare system. Mr. Bennett recommends favorable consideration of this request and adoption of the resolution.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (NCDOT MAINTENANCE OF GOINS DR., POWELL STREET, AND TRADE STREET). RESOLUTION NO. S1982-26

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

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1982.

8 Consideration of award of contract Number 267 - Paving of Various Streets. City Engineer Bennett presented this item and stated that bids were received on May 18 for paving of the following streets: West Oak, Cross, Currie-Weisiger Streets, Powell Street from Cude to Trade Street, South King Street from Locust Street for about two blocks southwardly, Rosehill Road approaches to bridge site under construction, and Ernest Street from Pennsylvania Avenue for 150 ft. southwardly. Mr. Bennett stated that Lawson Construction Company had the low bid of \$202,930.26, unfortunately, Lawson is not properly licensed by the N. C. License Board for General Contractors: therefore, cannot be considered for award. McDonald Grading Company had the next lowest bid of \$239,051.25. To cover variations and unforeseen contingencies, it is recommended that a total of \$264,000.00 (10 percent over the bid amount) be reserved for this construction work and that the contract be awarded to the low legitimate bidder, McDonald Grading Company. Mr. Bennett further stated that it carries the usual completion date, which is December 17 with a liquidating damage provision of \$100 per day for failure to complete the work on time.

There was brief discussion.

Rev. Johnson offered motion seconded by Mrs. Evans to follow recommendation of City Engineer to award low bid for City Contract Number 267 - Construction of various streets, to McDonald Grading Company for \$239,051.25. Motion carried unanimously.

9 Council next gave consideration of revision of the following traffic ordinances:

A. Union Street, east side, No Parking Trucks or Vans 8:00 a.m. to 6:00 p.m.

B. Delete: Stop at Intersection of Friendship Drive and Turtlepoint Drive.

C. Add: Yield Right-of-Way at intersection of Friendship Drive and Turtlepoint Drive.

A. AN ORDINANCE OF THE CITY OF FAYETTEVILLE, N.C. SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE NUMBER 11 - "PARKING PROHIBITED" ORDINANCE NO. NS1982-19.

Mrs. Evans introduced the foregoing ordinance and offered motion to adopt, seconded by Rev. Johnson and carried unanimously.

B. AN ORDINANCE OF THE CITY OF FAYETTEVILLE, N.C. SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE NUMBER 14 - "YIELD RIGHT-OF-WAY" ORDINANCE NO. NS1982-20.

C. AN ORDINANCE OF THE CITY OF FAYETTEVILLE, N.C. SECTION 10-106 OF THE CITY CODE, TRAFFIC SCHEDULE NO. 6 - "STOP INTERSECTIONS". ORDINANCE NO. NS1982-21.

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

A copy of the foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1982.

10 Council next gave consideration of bids received for furnishing uniforms and shoes for Police, Fire, Transit Departments, School Crossing Guards, Park Rangers, and I.D. Bureau. Mr. Al Jordan presented the bids and recommended low bidder of \$53,197.73 by The Hub.

There was brief discussion.

Mrs. Evans offered motion to follow the recommendation to award the low bidder, The Hub for \$53,197.73 for City furnished uniforms, seconded by Mr. Dawkins and carried unanimously.

11 Council next gave consideration of award of service agreement for sale of advertising in and on City buses. City Attorney Cogswell presented this matter and stated that this went through a bid process and since there were only two bidders, staff wanted to make some changes in the specifications and readvertise. Mr. Cogswell went over the changes with Council.

Mr. Smith stated that this type of service does not require formal bidding, but staff thought they would see what kind of interest they could receive by advertising for bids.

Mr. John Marshall, with TDI Winston Network, advertisers, appeared before Council and stated that they were one of the bidders and felt they could do the best job for the City with their experience and what they had to offer.

Following lengthy discussion, Mrs. Evans offered motion to continue this matter until City Manager can get new bids under the present conditions, seconded by Mr. Dawkins and carried unanimously.

12 The next item for consideration was retaining legal representation in Schmidt vs. Fayetteville. City Attorney Cogswell recommended Mr. Stacy Weaver for \$65.00 out of court and \$75.00 in court.

Mr. Dawkins offered motion, seconded by Mr. Wofford to retain Mr. Stacy Weaver as recommended by City Attorney, and carried unanimously.

13 Appointments

A Board of Appeals on Dwellings and Buildings. Mr. Jones offered motion to nominate Paul McGwier, Doyle Hubbard and Horace Humphrey.

B Revitalization Commission.

Mrs. Evans nominated Carole Goforth

Mr. Wofford nominated Hap Fowler

Mayor Hurley nominated Horace ~~Fowler~~ Thompson

Rev. Johnson nominated Rev. Harry Miller

There was some discussion regarding changing the number of appointments made by the County and City. Council agreed this should be brought up at the next Joint Liason meeting.

14 Delegations

None

15 City Manager's Reports

A Mr. Smith stated that a letter was in Council's agenda packet from Mr. Richard Griffin, Director of Library Services, Fayetteville State University, requesting that the Chesnutt Library become a "depository" of City Council minutes and documents. Mr. Smith stated he could begin sending the copies and waive the normal copying charges if it is agreeable with Council. Council agreed that this would be a good idea.

B Mr. Smith stated that since Council now has the recommended Budget, they might want to schedule some Budget meetings. Meetings were set for Tuesday, June 1 and Thursday, June 3 at 7:00 p.m. in the Kyle House.

Mr. Wofford asked Mr. Smith to check to see if there was any information on whether the repeal of the Blue Law in other cities has had an impact on revenue for the city.

16 Matters of Interest to Council

A Mrs. Evans asked that the Council Committees be abolished and important matters that come up need to be briefed by the entire Council. There are several committees that are doing nothing and are not needed. Mrs. Evans stated that she feels when an important matter comes up, it is very important for the whole Council to meet and vote on it. She asked if there were any other views.

Mr. Dawkins stated he feels the City-County committees need to be kept, also the Streets and Roads committee.

Rev. Johnson stated he feels the committees would expedite Council's work and allow Council members to use their expertise and their specific interests in gathering certain information and doing certain jobs. Rev. Johnson is in favor of doing away with some committees but on the other hand, need to add others, one in particular is for Economic Development.

Mr. Wofford stated that it does expedite operations quite a bit. For example, the last sidewalk committee meeting, they were able to capsule three hours of conversation in about 10 minutes. If they had not done that, Council would have had to set through two sets of three hour sessions.

Mayor Hurley stated he feels very strongly about the committees because they are able to take a lot off his mind. It keeps him from calling a meeting every time something comes up. Mayor Hurley feels progress is being made with the committees and they should continue.

Following further discussion, Mayor Hurley referred this matter to the Policy Committee.

B Mr. Jones made a suggestion that the City recognize the work done by Denny Shaffer, National President of Sierra Club with a certificate of appreciation.

Rev. Johnson requested the City Engineer check on some of the intersections that the grass has grown up so high.

Mr. Wofford wants the City Manager to bring Council up to date on the history and status of City-County joint funded operations so they can be reassessed.

Mayor Hurley reminded Council of the day in Legislature in Raleigh on June 9th. He also reminded them of the City employee picnic on Sunday, June 6th. Mayor Hurley also asked that Mr. Smith see that the proper departments exercise the laws that they have to see that the commercial lots downtown and throughout the City be kept clean on a regular basis.

Thereafter, all matters of business having been concluded, this regular session was adjourned at 10:57 p.m. upon motion by Mr. Dawkins, seconded and carried unanimously.

Bobbie Joyner

Bobbie Joyner
Deputy City Clerk



SPECIAL MEETING
KYLE HOUSE CONFERENCE ROOM
JUNE 1, 1982
7:00 P.M.

Present: Mayor John W. Hurley

Council Members: Jimmie Jones, Milo McBryde, J.L. Dawkins,
Aaron Johnson, Mildred Evans, Milton Wofford

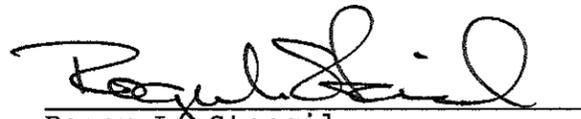
Others Present: John P. Smith, City Manager,
Roger L. Stancil, Assistant City Manager
John M. Monaghan, Assistant City Manager

Mayor Hurley called the meeting to order and offered the invocation.

The first item on the agenda was consideration of an application for State Senior Center funds. This item was continued from a previous meeting and requested by Cliff LeCornu. City Manager Smith stated that the project has been re-bid and now comes within the budget of the application. The application is for \$6,000 in State funds to be matched by \$6,195 in local Community Development funds. Motion by Mrs. Evans, seconded by Mr. Dawkins, and carried unanimously to approve the application.

The Council next considered a request for a joint meeting with the Revitalization Commission to receive design proposals from Paul Lu on the proposed transit mall. This meeting is scheduled for June 10, 7:00 P.M. in the City Hall Council Chambers.

Council then began consideration of the City Manager's Recommended Budget for 1982-83. Discussions centered on revenue projections for the coming year. Motion by Mr. Dawkins, seconded by Mr. McBryde and carried unanimously to continue the meeting until Thursday, June 3, 7:00 P.M. in the Kyle House Conference Room.


Roger L. Stancil
Deputy City Clerk



SPECIAL MEETING
KYLE HOUSE CONFERENCE ROOM
JUNE 3, 1982
7:00 p.m.

Present: Mayor John W. Hurley

Council Members: Jimmie Jones, Milo McBryde, J.L. Dawkins, Aaron Johnson, Mildred Evans, Milton Wofford

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

Mayor Hurley called the meeting to order and Council Member Jones offered the invocation.

City Attorney Cogswell discussed with Council a condemnation case concerning property owned by Ritchie Smith at the corner of Mason Street and Ray Avenue. Trial was held May 28 and the jury verdict was \$36,328.50 or approximately \$2.25 per square foot. The City Attorney recommended that the case not be appealed. Motion by Mrs. Evans, seconded by Mr. Dawkins, and carried unanimously not to file an appeal.

Council then continued discussion of the 1982-83 Recommended Budget, including the Executive/Legislative, Personnel, Finance, and Administrative Services Departments.

Upon motion by Mrs. Evans, seconded by Mr. Dawkins and carried unanimously, the meeting was continued until Monday, June 7, 7:00 p.m., in the Kyle House Conference Room.


Roger L. Stancil
Deputy City Clerk



SPECIAL MEETING
KYLE HOUSE CONFERENCE ROOM
JUNE 7, 1982
7:00 P.M.

Present: Mayor John W. Hurley

Council Members: Jimmie Jones, Milo McBryde, J.L. Dawkins,
Aaron Johnson, Mildred Evans, Milton Wofford

Others Present: John P. Smith, City Manager,
Roger L. Stancil, Assistant City Manager
John M. Monaghan, Jr., Assistant City Manager

Mayor Hurley called the meeting to order and Council Member Dawkins offered the invocation.

The Council discussed the City Manager's Recommended Budget for 1982-83 including the following departments: ID Bureau, Police, Fire, Community Services.

Upon motion by Mr. McBryde, seconded by Mr. Jones, and carried unanimously, the meeting was continued until Tuesday, June 15, 7:00 P.M., in the Kyle House Conference Room.



Roger L. Stancil
Deputy City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JUNE 14, 1982
7:00 P.M.

Present: Mayor Bill Hurley

Council Members: Jimmie Jones, Milo McBryde, J.L. Dawkins
Aaron Johnson, Mildred Evans, and Milton Wofford

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

Mayor Hurley called the meeting to order and the invocation was offered by Capt. Carl Tilley, Commanding Officer of the Salvation Army. Following the invocation Mayor Hurley led the assembly in the pledge of allegiance to the flag.

Mayor Hurley then welcomed all persons present this evening to the meeting.

Mr. McBryde requested permission to abstain from voting on Item 7 on the Agenda due to a personal interest. Mr. Johnson offered a motion, seconded by Mr. Dawkins to approve the request and was carried unanimously.

Mayor Hurley welcomed the following Youth Council representatives: Mike Prevatte, Jill Hendsdale, Shaye Wilmers.

Mayor Hurley stated the City Attorney requested an executive session after the meeting this evening to discuss a land transaction.

Mayor Hurley extended a welcome back to City Clerk Maurice Downs who had been absent for six months due to illness.

1 Approval of Minutes

Upon motion by Mr. Wofford, seconded by Mr. Dawkins and carried unanimously. Minutes of the Special Meeting of May 17, May 24, June 1, June 3 and June 7 were approved with a correction in the minutes of May 24, Page 666, that the name be Horace Thompson instead of Horace Fowler.

2 Public Hearings

A The first public hearing was consideration of a grant for fiscal year 1982-83 Transit Operating Assistance. The recommended action was adoption of an authorizing resolution. Assistant City Manager Roger Stancil presented this matter and stated that in your packet you have two items related to this public hearing. One is a summary of a grant application which shows that the application is basically for a Federal subsidy of \$467,387 to be matched by local funds of \$467,388 and including which does not show \$400,000 in fare box revenue. This application is for more funds than you will find in your budget packet. This application is based on the budget requested by the Director of the Transit Department when we were putting the application together and in the past we have always applied for more funds than we will use to be available if we need them.

The action would be if you so desire at the end of the public hearing to adopt the resolution authorizing the City Manager to file the application.

There was no opposition present.

Mr. McBryde then offered motion for approval by the adoption of the resolution, seconded by Mr. Dawkins and carried unanimously.

Authorizing Resolution, Resolution number R1982-27.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1982.

B The next item was consideration of public input on fiscal year 1982-83 City of Fayetteville Budget 1982-83 General Revenue Sharing Budget. Mr. Monroe Evans was recognized as Treasurer of the Fayetteville Museum of Art to request continued participation by the Council of \$22,500 for their budget. Mr. Evans called on their Board of Directors to stand in support of their budget request.

Senator Heck McGeachy was also recognized concerned by the turnover in the Police Department due to better pay. He cited pay scales in Charlotte, Greensboro and Raleigh and requested the City Council to give consideration to

Police Department salaries. Mr. John E. English, President of the Concerned Tax-payers of Cumberland County was recognized and stated that 500 persons belonged to this organization. He suggested holding the line on salary increases in continuing efforts to cut costs where possible. He stated their organization supports a one cent additional sales tax of ad valorem taxes if ad valorem taxes is lowered. Mr. Larry Jones, President of the Arts Council of Fayetteville and Cumberland County was also recognizing in the amount requested for their program. He requested interested persons in the audience to stand and they did so.

Mrs. Helen Heffern, a volunteer for the Retired Senior Volunteer Program, was recognized and requested \$600 approval for their budget.

Mr. Jerry Thrasher, Director of the Cumberland County Public Library was also recognized and encouraged use of the libraries and stated that they work with the arts groups.

Mr. Elijah Lyons was recognized for R.S.V.P. and requested \$600 increase for their program.

Mr. Jim Semple, Director of the U.S.O., was recognized and stated they serve the military and requested \$5,000 for their budget.

Mr. Theo Kinney, Chairman of the Human Services Commission was recognized for their budget request.

Mayor Hurley extended thanks for the foregoing comments and stated they would be considered during the budget discussions.

Next Public Hearing was consideration of annexation of property located on West Mountain Drive and Muriel Street. The recommended action was approval by the Annexation Technical Review Committee.

Attorney Benner Jones, III, representing Betty Bandy, the petitioner was recognized in favor of the annexation. Approximately 10 persons also stood in favor. Mrs. Bandy was also recognized in behalf of the request for annexation.

Mr. J.W. Dawson was recognized in opposition and presented a petition requesting a referendum.

The City Attorney advised the City Council that they will have to postpone action to check the petition for validity.

Mr. Carl Parker of Muriel Drive was also recognized in opposition.

Mr. McBryde then offered motion to end this Public Hearing and continue this item to allow the City Attorney to check the petition to the next meeting seconded by Mrs. Evans and carried unanimously.

Public Hearings to be Set

Upon motion by Mr. McBryde seconded by Mr. Jones and carried unanimously a public hearing was set on the rezoning from R6 Residential District and R10 Residential District to P1 Professional District or to a more restrictive zoning classification of an area located South of Luther Street between Cheselka Street and Village Drive for July 26, 1982.

Public Works Commission Matters

PWC Manager Muench presented the Public Works Commission Matters. The first item was consideration of an amendment number 1-PWC 1981-82 budget. The recommended action was approval. Mr. Muench stated the amendment represented adjustments in various capital project funds.

Mrs. Evans offered motion seconded by Mr. Dawkins for approval of the amendments as requested. Motion carried unanimously.

The next PWC item was consideration of an application for water and sanitary sewer utilities to serve a new church on Johnson Street outside the City. The property is contiguous to the city limits and the church will petition for annexation. The recommended action was approval.

Mrs. Evans offered motion for approval seconded by Mr. Wofford and carried unanimously.

Consideration of bids received May 26, 1982 for the purchase of structural steel for PWC point of delivery number 1-Split Bus System. The P.W.C recommended the low bid by Hercules Steel Company in the amount of \$19,465.68. Mr. Jones offered motion for approval in acceptance of the low bid seconded by Mr. Dawkins and carried unanimously.

5

Planning Board Matters

A

Consideration of Lancaster Group Development in an R6 Residential District for zero lot line group development preliminary and final review located on the west side of Ruth Street between Morganton Road and Rush Road. The recommended action was that Planning Board recommends conditional approval per their memo of June 14.

Mr. McBryde offered motion for approval as requested, seconded by Mr. Wofford and carried unanimously.

6

Consideration of petition from residents of Huntington Park concerning Granville Drive entrance to "The Courtyards".

Mayor Hurley requested Planner Mitchell to review from the May 24th meeting. Mr. Mitchell showed a slide in the development plan which showed 3 entrances from Morganton Road, Admiral Drive, Mandalay and Granville, but none from Morganton Road. Mr. Mitchell stated the Planning Staff recommended approval with possible alternates from Mandalay and this was approved by the Planning Board. At the 5/24 meeting this was changed from Mandalay to Granville.

Councilman Wofford asked can Farmbrook be used? Planner Mitchell stated no, this was a privately owned driveway.

Council then recognized Mr. Ozzie Holt, a Granville Drive resident who stated the traffic is a hazard to children. Mr. Charles Smith of Saint Mary's Drive asked if a road could come from Sycamore Dairy Road to serve this development. Mrs. Judith Gohniem of Granville Drive suggested distributing traffic to all streets in the area. Mr. Ron Scott for the residents of Granville Drive was in opposition to its use as a secondary access.

Eloise Holt, Granville Drive was opposed to the extra traffic. Jeannine Mitchell of Granville Drive was opposed to additional traffic. John Whitehead of Mandalay Drive desires that neither Granville or Mandalay be opened. Use an alternate instead. Hattie Odom, a Mandalay Drive resident, was recognized opposed to traffic. Robbie Walton, a CT & T Company Engineer of Mandalay Drive suggested using Granville instead of Mandalay due to its width. Mr. Whitehead was again recognized and suggested Granville can accommodate 32 feet versus Mandalay 25 feet. Mr. Holt stated he did not agree with the proposal. Phyllis Scott of Granville Drive was opposed to the proposal. Rev. Charles Pittman of 3300 Morganton Road requested to keep all traffic off Saint Mary's Drive. Mr. Charles Smith, Saint Mary's Drive was opposed to the plan. Mr. Whitehead was recognized again. In summary he stated do not open Mandalay or Granville but find an alternate route.

Mr. J.P. Riddle, developer of The Courtyards, was recognized and stated he was concerned with only one entrance for development from Morganton Road and would leave a lot for such entrance if desired.

Councilman Wofford suggested considering Farmbrook Road. Mr. Riddle stated this was alright by him and he has never approached the residents.

Mr. McBryde then moved that we have one entrance on Morganton Road save maybe one lot next to the private (Farmbrook) Road in case we ever need a second entrance. The Council at that time in its wisdom can take this street, condemn it, make it a public street and have it as a second entrance to the project. Motion seconded by Mr. Jones. Discussion then followed.

The question was called and it was unanimous. Mayor Hurley then called for vote on the motion and it was as follows:

For the motion Councilmembers; Jones, Dawkins, McBryde and Johnson. Against the motion; Mayor Hurley, Councilmembers Evans and Wofford. Mayor Hurley declared the motion carried.

7

Discussion of designed alternatives of the proposed Hay Street Transit Mall. The City Manager presented this matter and stated the City Council met with the Revitalization Commission to review the three alternatives and authorized the City Manager to apply for a grant agreement. This does not require a new public hearing, he stated. The amount involved is \$3.6 million dollars. The Revitalization Commission met and has this recommendation. He called on Assistant City Manager John Monaghan to make this presentation. Mr. Monaghan stated that alternate number 1 features the curb side bus turnout and small transit information building on the sidewalk area. Alternate number 2 is curb side but turnout with main transfer point in the 200 block of Hay Street with store front information center, and Transit Plaza in the store to be acquired for this purpose with passage way through the block in to the old street area and parking areas beyond. Alternate number 3 is a center island concept with transit transfers in the center of the 200 block. The Transit Information Center and bus shelters in the center of the street and a narrow

area alongside adjacent to store fronts which would be landscaped. Option 2 is recommended by all agencies.

Mrs. Evans then offered motion that we follow the recommendation of the Revitalization Commission and the Technical Review Committee and adopt plan number 2 and authorize the City Manager to file the grant agreement and negotiate for the courthouse annex property to be used for future parking by the adoption of the resolution. Motion seconded by Mr. Wofford.

Discussion then followed and the City Manager stated that it was recommended that Maxwell and Donaldson Streets be left open to limited cross traffic, that parking be placed on these two streets on the south side of the mall, that parking be maximized on both streets making them one way with parallel parking on both sides. Approximately 20 additional spaces could be picked up this way. Also that businesses be encouraged to connect to the underground electric to eliminate overhead wiring. Mrs. Evans accepted the foregoing as a part of her motion.

Lengthy discussion then followed on parking by Councilman Johnson.

Mayor Hurley then called for the vote and it was as follows:

For the motion; Councilmembers Jones, Dawkins, Hurley, Evans and Wofford. Against the motion Councilman Johnson. Abstaining to vote, Councilman McBryde.

The resolution adopted was Resolution Number R1982-28.

Council recognized Betty Goodenough, who made a presentation of a framed picture of the old County Courthouse to the Council. Council also recognized Dorothy Kitchen who made a presentation of bricks from the old County Courthouse at the corner of Russell and Gillespie Street which was built around 1890.

8 Consideration of acceptance of a section of Fargo Drive. The recommended action was approval. The City Engineer presented this matter and stated that Council annexed a portion of Fargo Drive on May 24th. It is now requested by the property owner to accept for maintenance the portion of Fargo Drive annexed on that date. Mr. Dawkins then offered motion for approval of the foregoing as recommended, seconded by Mr. Wofford and carried unanimously.

9 Consideration of award of City Contract Number 269 for construction of the Maiden Lane Bridge. The City Engineer presented this matter and recommended award to C.C. Mangum Company, Inc. for their bid of \$128,440.

Mr. Wofford offered motion for approval as recommended, seconded by Mr. Dawkins and carried unanimously.

10 Consideration of Capital Project Ordinances:

A Adjustment to capital Project Ordinance 3 (street paving)

B Adoption of capital Project Ordinance 5, Community Development Project Years 3, 5, and 6.

C Adoption of Capital Project Ordinance 6 (Community Development Project Year 7) The recommended action was adoption. Mr. McBryde offered motion for adoption of A, B, and C as recommended, seconded by Mr. Wofford and carried unanimously.

11 Consideration of authorization to proceed with phase 2 (design development) for the proposed airport terminal building expansion (consultant contract for phase 1 previously approved by City Council). The recommended action was approval. The City Manager presented this and stated the Airport Commission recommended approval. Mrs. Evans offered motion for approval as recommended, seconded by Mr. Dawkins and carried unanimously.

12 Consideration of hangar lease at airport to Cumberland County. The recommended action was to authorize the advertisement. The City Attorney presented this and requested authorization to advertise. Mr. Cy Earnhardt, Chairman of the Airport Commission was also present and requested authorization to advertise.

Mr. McBryde offered motion seconded, by Mr. Jones and carried unanimously for advertisement as recommended.

13 Consideration of renewal of lease to Southern National Bank at airport terminal building for one year. The City Attorney presented this matter and recommended renewal for one year, and that it would not have to be advertised.

Mr. Dawkins offered motion to authorize the City Manager to sign the lease for one year, seconded by Mr. McBryde and carried unanimously.

14

Consideration of adoption of an ordinance amending Chapter 21 Offensive and Miscellaneous Provisions Regulation of the Display of Sexually Explicit Materials. The City Attorney presented this matter and recommended that it be adopted with an effective date of August 1st.

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

AN ORDINANCE AMENDING CHAPTER 21 OFFENSES AND MISCELLANEOUS PROVISIONS OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE. ORDINANCE NUMBER S1982-16.

A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book S1982.

15

Consideration of the sale of 42 ceramic molds. The recommended action was to authorize the Director of Administrative Services to dispose of the items pursuant to 168-267.

The City Attorney presented this matter and recommended that the Director be authorized to dispose of these items.

Mr. Jones offered motion, seconded by Mr. Dawkins to authorize this disposal by the adoption of the resolution, seconded by Mr. Dawkins and carried unanimously.

RESOLUTION NO. 1982-29

A copy of the foregoing resolution is on file in the Office of the City Clerk in Resolutions Book R1982.

16

Consideration of requesting a local bill amending N.C.G.S. Section 20-219.2 (C) concerning the towing of vehicles from private property. The City Attorney presented this and recommended authority to introduce the local bill to the General Assembly.

Mr. McBryde offered motion to authorize the introduction of the bill as requested, seconded by Mr. Jones and carried unanimously.

17

Consideration of releasing Beautification Easement to Heritage Place, Inc. The recommended action was to authorize the Mayor to sign a Quitclaim Deed. The City Attorney presented this and recommended approval. Mr. Johnson then offered motion, seconded by Mr. Dawkins to authorize the Mayor to sign the Quitclaim Deed, seconded by Mr. Dawkins and carried unanimously.

18

Consideration of rescinding Ordinance Number NS1982-6 authorizing the demolition of property located at 113 Preston Street. The City Attorney presented this and stated he had a request from the purchaser who will secure a permit within 10 days and bring the property up to code requirements.

Mr. Dawkins then offered motion, seconded by Mr. Johnson to rescind Ordinance Number NS1982-6 upon the 10th day condition as outlined by the City Attorney. Motion carried unanimously.

19

Consideration of request by First Christian Church for exemption from Privilege License Ordinance. The City Attorney presented this matter and stated the church wishes an exemption for the event of selling American Flags within the city limits on July 3, 1982. He recommended approval.

Mr. Dawkins offered motion for approval, seconded by Mr. Johnson and carried unanimously specific to this request.

20

Discussion of provisions of Chapter 14 of the Fayetteville City Code which requires street side trash to be containerized. Mr. Wofford suggested that this matter be tabled for further consideration at the 7:00 o'clock meeting for the budget on Wednesday night, June 16th, and the suggestion was approved.

21

Appointments

A

Airport Commission.

Mrs. Evans nominated Mr. Joseph Pillow
Mr. Dawkins nominated Mr. Cyrus P. Earnhardt, Jr.
Mr. McBryde nominated Mr. Charles C. Clark

B

Educational Development Advisory Committee.

Mrs. Evans nominated Mrs. H.M. Rulnick
Mr. Jones nominated Mr. Harry Wilmers
Mayor Hurley nominated Mr. David Hollingsworth

Cumberland Joint Planning Board.

Mrs. Evans nominated Mr. Hunter Chadwick
 Rev. Johnson nominated Mr. Willie Carr

PWC Retirement Plan.

Mr. Jones nominated Mr. Oliver Melvin, Attorney

Public Works Commission

The City Attorney stated that the PWC Charter Revision now added one year to each term of office due to this new legislation which extended the term an additional year. The term of Mr. McCoy would have expired in June, 1982 rather than 1981 so he should at this time be considered for nomination. Mr. McBryde nominated Mr. Tommy McCoy.

Board of Appeals on Dwellings and Buildings

Motion by Mrs. Evans seconded by Mr. Dawkins and carried unanimously; The following were appointed by acclamation for 3-year terms of office each to run to May, 1985. Horace R. Humphrey, F. Paul McGwier, Doyle Hubbard.

Revitalization Commission

In addition to the 4 members nominated at the last meeting, Carol Goforth, Hap Fowler, Horace Thompson and Rev. Harry Miller, the following were nominated. Mr. McBryde nominated Mr. Art Hooker, Mr. Hurley nominated Mr. M.J. Weeks.

Delegations

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

City Manager's Reports

The City Manager reported a request from Chief Danny Dixon for retirement of weapon for Officer John W. Abrams along with his police badge, due to the fact that Officer Abrams was seriously injured in an accident in April 1981 while on duty, and has been advised by his doctors that he will no longer be able to perform his duties as a Police Officer.

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

The City Manager stated a request had been received by Olde Fayetteville Association for \$800 from the downtown tax district fund for the July 4 celebration to bring the North Carolina Symphony to the City for the observance. The recommended action was approval. Mr. McBryde requested authorization to abstain from voting on this matter because he was treasurer of the organization. Permission was granted.

Mrs. Evans then offered motion for approval of the \$800 expenditure, seconded by Mr. Jones and carried, Mr. McBryde abstaining.

Presented by the City Manager was consideration of promotion of Officer Samuel C. Sessoms, Jr., to the rank of sergeant. He stated that several months ago the promotion of Officer Sessoms was delayed because of an interpretation of the court order regarding hiring and promotion in the Police Department. The City Attorney and I both now agree that the department is in compliance with the order of the rank of sergeant. He recommended the promotion of Officer Sessoms to the rank of sergeant.

Mr. McBryde offered motion for approval of the promotion, seconded by Mr. Johnson and carried unanimously.

Mr. McBryde then offered motion, seconded by Mr. Dawkins at 10:45 p.m. that the Council recess into Executive Session to consider a land transaction.

Council reconvened into regular session at 10:50 p.m. The City Attorney then recommended the purchase of the E.J. Wells property at the rear of the lot at the intersection of Worth Street and Russell Street, the south west corner for \$17,000, and the following conditions:

Removal by the city of all unused portions of the party wall covered by the existing Party Wall Agreement.

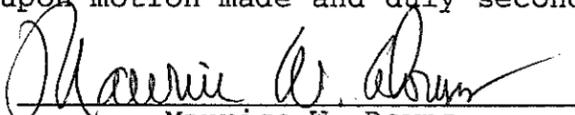
The portion of the party wall still in use by the abutting property owner is to be cut off, capped and painted on the east side (the side that will be exposed to Worth Street) all at the expense of the City.

The remaining portion of this property wall that will be in use by the adjoining owner will be maintained in the future totally by the abiding property owner.

The City agrees for this wall to remain on City property so long as the building stands; however, when demolished the City would regain the use of the land (about 18 inches in width) where the present wall stands.

Mr. Dawkins then offered motion for approval of the foregoing purchase, seconded by Mr. McBryde and carried unanimously.

Thereafter, all matters of business having been completed, this meeting was adjourned at 11:00 o'clock p.m. upon motion made and duly seconded.


Maurice W. Downs
City Clerk



SPECIAL MEETING
KYLE HOUSE CONFERENCE ROOM
JUNE 15, 1982
7:00 P.M.

Present: Mayor John W. Hurley

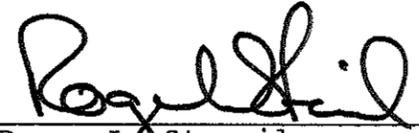
Council Members: Jimmie Jones, Milo McBryde, J.L. Dawkins,
Aaron Johnson, Mildred Evans, Milton Wofford

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

Mayor Hurley called the meeting to order and Council member Johnson offered the invocation.

The Council discussed the City Manager's Recommended Budget for 1982-83 including the following: Street Maintenance, Engineering, Sanitation, Recreation.

Upon motion by Mr. McBryde, seconded by Mr. Dawkins, and carried unanimously, the meeting was continued until Wednesday, June 16, 7:00 P.M., in the Council Chambers of City Hall.



Roger L. Stancil
Deputy City Clerk



SPECIAL MEETING
CITY HALL COUNCIL CHAMBERS
JUNE 16, 1982
7:00 P.M.

Present: Mayor John W. Hurley

Council Members: Jimmie Jones, Milo McBryde, J.L. Dawkins,
Aaron Johnson, Mildred Evans, Milton Wofford

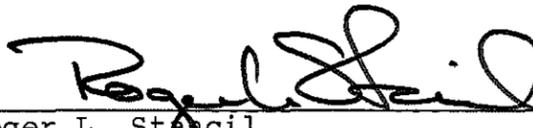
Others Present: John P. Smith, City Manager
Roger L. Stancil, Assistant City Manager
John M. Monaghan, Assistant City Manager

Mayor Hurley called the meeting to order and offered the invocation.

The Council first considered Item 20 continued from the June 14 meeting. This Item was discussion of provisions of Chapter 14 of the Fayetteville City Code which require street-side trash to be containerized. After lengthy discussion, the Council asked City Manager Smith to prepare and submit to them revisions to the existing ordinance reflecting the results of their discussion.

The Council then continued discussion of the City Manager's Recommended Budget for 1982-83 including the following: Powell Bill, Special Tax District, Transit, Airport, PWC, Garage, Parking Facilities, Revenue Sharing, outside organizations.

There being no further business, the meeting was adjourned until Tuesday, June 22, 10:15 p.m., in the Kyle House Conference Room.



Roger L. Stancil
Deputy City Clerk



SPECIAL MEETING
KYLE HOUSE CONFERENCE ROOM
JUNE 22, 1982
5:30 P.M.

Present: Mayor John W. Hurley

Council Members: Jimmie Jones, Milo McBryde, J.L. Dawkins,
Aaron Johnson, Mildred Evans, Milton Wofford

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

Mayor Hurley called the meeting to order.

City Manager Smith presented the recommended Budget Appropriation Ordinance for 1982-83 and recommended Cemetery and Inspection Fee Schedules. The only revision to the ordinance as presented was in Section 2, Schedule A with the elimination of Community Services at \$617,285.00 and the addition of Community Development at \$164,300.00, Human Services at \$57,228.00, and Inspections at \$395,757.00. Motion by Mr. McBryde, seconded by Mr. Dawkins, and carried unanimously, the 1982-83 Budget Appropriation ordinance was approved as presented and revised by the City Manager. Also approved were the proposed Cemetery and Inspection Fee Schedules, and to instruct the City Manager to prepare the appropriate ordinance amendments for implementation of proposed Sanitation Fees. The Budget Ordinance title appears below:

1982-83 Budget Appropriation Ordinance - NS 1982-22. (A copy is on file in the City Clerk's Office)

Mayor Hurley then stated that it was now customary for the Council to discuss with the City Manager and the City Attorney their employment and salary with the City. The City Manager recommended that the FY 1982-83 salary of the City Attorney be set at \$40,000 and the salary for the City Manager be set at \$44,212. The City Attorney requested permission from the Council to take one day each month to fulfill his obligation to military reserves. Motion by Mrs. Evans, seconded by Mr. Jones, and carried unanimously, to follow the recommendation of the City Manager and to approve the City Attorney's request.

Upon motion by Mr. McBryde, seconded by Mr. Dawkins, and carried unanimously, the meeting was adjourned.



Roger L. Stancil
Deputy City Clerk

688



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JUNE 28, 1982
7:00 P.M.

Present: Mayor Bill Hurley

Council Members: Jimmie Jones, Milo McBryde, J. L. Dawkins and Milton Wofford.

Council Members Absent: Aaron Johnson and Mildred Evans.

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

Mayor Hurley called the meeting to order and the invocation was offered by the Reverend Robert E. Allen, St. James Lutheran Church. Following the invocation, Mayor Hurley lead the assembly in the Pledge of Allegiance to the flag.

Mayor Hurley welcomed members of the Fayetteville Youth Council to the meeting.

Mayor Hurley also recognized Ms. Bland McBryde, daughter of Councilman Milo McBryde, a visitor to the meeting this evening.

Mayor Hurley stated the City Attorney had requested an executive session at the end of this meeting to consider a land matter.

Mayor Hurley recognized Mr. Dawkins, who announced that word had been received of the untimely death recently of Mr. Bob Henry, the first Executive Director of the Revitalization Commission.

1 Approval of minutes:

- Regular meeting of June 14, 1982.
- Special meeting of June 15, 1982.
- Special meeting of June 16, 1982.
- Special meeting of June 22, 1982.

Mr. McBryde offered motion, seconded by Mr. Wofford, for approval of all of the foregoing minutes as submitted by the City Clerk. The motion carried unanimously.

2 Public Hearings:

A Consideration of the annexation of a tract of land located on the north side of Raeford Road. The Annexation Technical Review Committee recommended approval.

There was no opposition present.

AN ORDINANCE EXTENDING THE CITY LIMITS. ORDINANCE NO.82-6-250.

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

A copy of the foregoing ordinance is on file in the Clerk's office in Annexation Ordinance Book 1982.

B Consideration of annexation of property located on Ramsey Street. The Annexation Technical Review Committee recommended approval.

There was no oppositon present.

Following brief discussion Mr. McBryde offered motion to annex Tract No. 1 and not Tract No. 2, seconded by Mr. Jones.

Following some further discussion, Council recognized Reverend John Hedgepeth, Pastor of Northwood Temple Church, which is located in Tract No. 1. Reverend Hedgepeth stated the church is expanding to serve the needs of the area. They also need City sanitary sewer services.

AN ORDINANCE EXTENDING THE CITY LIMITS. ORDINANCE NO. 82-6-251.

Mayor Hurley then called for a vote on the motion to Tract No. 1 but not Tract No. 2 and the motion carried. Mr. Wofford voting no.

A copy of the foregoing ordinance is on file in the City Clerk's office in Annexation Ordinance Book 1982.

Consideration of annexation of a tract of land located east of McPherson Church Road. The Annexation Technical Review Committee recommended approval.

Mr. Earl Grant was recognized in favor of the annexation. There was no opposition.

Following brief discussion, Mr. Dawkins offered for approval of the annexation, seconded by Mr. Jones.

Mr. Wofford offered substitute motion to table this matter and refer it to the Policy Committee. The motion was lost for lack of a second.

Mayor Hurley called for a vote on the motion and it carried. Mr. Wofford voting no.

AN ORDINANCE EXTENDING THE CITY LIMITS. ORDINANCE NO. 82-6-252.

A copy of the foregoing ordinance is on file in the City Clerk's office in Annexation Ordinance Book 1982.

Consideration of annexation of a tract of land located on the west side of Rosehill Road. The Annexation Technical Review Committee recommended approval.

There was no opposition present.

AN ORDINANCE EXTENDING THE CITY LIMITS. ORDINANCE NO. 82-6-253.

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

A copy of the foregoing ordinance is on file in the City Clerk's office in Annexation Ordinance Book 1982.

Consideration of adoption of a resolution and notice of intent to close a portion of Morgan Lane which lies between Park Street and Oakridge Avenue. The City Engineer presented this matter and recommended adoption of the resolution.

Council recognized Mr. Mason Hicks, an area resident, representing himself and his neighbors who requested approval of the street closing.

Council also recognized Mr. M. M. Smith, a long-time resident of Park Street in favor of the closing.

There was no opposition present.

RESOLUTION AND ORDER CLOSING A PORTION OF MORGAN LANE. RESOLUTION NO. R1982-30.

Mr. Jones 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 City Clerk's office in Resolutions Book R1982.

F Consideration of adoption of a resolution and notice of intent to close portions of Bell Street, New York Street, McDuffie Street and Holt-Williamson Street.

The City Engineer presented this matter and Mr. Dave Kimbell of the Community Development Department was recognized and requested approval.

There was no opposition present.

RESOLUTION AND ORDER CLOSING MCDUFFIE, NEW YORK, BELL AND HOLT-WILLIAMSON STREETS. RESOLUTION NO. R1982-31.

Mr. McBryde offered motion for adoption of the foregoing resolution, seconded by Mr. Jones and carried unanimously.

A copy of the foregoing resolution is on file in the City Clerk's office in Resolutions Book R1982.

3 Public Works Commission Matters:

Consideration of an application for extension of approximately 100 feet of 8-inch sanitary sewer main on Hampton Road to provide sanitary sewer service to Lot. No. 99, College Lakes Subdivision, outside the City.

PWC Manager Ray Muench presented this matter and stated that PWC recommended approval.

Following brief discussion, Mr. Dawkins offered motion for approval of the foregoing extension, seconded by Mr. Wofford, and carried unanimously.

4 Planning Board Matters:

A Consideration of Stoneleigh Townhouses (zero lot line development) in an R-5A residential district for revision of previously approved conditions located on the south side of Tamarack Drive and the west side of Landau Drive at Rose's Pond.

Planner Al Mitchell presented this matter and stated the Planning Board recommended conditional approval. Planner Mitchell stated this matter had come before Council at the May 24th meeting and was approved on condition that sidewalks be installed. He stated the developer objected to the condition that sidewalks be installed and Planning Board recommends that the sidewalk installation requirement be eliminated.

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

B Consideration of C. D. Maxwell property site plan in a C-3 Heavy Commercial District for preliminary group development review located on the north side of NC 24 approximately 400 feet east of Dunn Road.

Planner Mitchell stated the Planning Board recommends conditional approval.

Following brief discussion, Mr. Wofford offered motion, seconded by Mr. Jones, for approval of the foregoing as recommended. The motion carried unanimously.

5 Reconsideration of annexation of property on West Mountain Drive. This matter continued from the regular meeting of June 14th, 1982 due to a petition of opposition being presented.

The City Attorney presented this matter and stated the opposition petition is valid and recommended that Council take no action on this matter and refer it back to the Annexation Technical Review Committee for further study.

Following brief discussion, Mr. Dawkins offered motion, seconded by Mr. McBryde, and carried unanimously to refer this matter back to the Annexation Technical Review Committee for a recommendation.

6 Consideration of bids received for the purchase of a fire and rescue UHF radio system.

Council recognized Mr. Al Jordan, Director of the Administrative Services Department, who presented this matter and stated that the Fire Chief, the Assistant Fire Chief, the Purchasing Supervisor, the City Manager and himself recommended that this bid be awarded to Motorola for their low bid of \$204,052.

Council recognized Mr. Dan Street of the General Electric Corporation with comments on his bid and the G. E. equipment. Mr. Street recommended that City Council refer this matter to a committee for study.

Mr. Jordan was again recognized with comments. In response to questions from the Council, he stated that G.E. provides more memory in their system and Motorola provides less. He stated that G. E. does not provide management outside the area.

There was then considerable discussion of the bid.

Following this discussion, Mr. McBryde offered motion to follow the recommendation of the City Manager and all others and accept the low bid of Motorola Corporation for \$204,052. Motion seconded by Mr. Wofford and carried unanimously.

7 Consideration of revision of Traffic Schedules:

The City Engineer presented these items and stated that presently there is a bus stop on the south side of West Rowan Street near Oakridge Avenue; however, it is not ordinated and there is not an existing ordinance prohibiting parking at this bus stop. We would like to suggest the adoption of a revision to Traffic Schedule No. 11- "Parking Prohibited" and at this location and also the revision of Traffic Schedule No. 1- "Bus Stops" to add this location to the official list of bus stops.

Following brief discussion, Mr. Wofford offered motion for adoption of the two Traffic Schedule Ordinances presented as recommended, seconded by Mr. Jones and carried unanimously.

The ordinance titles appear below:

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 11-PARKING PROHIBITED WEST ROWAN STREET. ORDINANCE NO. NS 1982-23.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 1-BUS STOPS WEST ROWAN STREET. ORDINANCE NO. NS1982-24.

Copies of both of the foregoing ordinances are on file in the City Clerk's office in Ordinance Book NS1982.

8 Consideration of hangar lease at the Municipal Airport to the County of Cumberland.

The City Attorney presented this matter and stated that Council had approved advertising this item at the last meeting. He recommended that Council authorize the Mayor to execute the lease and adopt the resolution.

Mr. Wofford then offered motion for approval of the foregoing and adoption of the resolution as recommended, seconded by Mr. Dawkins and carried unanimously.

9

Consideration of lease agreement between the Fayetteville Metropolitan Housing Authority and the City of Fayetteville for property located at 134-A Grove View Terrace.

The City Attorney presented this matter and stated that the building had been vandalized. He stated the property is still owned by the Housing Authority and recommended that Council authorize the City Manager to sign the lease when the property is acceptable to the Recreation and Parks Department.

Mr. McBryde offered motion, seconded by Mr. Dawkins and carried unanimously to approve the foregoing recommendation.

10

Consideration of lease agreements for the lease of property by the City for the erection of bus shelters.

The City Manager presented this matter and stated that we have identified several locations throughout the city that warrant the erection of a bus shelter based on ridership levels and waiting time. Many of these locations are on private property. In order to keep the cost of each bus shelter as low as possible, we are proposing to lease the area needed for a shelter (approximately 170 square feet) from the owner. This lease would be for an extended period of time probably twenty years at no cost to the City. Our basic obligation would be to use the land only for a bus shelter and to return the site to its original condition if the lease is terminated.

A copy of the proposed lease is presented. Customarily any lease for more than one year must be approved by the Council. I have discussed this matter with the City Attorney and in order to avoid bringing each of these leases back to Council we recommend an alternative:

1. That Council approve the concept and format of the lease.
2. That Council authorize the City Manager to exercise these leases on behalf of the City in accordance with the approved format.

Following brief discussion, Mr. Jones offered motion, seconded by Mr. Wofford and carried unanimously to approve the foregoing recommendation as presented by the City Manager.

11

Consideration of adoption of Capital Project Ordinances:

- A. No. 7 - Downtown Beautification Project.
- B. No. 8 - Municipal Market.

The City Manager presented these items and recommended adoption.

Following brief discussion, Mr. Wofford offered motion, seconded by Mr. McBryde and carried unanimously for the adoption of Capital Project Ordinance CAP7-Downtown Beautification Improvements.

Following further brief discussion, Mr. McBryde offered motion, seconded by Mr. Jones and carried unanimously for the adoption of Capital Project Ordinance CAP8 - Municipal Market.

Copies of the foregoing ordinances are on file in the City Clerk's office.

12

Consideration of Amendment to Chapter 14 of the Fayetteville City Code, "Sanitation Fees and Charges"

The City Manager presented this matter and recommended adoption of the ordinance to be effective August 1, 1982.

Following some discussion of this item, Mr. Jones offered motion to defer this item to the July 12th meeting, seconded by Mr. Dawkins. There was considerable discussion of this matter since, as several Council Members noted, considerable question had been raised by the downtown merchants concerning this service and it was felt that they be given an opportunity to be heard and to express their opinions on the passage of this ordinance. Mayor Hurley then called for a vote on the motion and it carried unanimously for deferral to July 12.

*Collected to
New - 10/1/82*

13 Appointments:

A Airport Commission:

Upon motion by Mr. McBryde, seconded by Mr. Jones and carried unanimously, the following were reappointed to the Airport Commission for two-year terms of office each; said terms running to June, 1984: Mr. Joseph Pillow, Mr. Cyrus P. Earnhardt, Jr. and Mr. Charles C. Clark.

B Educational Development Advisory Committee:

Upon motion by Mr. McBryde, seconded by Mr. Dawkins and carried unanimously, the following named were appointed to three-year terms of office each; said terms to run to June, 1985: Mrs. Doris Rulnick, Mr. Harry Wilmers and Mr. David Hollingsworth.

C Cumberland County Joint Planning Board:

Mr. Hunter Chadwick was appointed to a four-year term of office; said term to run to June, 1986 by a vote of four to one.

D Public Works Commission Retirement Plan:

Mr. Oliver Melvin, Attorney, was appointed to a five-year term of office; said term of office to run to June, 1987 by acclamation vote.

E Public Works Commission:

Mr. Tommy McCoy was appointed to a four-year term of office; said term to run to June, 1986 by acclamation vote.

F Revitalization Commission:

The City Manager presented this matter and stated that he had presented to Council a copy of the charter of this commission. There are two methods by which the charter can be amended. (1) Upon recommendation of the Commission and (2) the charter may be terminated by either governing body upon thirty (30) days notice and a new charter adopted.

For purposes of the two appointments currently under consideration, he stated he would suggest that the Council make these allotted to the City and to recommend to the County Board of Commissioners those allotted to the County. Consideration would then be given to amending the charter for future appointments. The Council may wish to consider a completely new charter for the Commission in light of the changes in funding he concluded.

Following some discussion, Mr. McBryde offered motion for the reappointment of Mrs. Carole Goforth and Mr. Hap Fowler for three-year terms of office each; said terms to run to June, 1985. Motion seconded by Mr. Wofford and carried unanimously.

By a vote of the Council, the following were then recommended to the County for appointment: Mr. Horace Thompson, Mr. Art Hooker and Mr. M. J. Weeks.

14 Delegations:

A Mr. Luke S. Sciberras - "Lou's Tattoos".

Council recognized Mr. Sciberras who stated that he was appearing before Council this evening in reference to possibly lowering his license fee. He stated he was having to pay \$1,000. per year per establishment for two establishments.

He stated he felt it is unjust that he had to pay such a large amount for an occupational license. Locations outside the city limits require no fee whatsoever. Therefore, I believe no one else pays such a high fee such as beauty salons and barber shops and others. He stated he had researched this matter and this \$1,000 fee had been in effect since 1950.

Following brief discussion by the Council of Mr. Sciberras' request, Mayor Hurley informed him that the present license fee schedule of the City was coming before City Council shortly for restudy and they will consider his request at that time.

15 City Manager's Report:

A The City Manager and the Fire Chief recommended the following named for hire as Firefighters for the Fire Department: Larry W. Tearry, Kurt G. Hooker, Thomas Salmon, Arvin J. Freeman, Michael J. Edwards and Mark A. Barrett.

Mr. McByrde moved for approval of the appointment of the aforementioned as recommended, seconded by Mr. Jones and carried unanimously.

B The City Manager stated he was in receipt of a request for permission to hold a fireworks display in the City by WFNC Radio and the Eutaw Merchants Association. This request had been checked upon and approved by both the Fire Chief and the Chief of Police and approval is recommended. The date of the fireworks display would be on Monday, July 5, 1982 at the Eutaw Village Shopping Center.

Mr. Jones moved for approval of the foregoing request, seconded by Mr. McByrde and carried unanimously.

C The City Manager next presented for Council's consideration a recommendation for the establishment of a charge for the distribution of budget documents. The City Manager stated that in order to be fair and consistent in the distribution of budget documents, he was recommending that a fee be set for those individuals and groups desiring to have copies of the complete budget as follows:

\$2.00 per copy for recommended budget (green books)
\$5.00 per copy for additional back-up volumes
\$2.00 per copy for the approved budget.

Complimentary copies would be sent to the Cumberland County Library and the Fayetteville State University Library. Copies of all documents will also be kept on file at the City Clerk's office and the Finance Department for public inspection. We would also expect to print brief summaries of the approved budget for general public distribution at no charge.

Brief discussion followed and it was recommended by Council that Methodist College and FTI be included for complimentary copies. This was agreeable.

Mr. McByrde then offered motion for approval of the foregoing as presented and as amended, seconded by Mr. Dawkins and carried unanimously.

The City Manager then informed Council that he had made tentative plans for a two-weeks vacation at the end of July and the first of August and would not be present for the July 26th meeting of the City Council.

Councilman Dawkins raised the question of no garbage pickup on Friday, July 2 due to the Independence Day holiday weekend. The City Manager stated this had been scheduled by the Sanitation Department and that publicity would be given to all the news media.

16 Matters of Interest to the City Council:

Mr. Jones suggested that a push button for pedestrian crosswalk be installed at the Hay Street - Fort Bragg Road - Morganton Road intersection pursuant to a request he had received. This matter was referred to the City Engineer for study.

Mr. McBryde mentioned the stop sign had been replaced by a yield sign at the Granville Street - Rivenoak Drive intersection. This was also referred to the City Engineer.

Mr. Wofford raised the question of the Olive Road and Sherwood Drive intersection and suggested the placement of an arrow at the Olive Road dead end indicating a right turn. He stated he had received a complaint from the property owner at the end of the street that traffic was turning into his property. This matter was also referred to the City Engineer.

Mr. Wofford advised that the Policy Committee would hold a meeting before long.

Mayor Hurley reminded the Council of the reception tomorrow afternoon at 4:00 p.m. for former Mayor Beth Finch.

Mayor Hurley stated that between the 500 block of Hay Street and the Market House there are some 92 street and traffic signs. He stated he hoped that this number could be reduced in view of the downtown revitalization effort.

Mr. Dawkins then offered motion, seconded by Mr. McBryde and carried unanimously at 9:00 p.m. that Council enter into Executive Session for a land transaction matter.

Council then reconvened into regular session at 9:05 p.m.

Councilmen McBryde requested permission to abstain from voting on this matter since he had a personal family interest.

Mr. Jones offered motion, seconded by Mr. Dawkins and carried unanimously that Mr. McBryde be authorized to abstain to vote.

The City Attorney then recommended that City Council adopt the resolution presented them that would authorize the condemnation of the property owned by Mrs. E. W. Grannis at 333 and 335 Hay Street and that we deposit in said condemnation the sum of \$86,000.

Following brief discussion, Mr. Wofford offered motion, seconded by Mr. Jones and carried unanimously for approval of the foregoing by adoption of the resolution.

Thereafter, all matters of business having been completed, this regular session was adjourned at 9:10 p.m. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
July 12, 1982
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 P. Smith, City Manager
Robert C. Cogswell, City Attorney

Mayor Hurley called the meeting to order and the invocation was offered by Councilman Jimmie Jones. Following the invocation, Mayor Hurley led the assembly in the Pledge of Allegiance to the flag.

Mayor Hurley then welcomed Fayetteville Youth Council Member Eric Stockton to the meeting.

1 Approval of Minutes

Upon motion by Mr. McBryde, seconded by Mr. Jones and carried unanimously, minutes of the regular Council meeting of June 28, 1982 were approved with the following correction: "Non - downtown" in place of "downtown" as it appears in item 12, Page 693, bottom paragraph, 4th line.

Mayor Hurley welcomed all persons to this meeting of the Council. Mayor Hurley recognized Councilman Wofford who requested permission to abstain from voting on Item 4 D. because it involved a relative.

Mr. McBryde offered motion, seconded by Mr. Dawkins and carried unanimously that permission be granted as requested.

2 Public Hearings To Be Set:

A Consideration of an application by J. J. Barnes for a special use permit to construct a nursing home in an R5A residential district as provided for by the the Fayetteville Zoning Ordinance Section 34-24 (1) an area located on the north side of Treetop Drive approximately 2200 feet east of Raleigh Road. Suggested City Council date is August 9, 1982.

B Consideration of annexation of property located at the southwestern corner of Rosehill Road and South Dowfield Drive. Suggested public hearing date is July 26, 1982.

C Consideration of a resolution requiring the paving pursuant to petition of Bell Street from Eastern Boulevard to South King Street. Suggested hearing date is July 26, 1982.

D Consideration of adoption of a resolution and a notice of intent to close North King Street from Beale Street to Grove Street and Talbot Street from Eastern Boulevard to North Racepath Street. Suggested public hearing date is August 9, 1982.

Mr. McBryde offered motion that the foregoing public hearings be set and that the resolutions be adopted on Items C and D. Motion seconded by Mr. Dawkins and carried unanimously.

PRELIMINARY RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION OF ^{Bell}~~BEALE~~ STREET RESOLUTION NO. R1982-32

PRELIMINARY RESOLUTION AND NOTICE OF INTENT TO CLOSE A PORTION OF TALBOT STREET AND A PORTION OF NORTH KING STREET RESOLUTION NO. R1982-33

Copies of the foregoing Resolutions are on file in the Clerk's office in Resolutions Book R1982.

3 Public Works Commission Matters:

A Consideration of bids received June 29, 1982 for the purchase of electric meters.

PWC Manager Ray Muench presented this matter and stated the bids are for a 15-month period ending September, 1983. He recommended the low bid by General Electric Supply in the amount of \$118,488.01.

Mr. Wofford offered motion to accept the low bid as recommended, seconded by Mr. Dawkins and carried unanimously.

4 Planning Board Matters:

A Consideration of "Havilah Manor Townhouses" in an R5A Residential District for preliminary and final zero lot group development review located on the north side of Bragg Street at the northwest corner of the intersection of Pilot Avenue.

The Planning Board matters were presented by Planner Al Mitchell. He stated the Planning Board recommended conditional approval with the addition of the following condition on Items A, B and C: "That all units have two off-street parking spaces as required for single family use in the zoning ordinance and all driveways to a public street meet adopted City specifications".

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

B Consideration of "The Palms" subdivision in an R6 Residential District for preliminary and final zero lot line group development review located on the northeast corner at the intersection of Hinsdale Avenue and Norwood Street.

Planner Mitchell stated the Planning Board recommended conditional approval as outlined in the memo and as stated verbally.

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

Consideration of "Property of Craftsman Builders" in an R10 residential District for preliminary and final zero lot line group development review located on the west side of Edmonton Road approximately 1,000 feet north of Colgate Drive.

Planner Mitchell stated conditional approval is recommended by the Planning Board with the additional verbal condition as outlined.

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

D Consideration of Anderson property subdivision in an R5 Residential District for preliminary and final review located on the west side of Forest Lake Road and east of Forest Lake. Planner Mitchell stated the Planning Board recommended conditional approval as outlined in their memo of July 12.

Mr. McBryde offered motion for approval as recommended, seconded by Rev. Johnson and carried, Mr. Wofford abstaining to vote.

E Consideration of the initial zoning to R6 Residential District or to a more restrictive zoning classification of an area located on the east side of Fargo Drive between Little Beaver Road and Sandhill Drive.

Planner Mitchell stated the owner had requested R6 zoning. However, Planning Board recommends denial of R6 and approval of R10 zoning.

Following brief discussion, Mr. McBryde offered motion for approval of the foregoing initial zoning by adoption of the following ordinance, seconded by Mr. Wofford and carried unanimously.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE. THE INITIAL ZONING TO R10 RESIDENTIAL DISTRICT OF AN AREA LOCATED ON THE EAST SIDE OF FARGO DRIVE BETWEEN LITTLE BEAVER ROAD AND SANDHILL DRIVE. ORDINANCE NO. NS1982-25.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1982.

5

Reconsideration of an amendment to Chapter 14 of the Fayetteville City Code "Sanitation Fees and Charges". This matter continued from the regular meeting of June 28.

The City Manager presented this matter and reviewed for City Council's benefit and presented some examples of what other North Carolina Cities provide. He recommended an effective date of August 1, if adopted. This revision in sanitation fees was incorporated into the 1982-83 budget. With this revision, the City will be providing the same number of free pickups per week for businesses and institutions as it does for residences. While it can be argued that businesses generally pay more in taxes than the average residence, it is also true that the cost per pickup of a local box is approximately ten times the cost per pickup of a rollout container.

The revision in service fees would be as follows:

1. Two trips per week - up to two boxes per week - no charge
2. Up to five trips per week, Monday through Friday, up to a maximum of six boxes - \$3.50 per box per trip beyond the free service.
3. Additional service at \$7.00 per box.

Currently 1. and 2. are at no charge he stated. There was then some discussion of this proposed ordinance.

Council recognized Mr. Vivian Hollinshed, Jr., Cape Fear Supply Company, who stated this was a poor time to hit businesses with this increase. He stated the pickup service is excellent but he was opposed to the additional cost.

Further discussion then followed with Rev. Johnson, Mr. Jones and Mr. Dawkins offering comments on the proposal.

Rev. Johnson then offered motion to ask the City Manager to consider an alternate plan before we make a final decision. Seconded by Mr. Jones.

There was then further discussion.

Council then recognized Mr. Ray Naylor, owner of Todd's Tire Service, who spoke in opposition to the proposal.

Mr. Hollinshed was again recognized with comments on the cost to administer the proposal.

Following this, Mayor Hurley called for a vote on Rev. Johnson's motion and it was as follows for the motion: Councilmembers Johnson and Jones. Against the motion: Councilmembers McBryde, Dawkins, Hurley, Evans and Wofford.

Mr. Wofford then offered motion to accept the amendment to Chapter 14 of the Fayetteville City Code "Sanitation Fees and Charges" as recommended by the City Manager and for the adoption of the ordinance. Motion seconded by Mrs. Evans and carried by the following vote. For the motion: Councilmembers McBryde, Dawkins, Hurley, Evans and Wofford. Against the motion: Councilmembers Johnson and Jones.

AN ORDINANCE AMENDING CHAPTER 14 "GARBAGE, TRASH AND WEEDS" OF THE FAYETTEVILLE CITY CODE OF ORDINANCES - SANITATION FEES AND CHARGES. ORDINANCE NO. S1982-17.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1982.

6

Consideration of award of contract number 270 - Maiden Lane Extension.

The City Engineer presented this item and displayed a projection of the proposed extension. He stated the contract consisted of two sections - Section A, street construction and Section B, underground electrical. He recommended award of the contract to Crowell Constructors, Inc. for \$691,489.95 with the provision that administration would reserve the right to proceed with section B underground electrical or withholding pending complete review by Mr. Muench and the Public Works Commission and to provide for contingencies. It was further

recommended that an additional ten percent (\$69,510.05) over the bid amount be budgeted for a total estimated project cost of \$761,000.

There was then considerable discussion and following this Mrs. Evans offered motion to award the contract to Crowell Constructors, Inc. as recommended by the City Engineer with the provisions presented, seconded by Rev. Johnson and carried unanimously.

Consideration of increasing charges for overtime work in the cemetery.

Assistant City Manager Roger Stancil presented this matter and recommended approval effective August 1, 1982. He stated the original recommendation to the Council concerning increased cemetery fees included a proposal that charges for overtime be increased to \$20 per hour or fraction thereof. The current fee is \$6 per hour while our actual cost approaches \$20. When the cemetery fee schedule was adopted this issue was not addressed.

He recommended that Council institute an overtime charge of \$20 per hour to be effective August 1, 1982.

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

Consideration of request for legal representation.

The City Attorney presented this matter and stated that in February, 1980 a Civil Rights lawsuit against numerous individuals as a result of an arrest and ultimate conviction of criminal charges in state court. Among those individuals sued was the chief of the City/County Identification Bureau, Captain William P. Joyner and one of the arresting officers, Mr. Lex Watson. He stated he had received requests for representation from both of these individuals and recommended that Council authorized their representation and such representation is warranted pursuant to Section 2-60.

Following brief discussion, Mr. McBryde offered motion to approve legal representation as recommended, seconded by Mr. Dawkins and carried unanimously.

Consideration of policy regarding release of list of bidders on City contracts.

The City Manager presented this matter and stated that the North Carolina bid rigging statutes allow municipalities to keep its list of bidders on construction contracts confidential. The list of bidders includes all contractors who have requested specifications (for which they pay a deposit). The purpose for keeping this list confidential is so that contractors cannot find out who is bidding on a project and therefore makes collusion more difficult. It has been an administrative policy of the City for the last 12 months not to disclose the list of bidders.

The local association of contractors has approached City administration and requested that we reconsider this policy. After meeting with them and hearing their concerns and considering the possible ramification of the policy I have decided that this decision should be considered by the Council.

Because of the importance of this issue, I feel it needs careful consideration by City Council (perhaps by the Policy Committee and at an information meeting). In the meantime if Council wishes, I will suspend my previous decision until the City Council makes a final determination.

Following brief discussion, Mrs. Evans suggested a public hearing at the next regular meeting of the Council following an information meeting first on this topic.

Following some further discussion on the matter, Mr. McBryde offered motion to suspend the present procedure on release of information on bidders until further Council action. Motion seconded by Mr. Dawkins and carried unanimously.

Appointments:

Nominations to fill one vacancy on the Board of Adjustment. Mayor Hurley informed Council that the appointment of Dr. Stacy Hair would expire this month and that that Dr. Hair had agreed to serve another term if reappointed.

Mr. McBryde nominated Dr. Stacy Hair for reappointment. Mayor Hurley stated that action would be taken on this matter at the next regular meeting of the Council.

11

Delegations:

Council recognized Mrs. Sue Brown Bandy, President of the Haymount Preservation Society, who requested a meeting of the Traffic Committee at its earliest convenience for the Haymount area. Rev. Johnson stated such a meeting would be arranged as soon as possible.

Council recognized Mr. Howard Williams. Mr. Williams presented a complaint on residential curbside trash pickup. Mayor Hurley informed him that trash must be containerized by ordinance in order to be picked up. Mr. Williams stated his concern was with brush and tree limbs that could not be containerized. The City Manager requested Mr. Williams to call him with his questions and they would seek a solution.

Council also recognized Margaret Hayes, owner of a beauty college on Hay Street, who stated that she had no place to put trash at her location for pickup. The City Manager requested she contact him concerning this problem for a solution.

12

City Manager's Reports:

The City Manager stated he was in receipt of a proposal from Fayetteville Progress, Inc. concerning downtown redevelopment. He stated in a letter to him Mr. Weeks, Executive Vice-President of Fayetteville Progress, Inc., stated "we have reached the point in our plans for the redevelopment of the 500 block of Hay Street and the other nearby areas where we must have official commitment of support from the Council before we can proceed. A resolution has been prepared in conjunction with Dennis Rash, President of North Carolina National Bank, Community Development Corporation and Don Zuchelli, President of Zuchelli-Hunter and Associates, that we would like the City Council to consider as soon as possible. If the Council votes to support the plans we have outlined in our recent meetings with you and other members of your staff we will immediately prepare detailed project responsibilities and an initial budget for your consideration. We believe we can have a work plan and budget ready for your review and Council consideration at the July 26th meeting provided Council decides to support this project."

"I cannot overemphasize to you and Councilmembers our enthusiasm for this project. While there are many obstacles to overcome I firmly believe we have developed a sound approach and with the City administration's support the team we have brought together we can make it come to pass."

"Thank you for all your help and support."

The City Manager then stated further that as you know Fayetteville Progress, Inc. has been under contract with the Redevelopment Commission to do the market analysis called for in your downtown redevelopment plan. Fayetteville Progress subcontracted with Zuchelli-Hunter Associates, Inc. to determine the steps necessary for the successful redevelopment of downtown. Fayetteville Progress, Inc. has also been in discussions with NCNB Community Development Corporation concerning residential development in areas close to downtown.

NCNB Community Development Corporation has requested a formal commitment from the City to proceed with the plan to redevelop the 500 block of Hay Street and also needs the designations of portions of Haymount as a redevelopment area. These steps are necessary for NCNB Community Development Corporation to proceed with residential development.

The resolution and letter from Mr. Weeks were not submitted in time to place on the Agenda so I present it at this time, he stated. The City Manager then proceeded to read portions of the resolution which Council was being requested to adopt.

There was then considerable discussion of the proposal and of the provisions of the resolution. Rev. Johnson raised the requirement of funding as stated in the resolution. The City Manager stated this was only a commitment at this time, that funding would be a budgetary matter which Council would consider at a later time.

Council then recognized Mr. M. J. Weeks, Executive Vice-President of Fayetteville Progress, Inc., and extended thanks to him and all of his fellow workers for their efforts in behalf of this project.

Mr. Weeks responded by stating they feel that this would be the greatest thing that ever could be done to help revitalize downtown Fayetteville. Mr. Weeks thanked the Council for their cooperation.

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

RESOLUTION FOR DOWNTOWN REDEVELOPMENT. RESOLUTION NO. R1982-34.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1982.

The City Manager then presented an additional item which he stated was given to him after the Agenda had already been prepared. He stated the item is a grant application that the Housing Authority is submitting for upgrading of existing units. A letter of endorsement is requested of City Council. The City Manager recommended approval.

Mr. McBryde suggesting delaying action on this matter for further study. However, representatives from the Housing Authority were present and stated they had been given a deadline of July 16th for submission of the application.

Following brief discussion, Rev. Johnson offered motion to authorize the Mayor to submit a letter of endorsement of the project, seconded by Mr. Jones and carried unanimously.

The City Manager requested an information meeting of the Council for next Monday evening, July 19th, 7:00 P.M. Kyle House to present a matter of employee insurance. The information meeting was set as requested.

Council then returned to a brief discussion of the release of bidders list and following this discussion Mr. Wofford offered motion that administration not release bid estimates until such time as we develop a formal policy, seconded by Mrs. Evans and carried unanimously.

Mr. Wofford stated that the Policy Committee planned to meet on the evenings of July 19 and 20th.

Matters of interest to Council:

Mr. Jones stated he would call a meeting of the Buildings and Properties Committee as soon as possible for the purpose of discussing the Prince Charles Hotel.

Mr. Jones requested the City Manager to check a complaint concerning Mr. Mozingo's lot on South King Street.

Mr. Dawkins informed Councilmembers and others present that former City Councilman J. W. Pate had recently undergone very serious surgery and requested that he be remembered in prayers.

Mayor Hurley recognized Mr. David Hollingsworth, recently appointed member to the Educational Development Advisory Commission.

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

INFORMATION MEETING
KYLE HOUSE CONFERENCE ROOM
JULY 19, 1982
7:00 PM

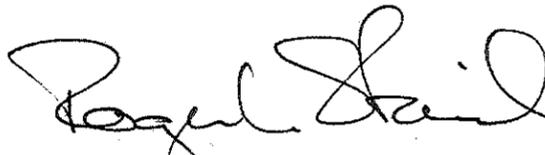
Present: Mayor John W. Hurley

Councilmembers: Jimmie Jones, Milo McBryde, J.L. Dawkins,
Aaron Johnson, Mildred Evans, Milton Wofford

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

Mayor Hurley called the meeting to order and recognized City Manager Smith for a presentation. The City Manager outlined for the Council a proposal in which the City employee health insurance program would be self-insured by the City with an administrator employed to administer the program. Proposals are currently being requested from potential administering agencies.

Upon motion by Mr. Dawkins, seconded by Mr. Jones, and carried unanimously, the meeting was adjourned at 7:58 p.m.



Roger L. Stancil
Deputy City Clerk







REGULAR MEETING
CITY HALL COUNCIL CHAMBER
July 26, 1982
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: Roger L. Stancil, Assistant City Manager
Robert C. Cogswell, Jr., City Attorney
John M. Monaghan, Jr. Assistant City Manager

Mayor called the meeting to order and the invocation was offered by Rev. W. Edward Barbour, St. Andrews United Methodist Church.

There were no Youth Council members present, however, the Mayor did recognize Rev. Johnson's son, Jamale, present in the audience tonight, and requested his assistance in leading the Pledge of Allegiance to the Flag.

1 Approval of Minutes

Upon motion by Mr. McBryde, seconded by Rev. Johnson and carried unanimously the minutes of the regular Council meeting of July 12, 1982, were approved as read.

Mayor Hurley asked if any of the Councilmembers had any remarks to make at this time. Mr. Dawkins encouraged everyone to go out and vote for the candidate of their choice in the upcoming County Commissioners election. Mayor acknowledged representative William "Billy" Clark in the audience tonight.

2 Public Hearings

A Public hearing has been published for this date and hour on the consideration of case #P82-37, the rezoning from R6 Residential District and R10 Residential District to P1 Professional District or to a more restrictive zoning classification an area located south of Luther Street between Cheselka Street and Village Drive.

Planner Al Mitchell presented this matter and stated that the Planning Board recommends denial of the P1 Professional District and approval of the R6 Residential district for the entire area. This case was appealed.

Mayor Hurley reminded the audience that there was a time limit for those to be heard at a public hearing.

Mr. William Clark appeared for the petitioner which is the Cumberland Company and he is one of the partners. Mr. Clark stated that he felt that their request was a reasonable one and there was no one at the Planning Board meeting in opposition. He further stated that this land lies between Cape Fear Valley Hospital and Highsmith Hospital and is potential medical use.

No one appeared in opposition.

There was lengthy discussion.

Mr. McBryde offered motion for approval of the foregoing rezoning by adoption of the following ordinance, seconded by Mr. Wofford and carried with Mrs. Evans and Mr. Jones voting no:

CASE NO. P82-37. THE REZONING FROM R6 RESIDENTIAL DISTRICT AND R10 RESIDENTIAL DISTRICT TO P1 PROFESSIONAL DISTRICT AN AREA LOCATED SOUTH OF LUTHER STREET BETWEEN CHESELKA STREET AND VILLAGE DRIVE. ORDINANCE NO. NS1982-26.

A copy of the foregoing ordinance is on file in the clerk's office in Ordinance Book NS1982.

B Council next gave consideration on annexation of property located at 4081 Rosehill Road, Donald Collins, owner. Public hearing has been published for this date and hour for this annexation. No one appeared for or against.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE THE PROPERTY OF DONALD COLLINS LOCATED AT 4081 ROSEHILL ROAD. ORDINANCE NO. 82-7-254.

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

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

Consideration of final resolution requiring the paving pursuant to petition of Bell Street from Eastern Boulevard to South King Street. Public hearing has been published for this date and hour.

FINAL RESOLUTION REQUIRING THE PAVING OF BELL STREET RESOLUTION NO. R1982-35.

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

A copy of the foregoing resolution is on file in the Clerk's office in Resolution Book R1982.

Public Hearings to be Set

Consideration of an application by Gladhaven Rest Home for a Special Use Permit to enlarge a nursing home in R5 Residential District as provided for in Section 32-24(3) of the Fayetteville Zoning Ordinance suggested date is August 23, 1982.

Mr. McBryde offered motion, seconded by Mr. Jones and carried unanimously to set public hearing for the above on August 23, 1982.

Public Works Commission Matters

Mr. Ray Muench presented the two Public Works Commission matters.

Council next gave consideration of bids received for the purchase of eighteen 69 KV 1200-AMPERE vacuum load brake switches. Mr. Muench stated that PWC recommends the bid by Joslyn, Inc., for item 2 alternate, live parts only, for mounting on existing insulators and bases, and utilizing existing operating mechanisms. Joslyn, Inc. had the low bid on \$118,638. This is not including tax.

Mrs. Evans offered motion, seconded by Rev. Johnson to follow the recommendation of PWC and accept the low bid by Joslyn, Inc. for the item 2 alternate in the amount of \$118,638. Motion carried unanimously.

Consideration of bids received for sandblasting and painting lift pumps at Cross Creek Waste Water Treatment Plant. Mr. Muench stated that PWC recommends the low bid by Morakis, Inc.

Rev. Johnson offered motion, seconded by Mr. Jones and carried unanimously to follow PWC recommendation to award low bid to Morakis Inc. in the amount of \$41,500.

City Attorney Cogswell then asked permission from Council to skip to item 13 so that Mr. Muench could present this before he was excused from the meeting.

Council next gave consideration of resolutions authorizing condemnation for sanitary sewer easements for Rockfish Treatment Facility. Mr. Muench stated that there are four separate pieces of property easements needed for the Rockfish Treatment Facility. EPA requires appraisals be made and property owner be offered at a minimum the appraised amount of the property. None of the property owners wanted to accept this offer, therefore, condemnation is necessary.

A. RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION, BY CONDEMNATION, OF AN EASEMENT FOR SANITARY SEWER IN, UPON, AND OVER CERTAIN LAND OWNED BY ALVA C. ROZIER AND WIFE, ADELAIDE T. ROZIER; OTHO W. ROZIER AND WIFE, ESTELLE ROZIER; VERGIE R. WILLIAMS AND HUSBAND, ROBERT C. WILLIAMS; GURNIE T. ROZIER AND WIFE, PEGGY ROZIER; WAYNE L. ROZIER AND WIFE, BETTY ROZIER; DARIUS S. ROZIER AND WIFE, ISABELLE ROZIER. RESOLUTION R1982-36.

B. RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION, BY CONDEMNATION, OF AN EASEMENT FOR SANITARY SEWER IN, UPON, AND OVER CERTAIN LAND OWNED BY JULIUS F. SESSOMS AND WIFE, WYATT B. SESSOMS; WILLIAM DURWOOD BULLARD; LINDA B. JOHNSTON AND HUSBAND, WILLIAM M. JOHNSTON, WILLIAM A. BULLARD AND WIFE, JOAN P. BULLARD; OLIVE G. BULLARD. RESOLUTION R1982-37.

C. RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION, BY CONDEMNATION, OF AN EASEMENT FOR SANITARY SEWER IN, UPON, AND OVER CERTAIN LAND OWNED BY JOHN H. JONES, JR. AND WIFE SUZANNE W. JONES. RESOLUTION R1982-38.

D. RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION, BY CONDEMNATION, OF AN EASEMENT FOR SANITARY SEWER IN, UPON, AND OVER CERTAIN LAND OWNED BY ALBERT O. McCAULEY AND WIFE, MARIANNA W. McCAULEY; DIXON McLEAN, JR., TRUSTEE: AND CANAL DEVELOPMENT CORPORATION. RESOLUTION R1982-39.

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

A copy of the foregoing resolutions are on file in the Clerk's office in Resolutions Book R1982.

5 Planning Board Matters

Planner Al Mitchell presented the planning board matters.

A The Council next gave consideration of Stoneleigh Villas, section II, Subdivision in an R6 Residential District for preliminary and final zero lot line group development review located on the southeast corner of Tamarack Drive and Landau Road. The Planning Board recommends conditional approval.

Mr. McBryde offered motion, seconded by Rev. Johnson and carried unanimously to conditionally approve the above as recommended by the Planning Board.

B Consideration of McArthur Park Subdivision in a R15 Residential District for preliminary and final zero lot line review located south of Cliffdale Road east of South McPherson Church Road. Planning Department recommends conditional approval.

Mr. Wofford offered the motion, seconded by Rev. Johnson and carried unanimously to conditionally approve the McArthur Park request as recommended by the Planning Board.

C Council then gave consideration of Rivercliff Subdivision in a R6 Residential District for preliminary and final extension review located east of the Norfolk Southern Railroad at Eastwood Avenue. The Planning Board recommends conditional approval.

Upon motion by Mrs. Evans, seconded by Mr. Jones and carried unanimously to conditionally approve the above as recommended by the Planning Department.

6 Council next made consideration of adoption of Transportation System Management Goals. Planner Mitchell stated that this is a resolution to establish TSM goals for guidance in the development of appropriate TSM projects within the Fayetteville Urban area. The people that are directly involved would be the Planning Department, Transportation Advisory Commission, and Transportation Advisory Coordinator.

TRANSPORTATION SYSTEM MANAGEMENT GOALS. RESOLUTION R1982-40.

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

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1982.

7 Council next gave consideration for engineering contract for engineering services for Airport projects. Mr. Stancil presented this matter and stated that a recommendation one way or the other was not needed from the City Manager. He stated that Mr. Walter Mooreman was present and wanted to address the Council.

Mr. Walter Mooreman stated he was present as an interested party and an interested citizen that follows activities of the different committees and commissions of the City. He stated that the problem seems to be the irregularity of procedure by which the Commission selected the engineer. Selection Committee recommended only one firm, John Talbert, but the word was given to the Commission that two firms had been selected and after executive session of the Board they recommended Wilbur Smith over Mr. Talbert. Mr. Mooreman suggested that Council resubmit the recommendation to the Airport Commission and let them hear the credentials of both firms and interview them before making a decision.

Mr. Cy Earnhardt, Airport Commissioner, gave a report of the Commission's activities regarding this issue and following questions from the Council and answers by Mr. Earnhardt, it was determined that it was a two member committee with input from others and the Airport Commission on two occasions voted unanimously for Wilbur Smith and Associates and made the recommendation to the Council. Wilbur Smith and Associates do meet the requirements.

Rev. Johnson offered motion, seconded by Mr. Dawkins and carried unanimously to follow the recommendation of the Airport Commission and approve the awarding of the engineer contract services for Airport projects.

Mr. Dawkins offered motion, seconded by Rev. Johnson and carried unanimously to approve awarding the supplemental agreement number 1 between the City of Fayetteville, North Carolina and with Smith and Associates, Inc.

8 Consideration of contract with Soils and Material Testing Lab to test and examine runway cracking. The Airport Commission recommends award of the contract.

Upon motion by Mr. Dawkins, seconded by Rev. Johnson it was carried unanimously to award the above contract.

9 Consideration of resolution revoking interlocal agreement establishing Fayetteville Revitalization Commission and adoption of new charter. Mr. Monaghan presented this matter and stated that it would be amending the method of appointments and the City would be appointing all twelve members of the Commission in the future.

The Mayor stated that a notice had come down that the County had appointed Mr. Weeks, Mr. Thompson and Mr. Hooker to the Commission.

Upon motion by Mr. McBryde, seconded by Mr. Dawkins, it was carried unanimously to adopt the resolution revoking interlocal agreement establishing Fayetteville Revitalization Commission and adoption of new charter. The resolution is as follows:

RESOLUTION. No. R1982-41

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1982.

City Attorney Cogswell pointed out that this will be effective September 1, 1982.

10 Request for waiver interest on special assessment.

City Attorney Cogswell presented this matter and stated that in both cases, that of Wilbur Dees and Hubert White, the City failed to give the required statutory notice of the assessment. He further stated that they are both willing to pay the assessment but don't feel they should have to pay the interest since they were not notified.

Upon motion by Mr. McBryde, seconded by Mr. Dawkins it was carried unanimously to waive the interest on the special assessments of Wilbur Dees and Hubert White, up until the point they were notified. Mr. Cogswell brought it to their attention that they would be liable for any future interest that may become due.

11 Council next gave consideration of a sale of surplus property-Parcel 0-9 Murchison Road Redevelopment Area. It is recommended that Council approve authorization of advertisement of this property.

City Attorney Cogswell stated that this is on Ames Court and asked Mr. Richard Herrera, Executive Director of Community Development, to explain the situation to Council. Mr. Herrera stated that this was originally intended to be sold to New Bethel Church and was, therefore, designated as public/semi-public in reuse.

Mr. Harold Cohan has asked to buy this parcel at the appraised value of \$8,000 and then deed it over to the Cumberland County Sheltered Workshop to be used as a recreation area for their use. This will not change the use of the land because it is being used for that same purpose now.

Mrs. Evans offered motion to advertise and place a sign on the property for sale, seconded by Mr. Dawkins and carried unanimously.

Council commended Mr. Harold Cohan for his contribution.

12 Council next gave consideration of a request to amend section 21-70.2 B. of the Fayetteville City Code - Magazine Display Ordinance.

City Attorney Cogswell presented this matter and stated that Mr. Robert Emanuel on behalf of Carolina News wished to address Council regarding some changes in the magazine display ordinance.

Mr. Emanuel stated that their main concern was the cost that would be involved in relocating the shelves in order to comply with the ordinance. Mr. Emanuel also stated that they had prepared some recommended changes, the substance of which is to eliminate dictation by this ordinance of the precise location within a public establishment where such materials are contained, provided that: (a) they are separated from other materials (b) they are partially obscured by "blindings" and (c) the premises are supervised.

Following lengthy discussion, Mr. Dawkins offered motion and seconded by Rev. Johnson to extend the enforcement date of this ordinance to August 15, 1982 and postpone this matter until the next meeting when a draft can be submitted of the interpretation. Motion carried unanimously.

13 This item was considered following item 4 B previously in the meeting.

14 Council next gave consideration of award of contract for sale of advertising on City buses. Assistant City Manager Stancil presented this matter and stated that this was postponed from a previous meeting in order to see if the proposed changes affected the two bidder's proposals. They both replied that this would not affect their bids. Mr. Stancil stated it is recommended that this agreement for advertising privileges be awarded to the Furginson Agency and that they authorize the City Manager to negotiate and execute this agreement with the Furginson Agency.

Mrs. Evans offered motion, seconded by Rev. Johnson and carried unanimously to authorize the City Manager to enter into the contract with the Furginson Agency.

15 Appointments

Council next considered election of nominee previously made to fill one vacancy on the Board of Adjustment. Stacy Hair was voted unanimously.

Mayor Hurley made note that on the Revitalization Commission, the County had appointed Mr. Weeks, Mr. Thompson and Mr. Hooker.

16 Delegations

Mr. Robert Beatty, representing the Senior Citizens Center, questioned why the bus booth has not been installed at the Center and they had also requested a couple of lights to be installed.

Mr. Stancil responded that one reason for the delay on the covered bus shelter is because they were trying to redo the method of picking up the passengers so this could be done at the front door and not need a shelter.

Council agrees that a temporary shelter could be placed until a better method can be provided.

17 City Manager Reports

The City Attorney presented the reconsideration of annexation of property on West Mountain Drive that had been referred back to the Annexation Technical Review Committee for further study. The ATR Committee felt that the only way to consider the annexation is as presented. Mr. Cogswell further stated that the cost of extending sewer to Mrs. Bandy's property is approximately \$14,000 to \$15,000 and if she does not get sewer extended within the next thirty days she will have to close due to the problems she's having. He also stated that there would have to be a special referendum held. He checked with Mr. Barbour at the Board of Elections and she stated that if a referendum was done on November 2nd it would be approximately \$300 cost and any other time it would be from \$600 to \$700 for referendum.

Attorney Benner Jones representing Mrs. Bandy, the petitioner, appeared and stated that this area had been recommended by staff and others to be annexed. Mrs. Bandy feels she can get enough votes to win and will donate \$500 towards the cost of the referendum. If a referendum is not held within thirty days she will have to close due to the sewer problems she has. They feel it isn't fair for her to pay the full amount which covers everyone in the area.

It was determined that the City is unable to accept the donation of any kind, so Atty. Jones withdrew Mrs. Bandy's donation of \$500.

Council agrees there is a humanitarian reason here and the Mayor feels this is an opportunity to get involved in letting the people know about annexation laws by working up tax sheet and let the people in this area know what is involved. Rev. Johnson feels this is a good test case for what the City can offer. Mr. Jones and the Mayor both stated they would personally go into the neighborhood and work with the facts sheets that are going to be made up.

Mrs. Evans offered motion, seconded by Mr. Jones to authorize a referendum as soon as possible, motion carried unanimously.

18 Matters of Interest to Council

There was a request by Councilman Wofford for discussion of the Blue Law. Mr. Wofford stated he feels that this is an item where the Council not necessarily has to react to a public outcry but should act in a positive manner to investigate the pros and cons of the Blue Law issue. The City Attorney has prepared a detailed background on the Blue Law situation not only here in our City but in most of the major cities in our State. Mr. Wofford stated that from his own personal research and small survey he did during his election, it showed a majority of our citizens are in favor of some form of altering our current Blue Law. Mr. Wofford stated that if the average citizen and maybe the Councilmembers would read our Blue Law, in terms of what it allows and what it doesn't allow, they would find some inconsistencies in it to say the very least. Mr. Wofford said that all he is asking is for Council to make the opportunity available either at a regular Council meeting or at a public meeting with the public to have their say on the Blue Law.

Mr. Dawkins responded by saying that he cannot see any reason for changing the Blue Law, unless there is something legally wrong with the Blue Law. He also stated that he had not received that many comments from people about doing away with the Blue Law in all his terms of office.

Mr. Dawkins made a motion to table the issue of the Blue Law indefinitely, seconded by Mr. McBryde.

Mrs. Evans offered substitute motion to send this matter to the Policy Committee to discuss and bring back to Council, seconded by Mr. Jones.

Mr. Wofford then stated that this would be open for public input if it was voted to go before the Policy Committee.

There was brief discussion and Mr. McBryde called for the question. There was a two-third's vote to cease debate on the substitute motion. Mayor Hurly then called for the vote on substitute motion which was to send the Blue Law to the Policy Committee to discuss and bring back to Council. Mr. Wofford, Mrs. Evans and Mr. Johnson voted for the motion, Mr. Jones, Mr. McBryde, Mr. Dawkins and Mayor Hurley voted against. The substitute motion failed.

At this point Mr. Wofford asked Mr. Jones if it was his intent to vote against the motion after he had seconded it.

Mr. Jones replied that the motion was for the issue to go before the Policy Committee but when it became a public hearing he could not vote in favor.

Mayor Hurley then stated they would return to the original motion which was to table the issue indefinitely. The motion carried with Mr. Jones, Mr. McBryde, Mr. Dawkins and Mayor Hurley voting for, Mr. Wofford, Mrs. Evans and Rev. Johnson voting against.

Mr. McBryde asked Mr. Monaghan if there might be a need to rent spaces in the parking lot on Burgess Street near the Library for the public's convenience. Mr. Monaghan stated that he felt this could be done with no problem.

Mr. Dawkins reminded everyone of the DOT meeting in Fairmont. He stated it was good to see the Bow Street Extension work progressing. He then asked Mr. Cogswell to inform them on the parking situation at the Amtrak Station.

Mr. Cogswell responded that he had discussed this with the people at Amtrak and they all agreed that a sign could be put up stating that it is parking for Amtrak people only and all others would be towed away.

Rev. Johnson wanted to commend the Police Department for their work that they're doing in the area of the Amtrak Station.

Mrs. Evans asked the Assistant City Manager to check to see if more lighting can be placed behind the West Rowan Street Recreation Center due to problems reported to her. She also has received requests from citizens to repave Cain Road because of the dangerous condition there.

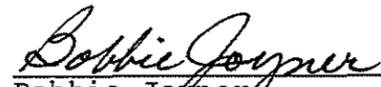
Mr. Jones stated he had received requests for repaving of Cain Road also.

Mr. Wofford stated it was alleged at the last meeting that he behaved himself because of his wife being present and he wanted it noted that she was here again tonight.

Mr. Jones stated that the Building and Property Committee is to meet Tuesday night at the Kyle House at 7 o'clock and requests all Council members be present so that they can cover the issue of the Prince Charles Building.

Mayor Hurley stated that he is also glad to see the progress being made on the Bow Street Extension. The Mayor made the announcement that Mr. John Malzone was elected Chairman of the Dogwood Festival for the upcoming year and he is pursuing this with a lot of enthusiasm. This will be held April 17, 1983.

Thereafter all matters of business having been completed this regular session was adjourned at 9:55 P.M. upon motion made and duly seconded.


Bobbie Joynes
Deputy City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
AUGUST 9, 1982
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 Cosgwell, Jr., City Attorney
Roger L. Stancil, Assistant City Manager

The Mayor called the meeting to order and the invocation was given by Rev. Jim Reynolds of the First Baptist Church. Following the invocation, the Pledge of Allegiance was led by the Mayor.

Mayor Hurley then welcomed the Youth Council members present at this meeting and they were Jeff Bullard, Doris Aaron and Lisa Cales.

Mrs. Evans welcomed the City Manager, Mr. John Smith, back from his vacation.

1 Approval of Minutes

Rev. Johnson offered motion, seconded by Mr. Dawkins, and carried unanimously to approve the minutes of information meeting of July 19, 1982.

The minutes of the regular meeting of July 26, 1982 had a correction on Page 712, Paragraph No. 20 under Item 18. This paragraph should read Mr. McBryde asked Mr. Monaghan if the spaces that were rented by a business or by individuals next to the library and the First Baptist Church could be moved so that library and church people could park in their spaces. Mr. McBryde offered motion, seconded by Mr. Jones, to approve the minutes as amended of the regular meeting of July 26, 1982. Motion carried unanimously.

Mr. Dawkins stated that there was a possibility of a conflict of interests on Item 4B and he felt he should abstain from voting on this item. Upon motion by Mr. McBryde, seconded by Mr. Johnson, it was carried unanimously to allow Mr. Dawkins to abstain from voting on Item 4B.

2 Public Hearings

Mayor Hurley reminded the audience of the time limit for debate for both sides of an issue.

A Public Hearing has been published for this date and hour on the consideration of case P82-56, an application by J. J. Barnes for a special use permit to construct a nursing home in a R5A residential district as provided for by the Fayetteville Zoning Ordinance Sec. 34-24 (1) an area located on the north side of Treetop Drive approximately 2200 feet east of Raleigh Road. Planner Al Mitchell stated that the Planning Board recommends conditional approval.

Mrs. Evans offered motion, seconded by Mr. Dawkins, and carried unanimously to approve the recommendation to issue this special use permit.

B Council gave consideration of adoption of a resolution and notice of intent to close North King Street from Beale Street to Grove Street and Talbot Street from Eastern Boulevard to North Racepath Street. Public hearing has been published for this date and hour. Mr. Bob Bennett, City Engineer, presented this matter and stated that they saw no need for the City to retain these streets as public streets, but would recommend utility easements be retained on all of the portion of North King Street proposed for closing and on Talbot Street from Eastern Boulevard to North King Street. Area residents and property owners were notified by certified mail.

Attorney Stacy Weaver, Jr. representing Bunn and Company, petitioners, presented a map of the area showing their plans for the shopping center. They have agreed to relocate the gas line and PWC facilities and pay the cost of doing this. Mr. Weaver further stated that they had worked on one reservation that Pepsi Bottling Company had and feel this has been worked out. They also

contacted the owners of 301 Truck Stop and Free-Gospel Tabernacle Church, who are in favor of this closing. They feel this will be a valuable new asset to this area and improve property values.

Attorney Jerome Clark, representing the Pepsi Bottling Company, stated the closing would propose a detriment to big business operation because the Pepsi Company uses King Street for their trucks leaving in the morning and entering in the evening. They also use it for a staging area. They suggest making Beale Street one-way or closing these exits and entrances from the parking area into Beale Street so that traffic would not be magnified.

Following lengthy discussion, Rev. Johnson offered motion to follow the recommendation and adopt a resolution to close a portion of North King Street and Talbot Street. Motion seconded by Mr. Dawkins and carried unanimously. Resolution title is as follows:

RESOLUTION AND ORDER CLOSING A PORTION OF NORTH KING STREET AND TALBOT STREET. RESOLUTION NO. R1982-42.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1982.

3 Public Hearings to be Set

Mr. McBryde offered motion, seconded by Mr. Dawkins and carried unanimously to set public hearing for the consideration of the rezoning from R10 Residential District to P2 Professional District or to a more restrictive classification in an area located on the south side of Village Drive between Bryn Mawr Drive and Boone Trail Extension, to be set for August 23, 1982.

4 Planning Board Matters

Planner Al Mitchell presented the three planning board items to Council.

A Council gave consideration to P82-67, the initial zoning of ClP Shopping Center District or to a more restrictive zoning classification an area located at 504 North McPherson Church Road. Mr. Mitchell stated that the Planning Board recommends approval.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE TO ClP SHOPPING CENTER DISTRICT AN AREA LOCATED AT 504 NORTH MCPHERSON CHURCH ROAD. ORDINANCE NO. NS1982-27.

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 in Ordinance Book NS1982.

B The Council next gave consideration of the Sherwin-Williams Company property for a ClP Shopping Center review located on the east side of North McPherson Church Road about 800 feet south of the U.S. 401 Bypass. The Planning Board recommends conditional approval.

Mr. Wofford asked for a clarification of the hedging to be used as a screen, referring to Item 4 in the Joint Planning Board's memorandum.

Mr. Mitchell responded that the developer was to install a three-foot high hedge that would grow to six foot, or a six-foot high solid fence could be erected.

Following brief discussion, Mrs. Evans offered motion to follow the recommendation of the Planning Board to conditionally approve the ClP Shopping Center review and require the developer to install a six-foot fence or shrub three feet in height, seconded by Mr. Jones, and carried with Mr. Dawkins abstaining.

C Council next gave consideration to the Medical Arts Building proposed expansion and condominium conversion located at 907 Hay Street in a P1 and P2 Professional District. The Planning Board recommends conditional approval.

Following brief discussion, Mr. McBryde offered motion, seconded by Rev. Johnson to follow the recommendation to conditionally approve the Medical Arts Building proposed expansion, motion carried unanimously.

5 Council next gave consideration, to a request to amend Sec. 21-70.2B of the Fayetteville City Code - Magazine Display Ordinance. City Attorney Cogswell presented this matter and reminded Council that this was continued from the regular meeting of July 26th, 1982. Mr. Cogswell presented the changes requested by Mr. Tyler concerning height of shelves, location of material and opaque or solid barriers, which made it broader in scope, than what was there to, the third paragraph. Mr. Manual, the attorney representing the Carolina News Company, appeared and stated that the industry is trying to protect the minors. Mr. Manual further stated that when Council dictates how the merchandise is to be exhibited in the store then you are treading on very serious legal questions.

There was lengthy discussion.

Mrs. Evans offered motion to amend the Magazine Display Ordinance to read either opaque or solid shield, clearly visible without obstruction of the purchase location by optical or closed circuit monitors, and that these magazines be 48 inches from the floor. Mr. McBryde seconded. More lengthy discussion followed.

Rev. Johnson then offered a substitute motion that the first two portions of Mrs. Evans' motion remain intact and strike Subparagraph 2 regarding height of display, seconded by Mr. McBryde and the motion carried with Mayor Hurley voting no.

See Ord No. S1982-18

6 The next item for consideration by Council was the acquisition of the northwestern corner of Bradford Avenue and Arsenal Avenue. City Attorney Cogswell presented this and stated it was a needed corner easement at the intersection of Arsenal and Bradford Avenues.

Rev. Johnson offered motion to follow the recommendation for acquisition of the northwestern corner of Bradford Avenue and Arsenal Avenue in the amount of \$191.00, seconded by Mrs. Evans and carried with Mr. McBryde voting no.

7 Council next considered the settlement for Woodsdale and Forest Streets rights-of-way. Mrs. Evans offered motion, seconded by Mr. Dawkins to follow the recommendation of the City Engineering Department and acquire the rights-of-way for Woodsdale and Forest Streets in the amount of \$550, motion carried unanimously.

8 Council next gave consideration of adoption of concurring speed limit ordinance with North Carolina Department of Transportation. City Engineer Bennett presented this matter and stated this is a proposed revision of a 25 MPH school zone along Cliffdale Road near the Fayetteville Academy.

Following some discussion, Mr. Dawkins offered motion to continue this item until the next regular meeting, seconded by Mrs. Evans and carried unanimously.

9 The next item the Council considered was the acquisition of the right-of-way at the northwest corner of Ray Avenue and Maiden Lane. City Manager Smith presented this and stated that the Revitalization Commission recommends one-way north from Maiden Lane on a trial basis and the Capital Projects Management Team recommends that this segment of Ray Avenue be a two-way street and further stated that staff recommends a two-way street. In order to proceed with a two-lane, we must acquire additional right-of-way at the intersection of Maiden Lane and amend the construction contract to include the intersection improvement.

Following lengthy discussion, Mr. Wofford offered motion to delay action, seconded by Rev. Johnson and carried with Mr. Jones, Mr. McBryde and Mayor Hurley voting no.

10 City Attorney Cogswell presented to Council for consideration the sale of surplus property - Parcel 0-9 Murchison Road Redevelopment Area. Mr. Cogswell recommended the sale of the property to Mr. Harold Cohen in the amount of \$8,000.

RESOLUTION AUTHORIZING THE SALE OF CITY OF FAYETTEVILLE PROPERTY.
RESOLUTION NO. R1982-43.

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

11

The final item that the Council had for consideration was the contract with Fayetteville Progress, Inc. for predevelopment planning activities on the 500 block redevelopment project and related housing development proposed for Haymount Hill. Mr. Smith reviewed this item and Mr. Monaghan stated that in the interest of moving forward with the project, we recommend that you authorize the City Manager to negotiate and execute a contract with Fayetteville Progress, Inc. for project management and associated services in an amount not to exceed \$138,000. The contract would be structured to provide that the services of Zuchelli, Hunter and Associates would be performed as needed, on a time-plus-expenses basis with a maximum no greater than \$108,000 to be defined in the contract and that the fee for services provided directly by Fayetteville Progress, Inc. would be paid in equal monthly installments.

Mr. M. J. Weeks, Sr., Executive Vice-President, Fayetteville Progress, Inc. appeared before Council and went into great detail to explain the responsibilities, actions and activities to be carried out on this project.

There was very lengthy discussion on this matter.

Mr. Wofford offered motion to authorize the City Manager to negotiate and execute a contract with Fayetteville Progress, Inc. for project management and associated services in an amount not to exceed \$138,000 and with the stipulation as stated in Mr. Monaghan's memo of August 5th stating that the contract would be structured to provide that the services of Zuchelli, Hunter and Associates would be performed as needed, on a time-plus-expenses basis with a maximum no greater than \$108,000 to be defined in the contract and that the fee for services provided directly by Fayetteville Progress, Inc. would be paid in equal monthly installments. Motion was seconded by Mr. McBryde and there was further discussion.

Mrs. Evans offered a substitute motion to bring this item to the Information Meeting on August 16th, seconded by Rev. Johnson. There followed more discussion. Following this discussion, Mr. Wofford suggested that Mrs. Evans withdraw her substitute motion and Rev. Johnson withdrew his second.

The original motion was that Mr. Wofford offered motion to authorize the City Manager to negotiate and execute a contract with Fayetteville Progress, Inc. for project management and associated services in an amount not to exceed \$138,000 and with the stipulation as stated in Mr. Monaghan's memo of August 5th, and with the condition that this come out of the \$3,000,000 agreed upon to spend on this project. This motion was seconded by Mr. McBryde and carried with Rev. Johnson voting no.

At this time, Council decided to change the meeting time of the Information Meeting and have it on Thursday, August 19, 1982 at 7:00 p.m. in the Kyle House Conference Room.

(9)

The Mayor stated that Council had decided to return to Item 9 for further discussion. Following this discussion, Rev. Johnson offered motion to follow the recommendation of staff and approve acquisition of right-of-way at the northwestern corner of Ray Avenue and Maiden Lane and to make Ray Avenue from Maiden Lane to Rowan a two-way street, seconded by Mr. McBryde and carried with Mr. Jones voting no.

12

Delegations

Mr. W.D. O'Quinn appeared stating that he has been promised for ten years that a street would be opened up from West Street into Whitfield Street. Council advised him that they will have this put on the next agenda and it will be brought up at the next meeting.

Mr. Clinton Harris appeared before Council regarding soundproofing of the Prince Charles Hotel and stated that in order for people to live there this would have to be done. Mr. Harris requested that maybe an environmental study could be made as part of additional cost as to whether this was figured in their revitalization of the 500 block.

13

City Manager's Report

A

City Manager Smith presented to Council Chief Dixon's request that Police Officer R.A. Pait be approved for promotion to the rank of Sergeant.

Mr. Wofford offered motion to approve the promotion requested, seconded by Mr. Jones and carried unanimously.

B Mr. Smith stated that Officer Truelove's retirement, effective August 1, 1982 will be with a total of 35 years service to the City of Fayetteville and the Police Department. Therefore, it is recommended that Officer Truelove be granted the privilege of keeping his badge and service revolver upon his retirement.

Mr. Dawkins offered motion, seconded by Mr. McBryde to award the badge and service revolver to Mr. Truelove, carried unanimously.

Mr. Truelove appeared before Council and stated that the Fayetteville Police Department is the greatest there is and it has been a great pleasure for him to be a police officer in this town. Mrs. Truelove was recognized as being in the audience also.

C City Attorney Cogswell presented a memorandum regarding cable TV legislation that was received from the National League of Cities. Mr. Cogswell stated that he was concerned about the last paragraph on Page 3 of this memo regarding franchise renewal because it virtually guaranteed the rights of renewal and prevented competition in refranchising. Mr. Cogswell suggested that he draft a letter for the Mayor to sign to the two Senators requesting that they oppose this. Council agreed that this be done.

14 Matters of Interest to Council

Mr. Jones apologized for not being at the Prince Charles tour that was held today.

Mr. McBryde asked Mr. Bennett to check on Hobson Street where it looked like the last rain had washed away part of the earth from under the street. Mr. McBryde stated that someone had brought to his attention that on Skye Drive going towards Morganton Road cars were hitting a sign in the middle of the road when the road was damp. Mr. McBryde also stated that the residents on Mimosa Lane had come to him with a petition to keep that street from being paved. He wanted reassurance from Mr. Bennett that there were no plans to pave this street since he told the residents there were no plans to pave the street. Mr. McBryde also asked that they check into the parking situation in the lot behind the old Sears building downtown.

Mr. McBryde then stated that the last item was the Blue Law. He said he didn't think Council intended for it to seem like they didn't want to listen to what the people had to say about any subject, but somehow it came out that way. Therefore, Mr. McBryde offered motion to remove the Blue Law subject from the table and set a public hearing for September 13th. Motion was seconded by Mr. Wofford and carried unanimously.

Mr. Dawkins then stated that for many years there has been an item on the agenda called "Delegations" and to his knowledge, there has only been one person to appear before Council on the Blue Law. It has always been open for anyone from the public to bring it up under that item on the agenda.

Mr. Dawkins commended Mr. Truelove for this thirty-five years of service on the Police force and said they never seemed to get what they deserve.

Rev. Johnson gave the Mayor and Council a handout of information pertaining to enterprising zoning. This legislation is before Congress now and Rev. Johnson asked that they study this and if they think well of the program, let our Senators know that they endorse it.

Mayor Hurley stated that Chief Dixon had requested a date to be set for the meeting that had been postponed with Chief Dixon and the Council. Council agreed to meet with him before the Information Meeting on Thursday night. Mayor also stated that they will need to re-schedule the Human Services Commission meeting very soon also.

County Commissioner Mary McAlister was recognized as being present in the audience tonight.

Council asked the City Attorney Cogswell the date for the referendum on the annexation and he responded September 28th had been set.

Thereafter, all matter of business having been completed, this regular session was adjourned at 10:48 p.m. upon motion made and duly seconded.

Bobbie Joyner
Bobbie Joyner
Deputy City Clerk

INFORMATION MEETING
KYLE HOUSE CONFERENCE ROOM
AUGUST 19, 1982
7:00 p.m.

Present: Mayor John W. Hurley

Councilmembers: Jimmie Jones, Milo McBryde, J. L. Dawkins, Aaron Johnson,
Mildred Evans, Milton Wofford

Others Present: John P. Smith, City Manager
Roger L. Stancil, Assistant City Manager
John Monaghan, Assistant City Manager
D. K. Dixon, Chief of Police

Mayor Hurley called the meeting to order and Chief Dixon offered the invocation.

The first item for consideration was a briefing with Police Chief D. K. Dixon. After some discussion, Mr. Wofford moved that the Council go into executive session with Chief Dixon to discuss personnel matters. The motion was seconded by Mr. McBryde and carried with Mrs. Evans voting no. Councilmember Evans excused herself from the executive session. The Council reconvened in public session at 7:38 p.m. Chief Dixon then presented an updated report on the Police Department for the past six months discussing employment problems and procedures, general administration, and work towards achievement of City goals.

Council next heard a progress report on the sidewalk policy. City Manager Smith indicated that the staff is nearing completion of its work on formulating the ideas of the Policy Committee into a new policy. He also presented the 1982-83 Sidewalk Plan as recommended by the Streets, Roads and Transportation Committee. Councilmember Wofford, as Chairman of the Policy Committee, elaborated on that Committee's understanding of the sidewalk issue. Councilmember Evans expressed her concern that the following matters be addressed in the policy: definitions and specifications, relationship to surrounding terrain, clear definition of public/private participation ratios, petition requirements, and maintenance.

Council next heard a progress report on capital projects. City Manager Smith discussed the concept and organization of the staff Capital Project Management Team and outlined the future operations of that Team in managing the City's capital projects. He also discussed Capital Project Ordinance's and the development of a five-year Capital Improvements Program. Council then spent considerable time discussing the proposed sources of funds for redevelopment of Hay Street.

Council then heard a briefing on the Enterprise Zones Program by John Monaghan.

There being no further business, the Information Session was adjourned at 10:40 p.m.



Roger L. Stancil
Deputy City Clerk



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16

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
AUGUST 23, 1982
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 P. Smith, City Manager
Larry McGlothlin, Police Legal Advisor/Acting City Attorney

Mayor Hurley called the meeting to order and welcomed all persons present.

The invocation was offered by the Rev. Joseph Russell, Jr., Pastor of Lyon Memorial Pentecostal Church. Following the invocation, Mayor Hurley lead the assembly in the Pledge of Allegiance to the flag.

Mayor Hurley then recognized Fayetteville Youth Council Members present in the audience to observe Council proceedings.

Mr. McBryde requested permission to abstain on Item 14. There was no objection. Mr. Johnson requested permission to abstain on Item 16 A. There was no objection. Mr. Dawkins announced that he was the best man at his son's wedding last weekend.

1 Upon motion by Mr. Dawkins, seconded by Mr. McBryde and carried unanimously the minutes of the regular meeting of August 9, 1982 were approved as presented by the Deputy City Clerk.

2 Public Hearings:

A Consideration of an application by Gladhaven Rest Home for a special use permit to enlarge a nursing home in an R5 Residential District as provided for in Section 32-24 (3) of the Fayetteville Zoning Ordinance. The Planning Board recommended conditional approval per their memo of August 23.

There was no opposition present.

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

B Consideration of the rezoning from R10 Residential District to P2 Professional District or to a more restrictive classification of an area located on the south side of Village Drive between Bryn Mawr Drive and Boone Trail Extension.

Planning Board recommended denial.

Mr. Joe Coffee, Attorney representing the petitioner, Saint Patrick's Church and the Raleigh Diocese, owners of the property was recognized and stated that the Church desires to use the property to raise revenue and P2 is desired for multi-family development. He presented a petition bearing over 930 names in favor, but all not residents of the area.

Mr. Randy Gregory, Attorney was recognized representing himself and homeowners in the neighborhood in opposition. He presented a 600 name petition opposed to commercial development. He stated no one had shown any plans and the residents were afraid that Village Drive would become another Owen Drive. He displayed slides and a number of residents of Briarwood stood in opposition.

Mr. Coffee was again recognized for the rezoning.

Mr. Chet Kendrick, a resident of Dartmouth Drive was recognized in opposition and requested a vote to deny the P2 zoning.

Mr. Dennis Curtain, a resident of Briarwood-Clairway, was recognized in opposition.

Mr. Coffee was again recognized with closing remarks.

Following some discussion Mr. Dawkins offered motion for denial of P2 as recommended by the Planning Board, seconded by Mr. McBryde.

There was then a discussion with remarks by Mr. Wofford, Mrs. Evans, and Mr. Dawkins and the vote was then taken and it was unanimous in favor to deny.

3 Public Hearings to be set:

Consideration of a proposed ordinance to amend Chapter 27 Subdivisions Section 27-10 (j) 5 and 7 of the Fayetteville City Code. Mr. Dawkins offered motion to set a public hearing on the foregoing for September 27, 1982, seconded by Mr. McBryde and carried unanimously.

4 Public Works Commission Matters:

A Consideration of a request to authorize the Mayor and City Clerk to execute contract documents between PWC and Morakis, Inc. for sandblasting and painting 15 lift pumps at Cross Creek Waste Water Treatment plant. The low bid by Morakis, Inc. in the amount of \$41,500.00 was previously approved by City Council during a regular meeting on July 26, 1982.

PWC Manager Ray Muench presented this item and requested Council's approval.

Following brief discussion Mr. Wofford offered motion for approval as recommended, seconded by Mrs. Evans and carried unanimously.

Mr. Muench reported to Council on the Carolina Power and Light Company's proposed electric rate increase. He stated PWC will intervene.

5 Planning Board Matters:

A Consideration of Stoneleigh Villas, Section II Townhouses (zero lot line development) in an R5A Residential District for preliminary and final revision review located on the south side of Tamarack Drive and the east side of Landau Road at Rose's Pond.

Planner Mitchell presented this item and stated that Planning Board recommended conditional approval per their memo of August 23.

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

B Consideration of Perkins Motors, Inc. site plan in a C(1) P Shopping Center District for preliminary and final review located at 497 N. McPherson Church Road.

Planner Mitchell presented this item and stated that Planning Board recommended conditional approval per their memo of August 23.

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

6 Consideration of revisions and adoption of concurring speed limit ordinance with N.C. Department of Transportation. (This item continued from the regular meeting of August 9) The recommended action was adoption of the ordinance and certificates. The City Engineer presented this item and stated this ordinance provides for a 25 mile per hour school zone along Cliffdale Road abutting the Fayetteville Academy. The existing speed limit along Cliffdale Road is 35 miles per hour. The proposed amendment also establishes a 45 mile per hour limit along the All American Expressway (southbound lanes only) from Raeford Road to Owen Drive. A 55 mile per hour limit is established along all other portions of the All American Expressway within the City Limits.

The six certificates which are requested by NCDOT should be approved also.

Following brief discussion Mr. Dawkins offered motion for adoption of the ordinance as recommended. Seconded by Mr. Johnson and carried unanimously.

The ordinance title appears below.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE 8-SPEED CONTROL-CLIFFDALE ROAD AND ALL AMERICAN EXPRESSWAY. ORDINANCE NUMBER NS 1982-28.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS 1982.

Mr. Wofford then offered motion for approval of the six DOT certificates as requested, seconded by Mr. Jones and carried unanimously.

7

Report on West Street.

The City Engineer presented this matter and stated that at the last Council meeting Mr. W. D. O'Quinn requested that West Street be opened into Whitfield Street. In the late 70s, a project was undertaken to provide utility and street improvements along West Street. The water and sewer work was accomplished at an estimated cost of \$47,000 and to date there have been four taps made onto the water and sewer. There are eight residences, one church and one business to be served along West Street.

The request for the extension into Whitfield Street crosses about 500 feet of low lying ground along the north side of Blount's Creek. There is only a 30-foot right-of-way for this extension, therefore, additional right-of-way would have to be acquired. Also the street would need to be relocated a few feet to the north of its intersection with Whitfield Street because the location of the existing 30-foot right-of-way is within Blount's Creek floodway. The surface of Whitfield Street is several feet higher than the existing terrain and the floodway cannot be filled.

CP & L has a transmission pole located near the middle of the street right-of-way. They have responded that this could be relocated only at City expense and the estimated cost is \$8,500. The total estimated cost for street construction including drainage, pole location, right-of-way and a crushed stone surface is \$37,200. There has been no item set up in the budget for this work either this year or any year in the past.

Council recognized Attorney Ritchie Smith who stated this was a proposed subdivision that did not develop. Mr. Smith stated he represented Mr. and Mrs. R. R. Allen, property owners in the area.

Mrs. Evans pointed out that no funds existed in the budget to do this work.

Mr. Jones asked if the property had been accepted by the City.

The City Engineer stated the City did take action to accept right-of-way to Whitfield Street. Utilities were extended but the street was never opened.

Mr. Wofford suggested that Mr. O'Quinn be given an opportunity to speak since the other side had been heard. However, Mr. O'Quinn was not present.

Mr. Johnson asked if the City did not have some responsibility to provide access for the residents.

Mr. Wofford suggested a swap of land with property owners and that the City Engineer and City Attorney contact the owners.

Mrs. Evans suggested this was a matter between the property owners.

Following some further discussion, Mr. Johnson offered motion to send this matter back to staff for further investigation and bring back to City Council with a recommendation, seconded by Mr. Jones and carried unanimously.

8

Consideration of Amendments to contract with Wilbur Smith and Associates for engineering services:

A
B

- Supplemental Agreement #2.
- Supplemental Agreement #3.

The recommended action was the Airport Commission recommends approval.

The City Manager presented this matter and stated that Federal funds will be available for this project and the Airport Commission has recommended that we proceed with the contract for runway repair and access road to the fixed base operation. The cost to the City would be \$1,838. for the runway and \$2,785. for the access road.

Following brief discussion, Mr. Wofford moved for approval of supplemental agreements #2 and #3 as recommended, seconded by Mr. Johnson and carried unanimously.

9 Street Matters:

A Consideration of petition for improving Clark Road.

B Consideration of petition for paving Kayellen Street.

C Consideration of a request to accept Stanbury Court as a City Street.

The City Manager presented this item and stated that all three of the above requests for improvement for acceptance of streets will necessitate acquisition of additional right-of-way. It is my recommendation that the City Council not give formal approval to the project yet, but authorize City administration to negotiate for necessary right-of-way and report back to City Council on these negotiations. It would not seem prudent to me for the City to approve these projects and then have to purchase right from those who are requesting the improvements.

Following brief discussion, Mrs. Evans offered motion to follow the foregoing recommendation of the City Manager, seconded by Mr. Johnson.

Council recognized Mr. K.D. Hondros on the Clark Road item who stated he made his request because he bought a piece of property and intends to clean up the area.

Mayor Hurley thanked Mr. Hondros for his remarks then called for a vote on the motion and it carried unanimously.

10 Consideration of a request for reduction of speed limit on Pinecrest Drive.

The City Engineer presented this matter and stated that the City had received a request to lower the existing 35 mile per hour limit to 25 miles per hour along Pinecrest Drive between Morganton Road and McBain Drive.

He stated we have reviewed the driving conditions along Pinecrest Drive. The three year accident history and made two spot speed studies. We find no unusual driving conditions or unusual high number of accidents. It is classified a feeder street connecting Morganton Road and Raeford Road. We find a considerable portion of the total traffic volume exceeding the existing 35 mile per hour limit.

Please recall that about a decade ago the State of North Carolina passed a general speed limit of 35 miles per hour for urban-residential streets. Local government does not have the authority to change this. However, the intent was to encourage the uniform speed limit on urban-residential streets. The idea of a uniform speed limit certainly has merit and should not be changed except in the most unusual situations.

Pinecrest Drive can be driven safely up to 35 miles per hour and lowering the speed limit will make frequent violators out of otherwise good and safe drivers. We suggest the limit remain at 35 miles per hour and that the police department provide concealed speed checks and more tickets to violators. The City Manager stated that drivers are exceeding the 35 mile per hour limit and he had requested the Chief of Police to target this street for traffic enforcement.

Council recognized Mr. Phillip R. Glick, 219 Pinecrest Drive, representing 115 persons on the street to reduce the speed limit from 35 to 25 mph. Mr. Glick presented petitions to the council. He stated that many children live on the street which has no sidewalks and the heavy traffic presents a hazard. Several persons stood in favor of the request.

Council recognized Mr. Vinton Simmons of 212 Pinecrest Drive in support of the request.

Following some discussion Mrs. Evans offered motion that the speed limit be reduced to 25 mph by adoption of the ordinance. Motion seconded by Mr. Johnson.

Following some further discussion Mr. Johnson withdrew his second because Mrs. Evans would not agree to a trial period of 30 days in her motion.

Mr. McBryde then seconded Mrs. Evans motion.

Further discussion followed, then the vote was called and the motion carried unanimously for adoption of the ordinance and for reduction of the speed limit. The ordinance title appears below:

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE NUMBER 8 - SPEED CONTROL - PINECREST DRIVE ORDINANCE NUMBER NS 1982-29.

A copy of the ordinance is on file in the Clerk's office in Ordinance Book NS 1982.

Mr. Wofford then informed the residents on Pinecrest Drive that the City would participate 50% in the cost to construct sidewalks on their street. The cost was estimated to be \$7 to \$8 dollars per linear foot. With the City participation, the cost would be approximately \$400 for a 100 foot lot.

The City Manager then explained that under the City's truck route policy, Pinecrest Drive is designated as a local truck route but not a through truck route.

A resident of Pinecrest Drive then requested that their street be removed from the truck route designation.

Following brief discussion, Mayor Hurley then advised that the City Council could not take any action on this request tonight without studying it.

11 Consideration of an ordinance amending Sections 28-89, 28-42, and 28-132 of Chapter 28, - Taxicabs.

The recommended action was adoption of the ordinance. Assistant City Manager Roger Stancil presented this matter and stated that four changes are recommended regarding Chapter 28. The first concerned the advertising rates on the backseat doors and an unoccupied cab will proceed at once to its nearest depot stand or terminal and driving under the influence and refusing to submit to a test would cause the permit to be suspended pending final court action and review by the Taxicab Review Board.

In response to questions Sergeant Bill Johnson, Taxicab Inspector, explained this section dealing with cruising the fire limits in detail.

Following some discussion Mr. McBryde moved for adoption of the ordinance on first reading since it dealt with franchises, seconded by Mr. Dawkins and carried unanimously.

12 Consideration of a resolution authorizing condemnation of Dickens-Barnes property for Dupont Street right-of-way. The recommended action was adoption of the resolution.

The City Engineer presented this matter and stated that the City agreed with the County to provide an access to the new Highsmith-Rainey Hospital on Robeson Street. The proposed resolution of condemnation for \$41,950 would do this.

Following brief discussion Mr. Johnson moved for adoption of the resolution, seconded by Mr. McBryde and carried unanimously.

The resolution title appears below:

RESOLUTION FOR DUPONT STREET RIGHT-OF-WAY RESOLUTION NUMBER R1982-44.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1982.

13 Consideration of purchase of Lafayette Ford:

A Adoption of Budget Ordinance Amendment Change 1.

B Adoption of Capital Project Ordinance CAP9.

C Exercise option to purchase.

The recommended action was approval.

The City Manager presented this item and stated we have received notification that our grant application with Urban Mass Transit Administration had been approved for this project and we are recommending the foregoing actions to allow us to proceed. Reserve funds have been established over the past two years for this project. Approval was recommended for all three items.

Following some discussion, Mrs. Evans moved for approval of A, B and C regarding the purchase, seconded by Mr. Jones and carried unanimously.

The ordinance title appears below:

CAPITAL PROJECT ORDINANCE CAP9 ORDINANCE NUMBER NS1982-30

A copy of this ordinance is on file in the City Clerk's office in Ordinance Book NS1982.

14 Consideration of Capital Project Ordinance amending CAP1 (construction funds for Transit Mall). The recommended action was approval.

The City Manager presented this matter and stated that as City Council knows, we had two big announcements in the same day last week on two major grants. The second one had to do with funding the construction of the Transit Mall. Again, funds have been held in reserve for this project and now that we have Federal funding we can move ahead with construction and we are recommending setting the funds up in a project account so that we can move ahead. This is actually appropriating these funds out of the reserve. The budgeted amount is \$3,500,000.

Following brief discussion Mr. Johnson moved that we adopt the amended Capital Project one, seconded by Mrs. Evans and carried, Mr. McBryde abstaining to vote.

15 Delegations:

Council recognized Mr. Lonnie H. Jones.

Mr. Jones stated that he resides at trailer #3, Seabrook Hills, #2 subdivision and Mr. Bethea is not present tonight but their problem is the same. He stated the problem was concerning drainage. He stated he lives at the lowest point on this street and the water all comes to him. The pipe does not handle the water properly and it backs up.

In response to question, the City Engineer stated he was aware of this situation and it could be taken care of. Mr. Jones thanked the City Council for their attention to this problem.

Council then recognized Mr. Clinton Harris, a local resident, who stated that the City of Durham has been named to represent North Carolina as one of the ideal community cities. Recently, a California city was recognized for its sidewalks program. He called attention of the Council to the fact that Pinecrest Drive had no sidewalks and they were not requested by the residents present tonight.

16 City Manager's Reports:

A Consideration of comments on elderly housing projects.

The City Manager stated that the City Council had in its agenda packets tonight the planning staff comments regarding two applications which were forwarded to HUD for elderly housing projects. Also, a third commentary on Brigadoon Lane and Winding Creek was forwarded to City Council on Friday after the Agenda packet was put together and sent out.

The City Manager stated that whenever a request is made by a developer for assistance from HUD for housing construction in the City, HUD requests comments by the Mayor of the City. We established a procedure two years ago whereby there would be forwarded to the planning staff these applications and they would send their comments back to us. They are also sent to the clearing house process and presented to City Council so Council would be aware of the projects and also be given the opportunity to add any comments desired. HUD is primarily interested in whether it is in conformance with zoning and the City's housing assistance plan. The items before you tonight do conform and we recommended that we accept the planning staff's comments and forward them on to HUD.

Mr. Dawkins stated that Springfield and Ames presented no problem, but that Brigadoon Lane and Winding Creek are not consistent with land use plan. He asked if there was a problem.

The City Manager stated that the comments should be forward as City's comments and they do not represent an endorsement.

Following some discussion by City Council, there was no objection voiced to submission of the comments to HUD.

B The City Manager stated he had received a request from the downtown merchants that we provide free parking on the Saturday of Labor Day weekend in the off-street lots downtown due to a Labor Day Extravaganza Sale. He recommended approval. Mr. Jones offered motion for approval of the foregoing request, seconded by Mrs. Evans and carried unanimously.

C The City Manager stated that City Council approved in 1982-83 budget funds to do some work on the Council Chamber. The policy committee met and made some recommendations concerning these improvements. We are now prepared to move on this but would like City Council comments if any.

Mrs. Evans asked how much money was budgeted, and the City Manager replied \$20,000.

Council recognized Assistant City Manager Roger Stancil who recommended that we go back and talk to the low bidder several years ago concerning the sound system. The bid at that time was \$8,000. There would be speakers in the hallway and sound actuated microphones and a built in recorder for the City Clerk's station and other items.

Mrs. Evans suggested that it go out for new bids and Mr. Stancil replied that this could be done. Mr. Stancil stated that other improvements are also considered such as carpeting, a new lighting system, new seating, a projection screen and a lecturn. Mr. Stancil requested permission of the City Council to proceed and the Council gave permission as requested.

D Council recognized Acting City Attorney McGlothlin who presented a lawsuit filed against a Fayetteville Police Officer who works for the City-County Bureau of Narcotics. Mr. McGlothlin outlined the case for City Council and stated the Police Officer has requested legal representation.

Following brief discussion, Mr. McBryde moved that we provide the legal representation to the police officer, William Simons, seconded by Mr. Johnson and carried unanimously.

17 Matters of Interest to Council:

Mr. Jones was recognized and stated he had observed that in the dispatcher's office in the police department, the men who are on duty 24 hours need "24-hour chairs" which are comfortable. The ones being used are well worn and new ones are needed he stated. The Mayor suggested that this matter be referred to the City Manager.

Mr. Jones stated he wished to welcome all interested persons to a hearing tomorrow night on the Prince Charles Hotel at 7:00 p.m. in the City Hall Council Chamber.

Mr. McBryde was then recognized and mentioned wrecks on the street at FTI last meeting and that letters had been received from a property owner at this location. He asked City Engineer Bennett if he had checked this situation out and Mr. Bennett replied he did not see anything unusual.

Mr. McBryde suggested to Mr. Bennett that he talk to Mr. Kizer and follow-up somehow.

Mr. Dawkins recognized in the audience former North Carolina representative Norwood Bryan and welcomed him to the meeting. Mr. Dawkins stated that three friends had passed away recently and suggested to Council that particular note be made of friends and acquaintances.

Rev. Johnson concurred in Mr. Dawkins' remarks.

Mr. Johnson stated the Streets and Roads Committee had met and made recommendation to the Council and asked when they would be brought up.

The City Manager replied the sidewalks question had been discussed at an information meeting and the other matters could be brought at the next meeting.

Rev. Johnson asked the City Engineer if any consideration had been given to Middle Road and the City Engineer replied that some patchwork had been done and other work scheduled.

Mrs. Evans was then recognized and thanked the City Engineer for the speedy attention to the drainage problems on Hunter Circle.

Mrs. Evans also asked if a light had been installed behind the Lions Center on West Rowan Street and Mr. Stancil replied that the recreation department is handling this. Mrs. Evans then requested the City Engineer to consider Cain Road from Stamper Road to Bragg Boulevard since it appeared to be hazardous to vehicular traffic in certain locations.

Mayor Hurley then recognized Mr. Wofford who reminded the City Council and the citizens present in the audience of the hearing on the Blue Law at the next regular meeting and suggested that staff keep a light agenda.

It was decided that it would be conducted as a regular public hearing with both sides being heard. Staff was requested to do a brief summary of the City's Blue Law and have copies available as well as copies of the County's ordinance.

It was decided to have everyone register his name and be informed of the three-minute time limit and to indicate for which side of the issue they would speak. It was decided that this public hearing would be to hear comments only on the law and that no action would be taken.

Mayor Hurley asked the City Engineer about Worth Street and he made a brief comment in reply.

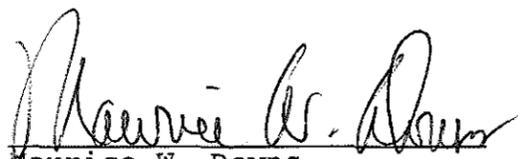
The Mayor asked the status of the request to DOT for a traffic signal at Law Road and Ramsey Street.

The City Engineer stated that the light had been approved by DOT but no funding was available for it at the present time.

Mayor Hurley announced on a sad note that Mr. Thad Cherry, Chairman of the Senior Citizens Advisory Commission had suffered a stroke last Thursday and is in Cape Fear Valley Hospital.

Mayor Hurley announced a reception to be held at 3:00 p.m. tomorrow at the Kyle House at which time the Blalock family would donate a Fayetteville Musket made at the old Fayetteville Arsenal to the City in memory of his father. Mayor Hurley also announced that tomorrow night he would be welcoming former President Jimmy Carter to the City. Mr. Carter is appearing in behalf of the Honorable Charlie Rose, III, Congressional Candidate.

The meeting was then adjourned at 10:30 p.m. upon made and duly seconded.



Maurice W. Downs
City Clerk

SPECIAL MEETING
CITY HALL COUNCIL CHAMBERS
SEPTEMBER 7, 1982
7:00 P.M.

Present: Mayor John W. Hurley

Councilmembers: Jimmie Jones, Milo McBryde, J.L. Dawkins, Aaron Johnson,
Mildred Evans, Milton Wofford

Others Present: John P. Smith, City Manager
Roger L. Stancil, Assistant City Manager
John M. Monaghan, Jr., Assistant City Manager
Robert C. Cogswell, Jr., City Attorney
Members of Revitalization Commission

Mayor Hurley called the meeting to order and Councilmember Dawkins offered the invocation.

The first item for consideration was a review of proposals for the Prince Charles Hotel. Councilmember Jones first reviewed meetings of the Buildings and Properties Committee. M.J. Weeks of Fayetteville Progress summarized the hotel use possibilities. Horace Thompson summarized the proposed housing development of the hotel.

Reggie Barton then discussed the low interest rehabilitation loan program for the downtown area.

Council next considered downtown parking plans. City Manager Smith presented the existing situation, the CHNMB plan proposals, and the proposed development of the Cross Creek Linear Park.

The next item for consideration was the discussion of alternatives for the lighting along Maiden Lane and Ray Avenue. This discussion included consideration of the standard PWC lighting fixture and the fixtures recommended by CHNMB.

Final item for consideration was a request by the Streets, Roads and Transportation Committee that the Revitalization Commission include the Haymount area in their efforts. The Revitalization Commission agreed to place this item on the agenda for their next meeting.

There being no further business, the meeting was adjourned at 9:40 P.M.


Roger L. Stancil
Deputy City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
SEPTEMBER 13, 1982
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 P. Smith, City Manager
Roger Stancil, Assistant City Manager
Robert Cogswell, City Attorney

Mayor Hurley called the meeting to order and the invocation was offered by the Rev. Roger Elliott, Campground United Methodist Church. Following the invocation the Mayor led the assembly in the Pledge of Allegiance to the flag.

Mayor Hurley welcomed members of the Fayetteville Youth Council present in the audience to observe Council proceedings.

1 Approval of Minutes:

Upon motion by Mr. McBryde, seconded by Mr. Dawkins and carried unanimously, the following minutes were approved as submitted: Information Meeting of August 19, 1982, Regular Meeting of August 23, 1982, Special Meeting of September 7, 1982.

2 Public Hearing:

A Discussion of the Blue Law.

Mayor Hurley welcomed the large number of people present in the Council Chamber this evening for this public hearing and announced that time limits would be allowed each speaker and requested that they state their name, address and if a citizen of Fayetteville.

Mayor Hurley stated he would hear first from those persons who were for no change in the Blue Law:

Council first recognized Mr. Gary Tudeen of Cumberland County who stated he was manager of a chain store in Cross Creek Mall and stated that increased cost would offset any change in the operation in his store, if the law was changed.

Council next recognized Mr. Tommy Arnold of Cumberland County who operates a business in the City. He stated that Sunday is an accepted day of rest. He cited the instance of Lumberton operating without a Blue Law and being located on Interstate 95. He stated his business will stay closed regardless of the law.

Council next recognized Marian Baker, an employee, who stated she does not want to work on Sunday.

Council next recognized Mr. J.T. Allen of 1409 Habersham Drive, manager of one of the local Roses chain stores. Mr. Allen presented facts and figures on sales for Cumberland and several surrounding counties and requested Council make no change in the law.

Mayor Hurley then stated he would recognize those persons in favor of changing or modifying the law.

A Mr. Cecil Knott, who did not give his address, was recognized opposed to the Blue Law.

A Mr. Robert Hobbey of 715 Maxine Street was recognized opposed to the Blue Law. He stated he was originally from the State of California and retail businesses there were permitted to stay open during the night time hours.

Council recognized Mr. Clinton Harris of 2793 Alden Street in opposition to the Blue Law. He gave facts and figures on downtown business activities and stated that no Blue Law was needed for the minimum wage earners.

Mayor Hurley stated he would next allow time to hear from those who were interested in keeping the Blue Law as it is.

Council recognized Mr. Howard Bullard of Longleaf Drive, a local furniture dealer, who stated there would not be additional employment because employers would not hire additional persons. He stated that a repeal of the law would be a mandate to work on Sunday.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1982.

6 Consideration of approval of the Downtown Fayetteville Loan Agreement among local banks, the City and Fayetteville Progress Inc. The recommended action was approval of the agreement.

The City Attorney introduced and presented the proposed agreement and explained some of the changes that had been made.

Mr. M.J. Weeks of Fayetteville Progress Inc. was recognized with comments on the agreement.

The City Attorney then presented additional explanation, corrections and changes and Mr. John Monaghan displayed a map defining the area involved. Following this detailed presentation, the City Attorney requested approval of the agreement with the amendments.

Following some discussion, Mr. Dawkins offered motion, seconded by Mr. McBryde and carried unanimously for approval of the loan agreement with amendments.

A copy of the agreement is on file in the City Manager's office.

7 Consideration of reconstructing parking lot #7 and 25¢ per hour attendant fee. The City Manager presented this item and Mr. Monaghan displayed drawings of the parking lot. The City Manager stated this matter was presented to Council at the last information meeting and that the Revitalization Commission had recommended a 25¢ per hour rate be established in this lot and that City Staff review this recommendation. The City Manager stated they concur in the recommended rate and feel that it could be best implemented with an attendant. Also, the lot will ultimately need to be redone. As was explained at the last information meeting, the best time to reconstruct the lot would be during the month of October '82.

Given these circumstances, as well as the need to proceed with design of the park, the Capital Projects Management Team felt that the matter should be brought to City Council for a firm decision as to the ultimate design of the lot. The original plan calls for total elimination of the lot for the Urban Park. The plan also calls for parking where the Anderson Street Library is currently located. The general consensus of the Council and staff was that some short term parking should be left in the area at least until another solution was found for parking in that general area. The question has been how many spaces are needed for the location. The City Manager stated that option two would retain the number of spaces that have been traditionally used as short term parking and would still be in keeping with the general spirit of the plan for the park in that area. It will not replace spaces lost on Hay Street, however, the courthouse annex parking will. This option is obviously a compromise between all park and all parking. Given the topography of the land, it maximizes the parking without totally destroying the park concept. He recommended option two.

Following some considerable discussion of this question, Mr. McBryde offered motion to place a row of trees next to the bridge and use the rest of the property for parking as shown on the map and to allow for twenty-one additional spaces. Motion seconded by Mr. Johnson and following some further discussion, the vote was called by Mayor Hurley and it was as follows: For the motion, Councilmembers Evans, Johnson, McBryde and Jones. Against the motion, Councilmembers Hurley, Wofford and Dawkins. Mayor Hurley declared the motion carried.

8 Consideration of proposals for use of the Prince Charles Hotel.

The City Manager presented this matter and in a memorandum to the Council stated that a lengthy explanation of the two proposals for the Prince Charles was presented at the information meeting on Tuesday night. He submitted a letter to them given to him Tuesday night by Mr. Horace Thompson from Phoenix Development Associates Inc. in Raleigh. He stated the Revitalization Commission met today for the purpose of formulating a recommendation to the Council. This is a decision that could have far reaching impact on downtown and I'm sure the Council would like the benefit of all the input it can receive. With that in mind it is only fair for you to have the benefit of a staff recommendation as well. Recognizing that this is not an area of my expertise, I do think that there are some important points for Council to consider.

Neither proposal, that of Fayetteville Progress for a hotel and that of Phoenix Development for housing, are sure things. Both proposals would require time to determine if a project can be completed. The decision should be based upon which project, if successful, would have the most positive impact. Both proposals are good, but there are differences. Both proposals consider jobs, investment and taxes, activity, future potential, the use of public facilities and the impact on retail business.

Overall I am of the opinion that a high quality hotel on that site would have a greater, positive, long range economic impact on the City in general, and downtown in particular. However, the chances for completing a successful project are totally unknown at this point, but, I feel we should allow ourselves to opportunity to see what those chances are. Therefore, I am proposing that you allow Fayetteville Progress sixty days to make a feasibility study and come back to City Council at the end of that time for a decision.

There was then considerable discussion of this matter and following this discussion, Rev. Johnson offered motion that we work with Phoenix Development Association in using the hotel for housing. Motion seconded by Mr. Jones. Following some further extensive discussion, the vote was called and it was as follows: For the motion, Councilmembers Evans, Johnson, McBryde and Jones. Against the motion, Councilmembers Hurley, Wofford and Dawkins. Mayor Hurley declared the motion carried.

- 9 Consideration of adoption of a resolution authorizing condemnation of a parcel for right of way for Ray Avenue.

The City Engineer introduced this item and stated that based on an appraisal an offer was made for \$22,800 on April 28 with no response from Brash Realty. He recommended adoption of the resolution.

Following brief discussion, Mr. Dawkins offered motion for adoption of the resolution, seconded by Mr. McBryde and carried unanimously.

RESOLUTION AUTHORIZING CONDEMNATION OF A PARCEL FOR RAY AVENUE EXTENSION RESOLUTION #R1982-45.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1982.

- 10 Consideration of bids:

- A Rebuilding of American LaFrance Pumper for the Fire Department.
- B One (1) 8,600 GVW Truck with Diesel Engine.
- C One (1) Trash Loader/Dump Body, installed on Cab and Chassis.
- D Two (2) Rear Loaders, installed on Cab and Chassis.

Assistant City Manager Roger Stancil presented this matter and stated the following low or low complete bids are recommended:

- A Hall-Parson, \$62,737.50.
- B EDMAC Truck Sales, \$10,502.20.
- C Simpson Electric Co., \$45,259.00.
- D Worth Keater Inc., \$152,892.00.

Following some brief discussion, Mr. Wofford offered motion to accept the foregoing recommendation of Mr. McGugan and approve bids A,B,C and D as presented, seconded by Mr. McBryde and carried unanimously

- 11 Consideration of a resolution authorizing the sale of surplus property.

Assistant City Manager Roger Stancil presented this matter and stated it was various items, motor vehicles, office equipment, and miscellaneous material surplus to the needs of the City, obsolete and too expensive to repair which would be sold at public auction.

Following brief discussion, Mrs. Evans offered motion, seconded by Mr. Jones and carried unanimously for adoption of the resolution to conduct the sale of the surplus property.

The resolution title appears below:

RESOLUTION AND NOTICE OF SALE OF SURPLUS PROPERTY RESOLUTION #R1982-46.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1982.

Mayor Hurley then announced Council would return to Item 4 on the agenda, Planning Board Matters, and consider them.

The Planning Board Matters were as follows:

A Consideration of Biltmore Place zero lot line development in an R10 Residential District for preliminary and final review located North of Thorncliff Drive at the end of Mirror Lake Drive.

Planning Board recommended conditional approval.

B Consideration of William E. Clark property zero lot line development in an R10 Residential District for preliminary and final review located on the south side of Raeford Road across from Club Circle.

Planning Board recommended conditional approval.

C Consideration of Allen McMillian property in a C(1)P Shopping Center District for preliminary and final review located on the southwest corner of Owen Drive and Boone Trail.

Planning Board recommended conditional approval.

D Consideration of Drexel Subdivision in an R6 Residential District for preliminary and final extension review located between Rosehill Road and Rosehill Road Realignment.

Planning Board recommended conditional approval.

E Consideration of Hillendale Subdivision, Section 7 in an R10 Residential District for preliminary and final extension review located on the east side of Rosehill Road North of the US 401 Bypass.

Planning Board recommended conditional approval.

F Consideration of the initial zoning to C1 Local Business District or to a more restrictive zoning classification an area located on the North side of US 401 South (Raeford Road) West of the All American Freeway.

Planning Board recommended approval to ClP Shopping Center District.

G Consideration of the initial zoning to R6 Residential District and C1 Local Business District or to a more restrictive zoning classification an area located on the Southwest side of Rosehill Road between Ridge Road and Tamarack Road.

Planning Board recommended approval.

Following brief discussion, Mr. McBryde offered motion for conditional approval of all of the foregoing items from A through G as recommended by the Planning Board, seconded by Mr. Johnson and carried, Mr. Wofford voting no.

The ordinance titles for items F and G appear below.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE TO ClP SHOPPING CENTER DISTRICT AND AREA LOCATED ON THE NORTH SIDE OF US 401 SOUTH (RAEFORD ROAD) WEST OF THE ALL AMERICAN FREEWAY. ORDINANCE NS 1982-31.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE TO R6 RESIDENTIAL DISTRICT AND C1 LOCAL BUSINESS DISTRICT AN AREA LOCATED ON THE SOUTHWEST SIDE OF ROSEHILL ROAD BETWEEN RIDGE ROAD AND TAMARACK ROAD. ORDINANCE #NS 1982-31.

Copies of both of the foregoing ordinances are on file in the Clerk's office in Ordinance Book NS982.

12 Appointments:

A Nominations to fill three vacancies on the Senior Citizens Advisory Commission.

Mrs. Evans nominated Elsie Daly to fill one of the vacancies.

Following brief discussion, it was decided to postpone action on these nominations until the next meeting and Mr. Jones offered motion to postpone this matter and these nominations to the next regular meeting on September 27, 1982, seconded by Mr. Dawkins and carried unanimously.

13 Delegations:

Mr. Clinton Harris, a local citizen, was recognized and criticized Council for things done in haste this evening, particularly concerning the decision on the Prince Charles Hotel. He ended his comments by reminding Council that haste makes waste.

During Mr. Harris' presentation Rev. Johnson asked and was granted permission to be excused from the meeting.

14

City Manager Reports:

The City Manager informed the Council that the meeting with the Airport Commission tomorrow had been postponed and will be rescheduled and they will be notified.

The City Manager informed Council that he wished to schedule and information meeting next Monday evening, September 20, on the proposed employee insurance program. This meeting would be scheduled for the Kyle House provided the information concerning the insurance program is complete by then.

The City Manager then called on the City Attorney to present a matter.

Mr. Cogswell reminded Council of the memorandum he had written them recently concerning condemnation of Temple Jackson Howell Property on Ernest Street.

He reminded Council the jury had found in favor of the property owners and that he advised against appealing the verdict. Therefore, he stated, "I ask you to adopt a motion ratifying my previous action in not pursuing an appeal in the case."

Following brief discussion, Mr. Dawkins offered motion, seconded by Mr. McBryde to follow the recommendation of the City Attorney and not appeal, motion carried, Rev. Johnson abstaining.

15

Matters of interest to the City Council.

Mr. Wofford stated he had received a report from a resident saying that a road was being cut to the courtyards.

Mr. Dawkins replied that this is not the case, the cuts are being made for a manhole.

Mrs. Evans requested permission to be excused from the next regular meeting of the Council on September 27 due to it being a high holy day. Permission was tacitly given.

Mr. McBryde asked the City Engineer if he had checked the corner of the street behind F.T.I. as requested at the last meeting. The City Engineer replied that he had and that he will trim a corner and make some improvements.

Mr. McBryde asked about the request of the citizens of Pinecrest Drive concerning Pinecrest Drive being a truck route. When will we discuss this matter, he asked? The City Manager stated this item had been referred to the Streets and Roads Committee for a recommendation.

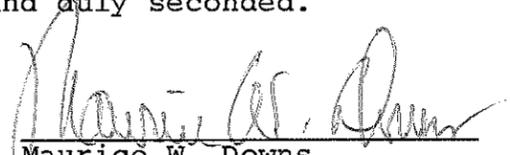
Mr. Jones stated that agenda packets for given Council meetings are received by them on Thursday afternoon and that they have plenty of time to study all matters thoroughly so as not to have to act in haste.

Mr. Jones stated that he had received two calls from residents on Oakridge Avenue concerning the 25 mph speed limit signs which are old and hard to read. He asked City Engineer to check this matter.

Mr. Jones asked for a report on the Rosehill Road bridge and the City Engineer replied that this work was almost complete and the bridge was half open to traffic now and should be completed very shortly.

The Mayor informed the Councilmembers that a theater group from Hastings, England was now in the City to give a performance at the Fayetteville Little Theater in reciprocation for the Fayetteville Little Theater visiting England last summer and giving a performance. The Mayor informed Council that one of the members of the group is the Mayoress of Hastings and the wife of the Mayor.

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


Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
SEPTEMBER 27, 1982
7:00 P.M.

Present: Mayor Bill Hurley

Councilmembers Present: Jimmie Jones, Milo McBryde, J. L. Dawkins, Rev. Aaron Johnson and Milton Wofford

Councilmember Absent: Mildred Evans (only at beginning of meeting due to this being a High Holy Day)

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

Mayor Hurley called the meeting to order and the Rev. Father Joseph Thomas, Archangel Michael Maronite Catholic Church, offered the invocation. Following the invocation, Mayor Hurley led the assembly in the Pledge of Allegiance to the Flag.

Mayor Hurley welcomed members of the Fayetteville Youth Council present in the audience to observe Council proceedings.

Mayor Hurley stated the City Manager had requested an executive session to consider a land transaction matter at the end of this meeting.

The City Manager introduced a new department head, Mr. Jack Wilson, Recreation and Parks Director, present with his wife, Beverly.

1 Upon motion by Mr. Wofford, seconded by Mr. Dawkins, and carried unanimously, minutes of the regular meeting of the City Council of September 13, 1982 were approved as submitted by the Clerk.

Mayor Hurley announced for the record that Mrs. Evans would be present later tonight due to the Holy Day.

2 Public Hearing:

A. Consideration of a proposed ordinance to amend Chapter 27 "Subdivision", Section 27-10(j) 5 and 7 of the Fayetteville City Code.

Planner Al Mitchell introduced this item and stated that Planning Board recommended approval. For Council's information, he stated this amendment was necessary to make the zero lot line ordinance in the City conform to that in the County. He stated where there were more than two units for sale there would have to be a home owner's association. He further stated this amendment would make the City and County ordinances uniform.

Council recognized Mr. Walter Moorman, a local architect, who stated he was in favor of the amendment. There was no opposition present.

Following brief discussion, Mr. Wofford offered motion for adoption of the amendment and ordinance as recommended by the Planning Board, seconded by Mr. Dawkins, and carried unanimously by those present.

AN ORDINANCE AMENDING CHAPTER 27, "SUBDIVISIONS" OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. S1982-20.

A copy of the foregoing ordinance is on file in the City Clerk's Office in Ordinance Book S1982.

3 Public Hearings To Be Set:

A. Consideration of an application by Harry W. Moser to amend the Zoning Ordinance of Fayetteville, NC Section 32-57(4) "off-street parking" for hospitals and nursing homes.

B. Consideration of a resolution and notice of intent to close Gable Court.

C. Consideration of a resolution requiring the paving pursuant to petition of Taft Street from Whitfield Road to dead end.

Mr. McBryde offered motion that public hearings be set on all of the foregoing for October 25, 1982 and by adoption of the following resolutions for Items B and C. Motion carried unanimously by those present.

PRELIMINARY RESOLUTION AND NOTICE OF INTENT TO CLOSE GABLE COURT. RESOLUTION NO. R1982-47.

PRELIMINARY RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION OF TAFT STREET FROM WHITFIELD ROAD TO DEAD END. RESOLUTION NO. R1982-48.

Copies of the foregoing resolutions are on file in the Clerk's office in Resolutions Book R1982.

4 Public Works Commission Matters:

PWC Manager Muench presented the two items and recommended approval of the low bidders.

A. Consideration of bids received September 8th for the purchase of six fused switching cabinets for use on underground electrical system.

The recommendation was to award to Westinghouse Electric Supply Company purchase of two PMH-5 switching cabinets, totaling \$9,140 and award to Eastern Electric Supply Inc. for purchase of four PMH-12 switching cabinets, totaling \$34,859.80.

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

B. Consideration of bids received September 14th for the purchase of 400 fault indicators for use in underground electrical system.

The low bid by Southeastern Transformer Company, Inc. in the amount of \$20,900 was recommended.

Mr. Dawkins offered motion for approval of the foregoing low bidder as recommended, seconded by Mr. McBryde, and carried unanimously of those present.

PWC Manager Muench was then excused from the meeting.

5 Consideration of approval of airport grants:

Airport Manager Earl Dennis presented the three airport matters.

A. Approval of the modified state grant to add \$8,100 for rehabilitation of lights on Runway 4-22.

Mr. Johnson offered motion for approval, seconded by Mr. Jones, and carried unanimously of those present.

B. State grant for \$18,500 for participation in cost of design development for expansion of terminal building.

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

C. Federal grant for participation in terminal building baggage claim area expansion, two escalators and construction of FBO access road.

Mr. Dawkins offered motion for approval as recommended and to grant authority to the Airport Manager to sign requests for payment to FAA, seconded by Mr. Jones and carried unanimously of those present.

6 Consideration of award of City Contract #271 for the Maiden Lane guard rail.

The City Engineer presented this matter and stated that this contract was for furnishing and installing about 935 feet of guard rail for the approaches across Maiden Lane bridge as specified by CHNMB. The design of the guard rail calls for weathering steel to coincide with the weathering steel being used on the main structure members of the bridge. He recommended a 5% contingency (\$6,389.02) be added to the low bid for a project budget of \$133,700. He recommended the contract be awarded to H & H Suppliers of Cary, North Carolina for their low bid of \$127,310.98.

Mr. Wofford offered motion for approval of the foregoing low bid as recommended by the City Engineer, seconded by Rev. Johnson and carried unanimously of those present.

- 7 Consideration of amendment to the Community Development Block Grant Application (5th year).

Council recognized Mr. Richard Herrera, Executive Director of the Community Development Department, who stated this was an amendment to the Community Development Block Grant Application (5th year) to assign funds to the Municipal Market. On August 16, 1982, he was approached by Mr. Horace Thompson, among others in their attempt to secure additional funding for the municipal Farmers' Market. The request for additional funding was subsequently brought to the Fayetteville Redevelopment Commission on September 8, 1982 for their review. At a special meeting of the Commission held on September 15, 1982, the Commission unanimously approved the injection of \$60,000 out of the 5th year site improvements budget line for the market. Mr. Herrera requested Council to approve this reallocation so that the proper documentation may be sent to the Department of Housing and Urban Development.

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

- 8 Consideration of a resolution authorizing the Redevelopment Commission to exercise authority in the 500 Block Redevelopment Project. The recommended action was adoption of the resolution.

The City Manager presented this matter and stated that we are now ready to begin to implement the resolution adopted by the City Council with regard to the 500 block of Hay Street. What I am proposing for your action at this meeting are the actions required to take the City up to the point of beginning acquisition of the property. The first step is the adoption of the resolution which assigns the Fayetteville Redevelopment Commission the responsibility of developing the redevelopment plan amendment as required, contracting for professional services of engineering, appraising and legal services as needed, establishing values to be offered to property owners, directing negotiations for acquisition by the Community Development staff, authorizing condemnation services, and contracting for demolition services.

The next step is for City Council to amend the fiscal year 1982-83 budget to fund the first phase of the project up to but not including the acquisition and demolition activities. The estimated expenditures for this phase are as follows: (1) Engineering Services - \$13,000; (2) Appraisals - \$55,450; (3) Contract with Fayetteville Progress - \$138,000; a total of \$206,450. It is recommended that these expenditures be funded as follows: (1) Funds recouped through cost allocation from Community Development - \$99,174; (2) Parking reserve fund allocation - \$107,276.

Mr. McBryde then offered motion, seconded by Mr. Wofford for adoption of the resolution and carried unanimously of those present.

RESOLUTION - DOWNTOWN REDEVELOPMENT PROJECT. RESOLUTION NO. R1982-49.

A copy of the foregoing resolution is on file on the Clerk's office in Resolutions Book R1982.

- 9 Consideration of adoption of budget amendment and Capital Project Ordinance to begin implementation of the 500 Block Redevelopment Project. The recommended action was adoption.

The City Manager presented this matter and stated that he had covered it in the previous presentation. He recommended approval.

Mr. McBryde offered motion for approval of the foregoing budget amendment and Capital Project Ordinance, seconded by Mr. Dawkins and carried unanimously of those present.

- 10 Consideration of authorization to exercise option to purchase the Word Processing input equipment.

Assistant City Manager Roger Stancil presented this matter and requested approval. Mr. Stancil stated at the March meeting Council awarded lease contracts for both input and output equipment for the Word Processing Center to Lanier Business Products Inc. We recommended leasing the equipment until we were sure that it met our needs. An option to purchase was included in both contracts to be exercised when we were satisfied with the equipment and its performance.

At this point, Councilmember Mildred Evans entered the meeting at 7:45 p.m.

Mr. Stancil then continued by stating we are continuing to work with the output equipment to achieve satisfactory performance and adaptation to our needs. We are satisfied, however, with the input equipment and recommend that we exercise the purchase option on that equipment. It is not necessary to purchase both systems at the same time or from the same company. We have made six monthly payments on the input equipment. Sixty percent of that money is applied to the purchase price. The cost to purchase the equipment is now \$26,313.26. Sufficient funds are budgeted for this purpose he concluded.

In response to questions, Mr. Stancil also gave detailed explanation of the Word Processing Center operation.

Following some discussion, Mr. McBryde offered motion, seconded by Rev. Johnson to authorize staff to exercise the option to purchase the input equipment as recommended and motion carried unanimously.

11 Consideration of adoption of budget amendment (Police Computer Hardware). The recommended action was adoption of the amendment.

The City Manager presented this matter and stated that the Police Department in its budget request for fiscal year 1982-83 requested funds for additional computer hardware for the Police computer. The request was turned down by this office because we were also contemplating a major Citywide computer study to be funded from the 82-83 budget. That computer study was funded and is in the approved budget. Subsequent to the adoption of the budget, I have met with the Chief of Police, the Finance Director and the computer staffs of both departments and have determined that the Police Department does need some additional hardware this fiscal year in order to keep on line those files and programs which have already been implemented.

I am now recommending that the budget be amended and that the \$10,000 in the equipment reserve be transferred to the Police Department Equipment budget and that an additional \$7,500 be transferred from City Council contingency to the Police Department equipment budget so that we can proceed with the purchase of the necessary hardware.

Following brief discussion, Mr. Jones offered motion, seconded by Mr. Dawkins and carried unanimously for approval of the budget ordinance amendment change 2 as presented.

12 Consideration of a request for wrecker fee increase.

The City Manager presented this matter and stated that a memorandum had been received from Sgt. Johnson of the Police Department concerning these wrecker fees and the wrecker rotation system. The City Manager stated he was in full agreement with Sgt. Johnson that the current rotation system for calling wreckers can be improved. He said he took particular note of the wrecker fees charged in other major North Carolina cities as compared to the fees charged in Fayetteville. He stated he concurred in Sgt. Johnson's recommendation that the City Council approve the increase in storage fees to \$3.00 for outside storage and \$5.00 for inside storage.

He stated he did not feel that the City is ready at this point to purchase its own wrecker and go into the wrecker business. He stated he did, however, concur with Sgt. Johnson's second recommendation which is that the City draw up specifications and request bids for wrecker service in lieu of the current rotation system. Upon receipt and evaluation of those bids, a determination could be made as to whether or not to continue the current rotation system or award a contract under bid. In summary, the recommendation is as follows: (1) Approve the \$3.00 and \$5.00 storage fee; (2) Authorize City administration to advertise and receive bids for wrecker service.

Following brief discussion, Mr. Wofford offered motion, seconded by Mr. McBryde and carried unanimously that bids for wrecker service be referred to the Policy Committee and brought back to the City Council with a recommendation and approve the storage fee increases as recommended.

13 Consideration of lease agreement with Bragg Civilian Federal Credit Union.

The recommended action was to authorize the City Manager to execute said lease.

The City Manager presented this matter and stated that Council would recall that when the North Carolina Supreme Court ruled that municipal and county employees could no longer be members of the North Carolina State Employees Credit Union we entered into a relationship with the Fort Bragg Civilian

Employees Credit Union which is a federally chartered credit union and therefore, not affected by the Supreme Court ruling. We have been very well satisfied with the service that the Fort Bragg Credit Union has provided to City employees, however, there has been one significant problem and that is that the office of the Credit Union is located in Spring Lake and is very inconvenient for our employees. The Credit Union has been seeking office space downtown so that they could provide better service to City employees.

With recent moves that have been going on in City government, we now have some space in the basement of City Hall. I propose that the City enter into a lease with the Credit Union to provide them office space in the basement of City Hall at a nominal rent which will cover the cost of utilities and custodial service. This arrangement will benefit the Credit Union and, of course, would be of great assistance to our employees in making it more convenient for them to deal with the Credit Union. I recommend a rent of \$125 a month which we have calculated will cover the cost of utilities and custodial services. I am recommending further that the lease be on a month-by-month basis so that if the City determines that we need the space, we can terminate the lease on 30-days notice.

Following brief discussion, Mrs. Evans offered motion, seconded by Mr. Jones and carried unanimously to authorize the City Manager to execute the lease agreement as recommended.

- 14 Consideration of the sale of the Inland Port facility located at 1001 South King Street.

The City Manager presented this matter and stated that he had received a letter from the present tenants, Carolina Truck Brokers, in which they propose to purchase this property. In order to make the property functional they state, we need to make several costly repairs to the yard, offices and roof.

This property, as you know, has a dangerous liability which must be dealt with before insurance can be purchased at a reasonable cost. The high-mounted crane, the ruins of the dock and the trestle must be removed to make the property safe.

Commercial estimates for performing this cleanup range from \$30,000 to \$50,000. We feel that by doing most of the work ourselves we can hold the cost to \$10,000.

He stated they propose to purchase the property for the appraisal price of \$18,000, less the \$10,000 cost of the cleanup. He stated they further request that the City maintain liability insurance on the property until May 1, 1983.

The City Manager agreed to all of the foregoing except that the City not maintain liability insurance.

Mrs. Evans then offered motion, seconded by Rev. Johnson and carried unanimously to authorize the City Manager to advertise this proposal.

- 15 Consideration of the sale of City property, copper scraps and wire wreath holders.

The City Manager presented this matter and stated that it was recommended by the Purchasing Agent that we negotiate through private sale to dispose of approximately 125 pounds of copper scraps which have a value of about \$.25 per pound and some 400 wire wreath holders stored at the Cemetery Department which have a value of about \$.35 each. He stated the Purchasing Agent feels to sell these items at a public auction for scrap metal would amount to a total loss of revenue to the City. He requested consideration to negotiate through private sale to dispose of these items.

Following brief discussion, Mr. Wofford offered motion for the adoption of a resolution authorizing the private sale of this material, seconded by Mr. Jones and carried unanimously.

RESOLUTION AUTHORIZING THE SALE OF COPPER SCRAP AND WIRE WREATH HOLDERS.
RESOLUTION NO. R1982-50.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1982.

- 16 Consideration of management of the Senior Citizens Service Center. The recommended action was termination of the existing management contract lease.

The City Manager presented this matter and stated that approximately a year and a half ago, the City entered into a management agreement and lease with the Cumberland County Coordinating Council on Older Adults, Inc. for the management of the Senior Citizens Service Center. That decision was based upon the recommendation by this office that the Coordinating Council be the managing agency of the Center. The reason for that recommendation was primarily a concern that the City not take on the administration of new programs within its limited budget and it was felt that the Coordinating Council had the resources to manage and maintain the facility. Shortly after the contract began, the Coordinating Council had some of its funding reduced and the City and the County governments were called upon to make up some of these losses. The City budgeted \$8,000 and the County budgeted \$16,780 to assist the Coordinating Council in managing the Center. The Coordinating Council has had difficulty from the beginning stretching its resources in order to manage and maintain the Service Center.

The City Manager stated he had recently received a letter from Mr. Marshall Lanter, Executive Director of the Coordinating Council, regarding the management contract. He stated Mr. Lanter said in his letter that possibly a change in management of the Center will create a feeling of congeniality among its participants. This change will certainly be worth the effort if it will create an atmosphere conducive to the growth of programs and activities for the older adults of our community.

As you can see from the letter, the Coordinating Council recognized that there has been some problems during the first year and a half of operation of the Center and requested that the lease and management agreement be reviewed. Shortly after that, City administration conducted an evaluation of the operations and management of the Center with an audit team, chaired by Mr. John Hock, the City's Internal Auditor. Within the last few weeks, I have met with Mr. Lanter and discussed both his letter and the audit report from Mr. Hock.

Based upon Mr. Lanter's letter of July 29 and due to the Coordinating Council's concern that there has been a lack of support for the Council's management of the Center, I am recommending that the City of Fayetteville, through its Parks and Recreation Department, assume the management and support of the Center. The City of Fayetteville is in a much better position to provide the resources both for program management and for the maintenance of the building and grounds. The difference in the cost of the Coordinating Council operating the Center and the City operating the Center is simply that the City has already within its operating budget many of the resources needed to operate and maintain the building, the programs and the grounds. It is my belief that the City is in a better position at this time to bring together the support of the various groups needed as well as bring to bear the resources necessary for a successful operation of the Center in the future.

Following brief discussion, Mrs. Evans offered motion that we write a letter to the Senior Citizens thanking them for operating the Center the time that they have and to follow the recommendation of the City Manager and terminate the contract and that the City Recreation and Parks Department assume management and support. Motion seconded by Mr. Dawkins.

There then followed some discussion. In response to questions, the City Manager stated that the effective date of the City's operation would be November 1, 1982 if desired.

Mr. Wofford suggested discussing this matter with the Committee. Rev. Johnson agreed with Mr. Wofford. Mr. Dawkins stated that the City should manage the Center according to the letter from the Council.

Following some further discussion, Rev. Johnson offered motion that the matter be discussed in an Information Meeting and invite all of the parties interested and secure additional information from City administration and to get input from the Senior Citizens' Advisory Commission. Motion seconded by Mr. Wofford.

Council then recognized Mr. Robert H. Beatty, a member of the Council, who distributed information to the Councilmembers and offered comments on the issue. Approximately 25 senior citizens were present and stood to be recognized. Mr. Beatty then read a letter about the Center's activities. He then thanked the City Council for their attention to his remarks.

Further discussion followed.

Following this discussion, Mayor Hurley called for a vote on the substitute motion to discuss the matter in an Information Meeting. The vote was as follows. For the motion, Councilmembers Jones, Hurley, Johnson and Wofford. Against the motion, Councilmembers Evans, Dawkins and McBryde. Mayor Hurley declared the substitute motion carried.

Mayor Hurley then declared a five-minute recess in the meeting.

Council then reconvened and Mayor Hurley recognized Councilman Jones who moved for reconsideration of Item 16, Management of the Senior Citizens' Service Center because he could not hear the discussion plainly at the time of the vote.

Mr. Hurley called for a vote on the motion and it was as follows. For the motion, Councilmembers Jones, McBryde, Dawkins, Hurley and Evans. Against the motion, Councilmembers Wofford and Johnson.

Mayor Hurley declared the substitute motion back on the floor by majority vote and stated the motion.

Mr. Wofford stated he was against further consideration of this matter because there were persons in the audience not present now who would want to be present for discussion.

There was considerable discussion.

Mayor Hurley then called for a vote on the substitute motion to refer this matter to an Information Meeting and the vote was as follows. For the substitute motion, Councilmembers Wofford, Johnson, and Hurley. Against the substitute motion, Councilmembers Evans, Dawkins, McBryde and Jones. Mayor Hurley declared the substitute motion lost.

Mayor Hurley then called for a vote on the original motion to follow the recommendation of the City Manager and that the City manage the Senior Citizens' Service Center and the vote was as follows. For the motion, Councilmembers Jones, McBryde, Dawkins, Hurley, Johnson and Evans. Against the motion, Councilmember Wofford. Mayor Hurley declared the original motion carried.

17 Consideration of a request for reduction of speed limit in the Huntington Park-Howard Acres residential area from 35 MPH to 25 MPH. The recommendation action was denial of the request.

The City Manager introduced this item and stated he had received a letter from Mr. Richard L. Monroe of 3435 Regiment Drive in which he and other residents requested that the speed limit in the Huntington Park-Howard Acres residential area be changed from 35 MPH to 25 MPH citing several reasons for the request. Among them being no sidewalks, curbed roads, persons driving in excess of the 35 MPH limit and the 35 MPH limit does not provide a safe braking distance if a child should step from behind a parked car. A petition bearing 131 signatures accompanied the request.

The City Manager recommended denial of the request stating that the 35 MPH Citywide speed limit is correct and instead suggesting a study be made before any action is considered.

The City Engineer was recognized and stated that lowering the speed limit would not correct the conditions. He suggested delaying action on the request and letting him make a study on all City streets.

Council recognized Mr. Richard Monroe, a resident of the area on the request.

Following some discussion, Mrs. Evans offered motion to reduce the speed limit in Huntington Park-Howard Acres residential area from 35 MPH to 25 MPH and that the City Engineer develop a comprehensive plan for establishing speed limits on all City streets. Motion seconded by Rev. Johnson.

There was then some discussion and following this, Mayor Hurley called for a vote on the motion and it was as follows. For the motion, Councilmembers Evans, Johnson and Jones. Against the motion, Councilmembers Wofford, Hurley, Dawkins and McBryde. Mayor Hurley declared the motion lost by the vote of 3 for and 4 against.

The City Manager was requested to contact the Chief of Police and ask him to give some selective traffic enforcement in this area for the benefit of the residents.

Mr. Dawkins then offered motion, seconded by Mr. Wofford and carried unanimously that the City Engineer make a specific recommendation of 25 MPH on all City streets one month from today.

18 Consideration of a request to rescind previous action on the Prince Charles Hotel.

The City Manager stated that City administration did not present at the last meeting full information to the City Council concerning this matter.

Mrs. Evans then offered motion that Council rescind its previous action from the last meeting on this matter, seconded by Mr. Jones and carried unanimously.

Mr. Wofford then offered motion that Council allow Fayetteville Progress, Inc. to proceed with their feasibility study for a downtown hotel in the Prince Charles Hotel building. Motion seconded by Mr. Dawkins.

Rev. Johnson then offered an amendment to the foregoing motion that we send letter of thanks to the Phoenix group in Raleigh expressing regret for any embarrassment to them and that Fayetteville Progress explore any other possible use of the Prince Charles Hotel building and bring it back to City Council. The amendment to the motion was lost for lack of a second.

Mayor Hurley then called for a vote on the motion as put by Mrs. Evans and it carried unanimously.

The City Manager informed Council that he would send a letter to the Phoenix group in Raleigh thanking them for their offer.

19 Consideration of request to rescind previous action on Parking Lot #7.

Mrs. Evans then offered motion that Council rescind its previous action at the last meeting on this matter, seconded by Mr. Jones and carried unanimously.

The City Manager then recommended that Council proceed as staff had originally recommended and as the Revitalization Commission recommended that work proceed to develop the upper portion of the lot as recommended by City staff, that landscaping of the lower portion be postponed so that it can be used for temporary parking and that landscaping of the lower portion proceed according to the CHNMB Plan as soon as other adequate parking is made available nearby. There would also be attendant parking as recommended originally.

Following some brief discussion, Mr. Wofford offered motion to follow the foregoing recommendation of the Revitalization Commission and City staff on Parking Lot #7, seconded by Mr. Jones and carried unanimously.

As an afterthought, Rev. Johnson suggested permitting the using of the City's parking lots for recreational uses when possible and the City Manager agreed that this could be done.

The City Manager offered additional comment that he placed these items on the agenda at the request of the City Council who had voted in majority for them and not at the request of outside agencies.

Council then recognized Mrs. Joan Allen, Executive Director of Olde Fayetteville Association, who stated the Association is sponsoring a one-day bus trip to Charlottesville, Virginia which has in prior years experienced the transition from a traditional downtown area to a mall-type configuration. Mrs. Allen stated she was of the opinion that much could be learned from Charlottesville's experience and problems in their transition which would be beneficial to the City of Fayetteville. She stated the same firm which designed the Fayetteville Mall also designed the mall for Charlottesville and that they were having great success with it. She stated the date of the bus trip would be October 13 and the cost would be \$25.00 per person and welcomed all City Council members to attend.

20 Appointments:

A. Nominations to fill three vacancies on the Senior Citizens' Advisory Commission.

Mrs. Evans nominated Elsie Daly. Rev Johnson nominated Veatrice Davis. Mr. Dawkins nominated Chaplain (Retired) Thomas Q. Whitmire.

Mayor Hurley stated these nominees would be reconsidered for election at the next regular meeting of the Council.

21 Delegations:

Council recognized Mr. J. E. Piver, a downtown businessman, who stated that they were having problems with the 2:00 a.m. parking restriction-tow away law along Hay Street. He requested that Council give some relief if possible.

Mayor Hurley explained to Council that the problem was with no parking on Hay Street between 2 and 4 a.m. when vehicles are subject to be towed away.

The City Engineer was recognized and stated to Council that time must be allowed for the sweeping of streets and this time was set aside for that purpose. There was then some discussion of the matter. Following the discussion, Mayor Hurley thanked Mr. Piver for his comments and interest.

Council also recognized Mr. Ted Kenny, who stated that there was not a good example displayed here by City Council tonight. He stated he lives in Hillendale subdivision and expressed comments on the speed limits action tonight.

22

City Manager's Report:

A. Request for award of service revolver and Police badge No. 106.

The City Manager stated he was in receipt of a request from Chief Dixon that Police badge No. 106 and the service weapon issued to Officer Raymond Miller who died on July 7, while still on active duty be awarded to his daughter, Teresa Miller Seagroves. Chief Dixon also stated that although Officer Miller is deceased now, the request was made by his daughter, administrator of his estate for his weapon and badge. Officer Miller had submitted his retirement papers prior to his death on July 7, 1982 and he requested in his will that his weapon and badge be awarded to his daughter. He stated he felt that Officer Miller's daughter had made a proper request and that this would fall within the guidelines of the policy adopted by the Council. The City Manager recommended approval of the request.

Mr. McBryde then offered motion, seconded by Mr. Wofford and carried unanimously that we follow the recommendation of the Chief of Police and City Manager and award the service revolver and badge as requested.

The City Manager informed Council that he had received a letter from the Airport Manager stating that the Airport Commission again extends a invitation to the Mayor and the City Council to have lunch and tour the airport. The meeting was set for Monday, October 4 at 12 o'clock noon.

On a final City Manager item, the City Manager reminded Council that at their August 9th meeting, Mr. W. D. O'Quinn had appeared before the Council requesting that West Street be extended and opened. At a subsequent meeting, we reported back to you that in order to open West Street as it was originally proposed, would require the acquisition of additional right-of-way and would cut through property owned by Mr. D. R. Allen. Mr. Allen's attorney requested that the street not be opened.

The City Manager stated after giving the matter further consideration he was prepared to recommend that the City proceed with opening the street as was originally laid out in the Subdivision Plat which would be across the D. R. Allen property to Whitfield Road. But before recommending any action, I have requested an appraisal of the property needed for right-of-way and an estimated construction cost on the street so that I can present the full picture to City Council before asking that this be made an active project. As soon as we have all of the necessary figures, I will place this item on the agenda for Council's consideration he concluded.

The City Manager stated that the proposed insurance program will also be placed on the agenda some time in October.

The City Attorney reported that he had notified the Seaboard Coast Line Railroad attorneys on the improvements by the City to AMTRAC lot next to the railroad station and suggested participation and have received a check for \$250. Council expressed their pleasure in this action.

23

Matters of Interest to the Council:

Mr. Wofford stated that the Council has lots of business to attend to and requested City staff to have a standard information meeting and a consent agenda to expedite the handling of matters coming before City Council.

Mrs. Evans asked the City Attorney if Council needed to vote to close the four blocks on Market Square on Sunday, October 17 for the International Folk Festival. The City Attorney replied that this is a Blue Law requirement.

Mrs. Evans stated to the City Manager that he would receive a letter from the Folk Festival Association and Mr. Smith stated he would place this matter on the agenda next meeting when the letter is received.

Rev. Johnson stated that he agreed with Mr. Wofford's suggestion on a regular information meeting and consent agenda in order to facilitate Council's handling of business.

Mr. Dawkins stated that this is a good Council and informed Council that Mr. Howard Bullard, a local furniture dealer, had been elected by the North Carolina Merchants Association as the Outstanding Retailer in the state of North Carolina.

Mr. McBryde asked the City Engineer if the corner at Skye Drive and Skye Drive had been trimmed. The City Engineer replied in the affirmative. He asked the City Engineer if he was still working on the truck route signs and the City Engineer again replied in the affirmative.

Mr. Jones stated that his difficulty in hearing the discussion caused his mistake tonight in the voting and apologized for it. Mr. Jones suggested to the City Engineer that he consider putting manhole rings and covers on new streets in the center of the streets so as to only block one half of the street at a time and especially with the new front-wheel drive cars a reduction in hazard would be experienced.

Mayor Hurley recognized in the audience Mrs. Sally Smith, wife of City Manager John Smith, who was present to observe Council proceedings.

Mayor Hurley also extended thanks to the City Engineer for the guard rails and flashing lights on Cain Road to reduce driving hazard.

Mayor Hurley stated that in regard to the Civil Service Commission, he requested Council to think about the appointment of a Blue Ribbon Committee to study and bring back a recommendation to the City Council before the first of the year. This would be a recommendation for submission to the General Assembly.

City Council then recessed into executive session to discuss a land transaction matter only at 10:40 p.m.

Council then reconvened into regular session and upon motion made and duly seconded, adjourned this regular meeting at 10:45 p.m.



Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
OCTOBER 11, 1982
7:00 P.M.

Present: Mayor Bill Hurley

Councilmembers: Jimmie Jones, Milo McBryde, J.L. Dawkins, Rev. Aaron Johnson,
Milton Wofford, Mildred Evans

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

Mayor Hurley called the meeting to order and welcomed Boy Scout Troop #27, College Heights Presbyterian Church, Scoutmaster Terry Jones and announced they would present the colors immediately following the invocation.

Invocation was offered by the Rev. Frank Page of LaFayette Baptist Church following the invocation Troop 27 presented the colors and led the assembly in the Pledge of Allegiance to the Flag.

Mayor Hurley then recognized Rev. Johnson who in turn recognized the Scoutmaster of Troop 27. Following this Mayor Hurley extended thanks to the Troop and to Rev. Page.

Mayor Hurley then recognized representatives of the Fayetteville Youth Council present in the audience to observe Council proceedings.

Mayor Hurley then informed Council that the City Attorney had requested an executive session at the end of this meeting to consider a land transaction matter only.

Mayor Hurley then recognized any member of the Council who wished to make remarks.

Mr. Dawkins offered comments on the tragic railroad train gunman incident in Raleigh this weekend and encouraged all persons to lend a helping hand to our fellow men. Rev. Johnson expressed appreciation to Mr. Dawkins for his remarks.

1. Mayor Hurley then proceeded to the first item on the agenda which was approval of the minutes of the regular meeting of September 27, 1982.

Mr. McBryde then offered motion for approval of the minutes seconded by Mr. Dawkins as corrected by Mr. Wofford. Said correction being that the motion on item 12, page 744, be amended to delete the two words "bids for" concerning the wrecker service since it was the intention to just refer the wrecker service to the policy committee. The motion upon then being put to vote was for approval of the minutes as submitted by the clerk with the foregoing correction and carried unanimously.

2. Public Hearings to be Set:

For October 25, 1982:

- A. Consideration of a resolution and order to file and publish preliminary assessment roll for the paving of Pearl Street from Fort Bragg Road to Manchester Street.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL
FOR THE PAVING AND OTHER IMPROVEMENTS ON PEARL STREET. RESOLUTION
#R1982-51

- B. Consideration of a resolution and order to file and publish preliminary assessment roll for the paving of Murray Hill Road from McPherson Church Road to Jura Drive.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL
FOR THE PAVING AND OTHER IMPROVEMENTS ON MURRAY HILL ROAD. RESOLUTION
#R-1982-52

Copies of the foregoing resolutions are on file in the Clerk's office in Resolutions Book R1982.

- C. Consideration of Collier Drive Redevelopment Plan (8th Year CDBG funding).

November 8, 1982:

2D Consideration of a joint public hearing with the Historic Properties Commission for the purpose of designating two sites as Historic Properties.

1. Old Howard School Site (1867).
2. McGary-Small House (1842).

Mr. Dawkins then offered motion that the foregoing public hearings be set as shown and the foregoing resolutions adopted, seconded by Mr. Jones and carried unanimously.

3. Public Works Commission Matters:

A. Consideration of an application for extension of 340 feet of sanitary sewer main from Buckhead Creek Interceptor Sewer (funded by Federal and State grants) beneath Lake Francis, to provide sanitary sewer service to property on opposite side of lake, outside the City. Property owner will pay all costs.

PWC Manager Muench presented this matter and stated that PWC recommends approval.

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

In response to question PWC Manager Muench informed Council that PWC had received the official grant offer of 7.4 million dollars for the Rockfish Plant this morning. This with other funds will give approximately 10 million dollars for this project. Mr. Muench also presented additional details and the Council expressed pleasure concerning the grant offer. There was then a brief discussion with Mr. Muench concerning the PWC policy of utilities extensions.

Following this Mr. Muench was excused from the meeting.

4. Planning Board Matters:

4A. Consideration of the initial zoning to C(1)P Shopping Center District, R6 Residential District and R10 Residential District or to a more restrictive zoning classification an area located on the east side of and including Ramsey Street between Andover Road and Gales Drive.

Planner Mitchell presented the Planning Board matters and stated the Planning Board recommends approval of Tract 1 to R10 Residential District and Tract 2 to R6 Residential District for the area eastward to the center line of Cromwell Street and R10 for the balance of Tract 2 to the east and Tract 3 to ClP Shopping Center District.

Planner Mitchell stated that no appeal had been presented on this zoning matter. Following some discussion, Mrs. Evans offered motion to follow the foregoing recommendation of the Planning Board and staff and adopt the ordinance, seconded by Mr. Wofford. Following some discussion of the matter, Mayor Hurley called for vote on the motion and it carried unanimously.

ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONED TO ClP SHOPPING CENTER DISTRICT, R6 RESIDENTIAL DISTRICT, AND R10 RESIDENTIAL DISTRICT AN AREA LOCATED ON THE EAST SIDE OF AND INCLUDING RAMSEY STREET BETWEEN ANDOVER ROAD AND GALES DRIVE. ORDINANCE NUMBER NS1982-33.

B. Consideration of the rezoning from R5 Residential District to M2 Heavy Industrial District or to a more restrictive zoning classification on an area located on the north side of Blount Creek between Glidden Street and Gillespie Street.

Planner Mitchell stated there was no appeal received on this rezoning and that Planning Board recommended approval.

Mr. McBryde offered motion for approval of the foregoing by the adoption of the ordinance, seconded by Mr. Jones and carried unanimously.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R5 RESIDENTIAL DISTRICT TO M2 HEAVY INDUSTRIAL DISTRICT AN AREA LOCATED ON THE NORTH SIDE OF BLOUNT CREEK BETWEEN GLIDDEN STREET AND GILLESPIE STREET. ORDINANCE NUMBER NS1982-34.

4C. Consideration of the rezoning from R5 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification an area located at 414 Cumberland Street.

Planner Mitchell stated no appeal had been received on this matter and Planning Board recommended approval.

Mrs. Evans then offered motion for approval of the foregoing rezoning as recommended by the adoption of the ordinance, seconded by Mr. Jones and carried unanimously.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM R5 RESIDENTIAL DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED AT 414 CUMBERLAND STREET. ORDINANCE NUMBER NS1982-35.

Copies of all of the foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1982.

D. Consideration of "Havilah Manor Townhomes" in an R5A Residential District for preliminary and final revision review located on the north side of Bragg Street at the northwest corner of the intersection of Pilot Avenue.

Planner Mitchell stated that Planning Board recommended conditional approval per their memo of October 11th.

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

E. Consideration of Paul's Auto Parts in a C(1)P Shopping Center District for preliminary and final review located at 2931 Owen Drive.

Planner Mitchell stated that Planning Board recommended conditional approval per their memo of October 11th.

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

5. Consideration of Capital Project Ordinance (CAP-11) and Budget Ordinance Amendment (Change 3) for Airport Project.

The City Manager presented this item and requested Council to consider budget amendment 3 with item 12 and request approval of Capital Project Ordinance (CAP-11).

Following brief discussion Mr. Wofford offered motion, seconded by Mr. McBryde for approval of the Capital Project Ordinance Number 11 as recommended. Motion carried unanimously.

6. Consideration of Capital project Ordinance (CAP-12) for 8th Year Community Development funding.

The City Manager presented this item and stated the project authorized is the Community Development Project Year 8th approved fiscal year 1982-83 in the amount of \$1,347,000. He recommended approval.

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

7. Consideration of the sale of the Inland Port facility. Continued from the regular meeting of September 27th.

The City Attorney presented this item reminded Council that it was the City's river terminal property and informed them that the bid had been increased last Thursday and in addition the original bidder had come in today and raised the bid again to an amount of \$15,000. In view of these increases, the matter must be readvertised.

Council took no action on this matter and authorized the City Attorney to readvertise.

8. Consideration of list of streets for resurfacing.

The City Engineer presented this item and requested approval and authorization to proceed with the bid process. Resurfacing the streets is estimated to cost \$200,000 which is currently funded for this project, he concluded.

The streets are as follows:

Walstone Road from Rosehill Road to Northwest Avenue;
 North Edgewater Drive from Northview Drive to Foxhall Road;
 Edgecomb Avenue from Cascade Street to Langdon Street;
 Elliott Circle from Hood Street to Ernest Street;
 Chadwick Road from Rosehill Road to Cranbrook Drive;
 Link Street from Eastern Blvd. to B Street;
 Foxhall/Bennington Roads (intersection only);
 Middle Road from Dunn Road to the State maintained line;
 Highland Avenue from Hay Street to Branson Street;
 Clark Street from Broadfoot Avenue to Brian Street;
 Maywood Drive from Pine Valley Loop to Woodcrest Road;
 Forest Road from Hilltop Avenue to Woodland Drive.

Mrs. Evans offered motion to follow the foregoing recommendation of the City Engineer and approve the resurfacing of these streets, seconded by Rev. Johnson and carried unanimously.

9. Consideration of award of contract number 275 - Paving Around Fueling Station; and amendment of Capital Projects Ordinance (CAP-4).

The City Manager presented this item and stated that this is the final stage of a project started last fiscal year to install a new fueling station and improve the area around the new station. Now that Sanitation and Fleet Maintenance have moved to the new facility on Grove Street, the old Sanitation and Fleet Maintenance facility will house Purchasing, Building Maintenance, Central Supply and Receiving.

The original project budget was \$162,000. The total project is going to run slightly over the original budget. In order to complete the project, he recommended that the budget be amended and the additional funds come from the proceeds of the City's recent auction sale of surplus equipment in the amount of approximately \$54,000. This sale included a considerable amount of scrap from the clean up of the property around the fueling station, he stated. The low bid was submitted by Cumberland Paving Company in the amount of \$46,867. The City Engineer stated the contract establishes unit prices for the various items of estimated quantities, therefore, the final cost may vary slightly from the low bid. To cover these variations and contingencies of base conditions, we recommend a project budget of \$51,600. (10% over the low bid) and awarding the contract to Cumberland Paving Company. The City Manager recommended amending the project ordinance by \$17,500., awarding the contract to the low bidder and adopting the budget amendment change 3.

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

10. Consideration of a contract with David M. Griffith & Associates to prepare a cost allocation plan for FY 1980-81 and FY 1981-82.

Assistant City Manager Roger Stancil presented this item and stated that the proposed contract with DMG would be to prepare cost allocation plans for the fiscal years ending June 30, 1981 and June 30, 1982. The preparation of these plans is necessary for us to draw indirect cost payments from HUD and UMTA Grants.

DMG has agreed to allow our staff to assist them in the preparation of these plans so they can learn how to do them. To accomplish this, we propose adding the following paragraph 2e to the contract:

"Provide the necessary on the job training to designated City employees in order to prepare them for purposes of performing the services called for by this contract."

The City Attorney has reviewed this agreement. Mr. Stancil then recommended that City Council authorize the City Manager to execute this agreement.

Following brief discussion, Mrs. Evans offered motion to authorize the City Manager to execute the contract as recommended, seconded by Mr. Jones and carried unanimously.

11. Consideration of Operating Assistance Grant (UMTA).

Assistant City Manager Roger Stancil also presented this item and stated a letter had been received from UMTA concerning Project Number NC-05-4069 by the City Manager from Mr. Carl B. Richardson, Regional Administrator, who stated

that he was pleased to advise that the City's application for an operating grant under Section 5 of the Urban Mass Transportation Act of 1964 as amended, had been approved in the maximum amount of \$467,387. Mr. Stancil recommended to Council that they authorize the City Manager to execute the grant agreement.

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

- 12. Consideration of Capital Project Ordinance (CAP-13) for reconstruction of parking lot #7.

The City Manager presented this matter and stated that in accordance with Council's action taken at the last meeting, we have prepared a project ordinance for the reconstruction of parking lot #7 (behind the Capital). Included in the project is the cost of reconstruction, landscaping and equipment. Funds for the project are coming from the Downtown Parking Reserve Fund. He stated that the total of the Capital Project Ordinance should be increased from \$43,000 to \$44,000 which resulted from an increase in the site improvement and landscaping appropriations from \$18,050 to \$19,050. He requested approval.

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

- 13. Consideration of extension of Southern National Bank lease at the Fayetteville Municipal Airport.

The City Attorney presented this item and stated that once construction begins of the new Airport addition, the space leased by Southern National Bank will be reduced and possibly relocated. Their current lease expires October 27, 1982. In order to save advertising cost, he recommended that Council authorize the City Manager to extend the current lease in 90 day increments for a period not to exceed a year then when they are relocated in the new terminal space, we could advertise the appropriate lease.

Following brief discussion, Mr. McBryde offered motion, seconded by Mr. Wofford and carried unanimously that the City Manager is authorized to extend the lease in 90 day increments not to exceed one year as recommended.

- 14. Appointments.

- A. Election of nominees previously made to fill three vacancies on the Senior Citizens Advisory Commission.

Mayor Hurley stated that the nominees were: Elsie Daly, Veatrice Davis, and Chaplain Retired Thomas Q. Whitmire.

Rev. Johnson then offered motion that the foregoing be appointed to the Senior Citizens Advisory Commission for two year terms each, said terms running to September 1984, seconded by Mr. Dawkins and carried unanimously.

- B. Nominations to fill three vacancies on the Advisory Recreation and Parks Commission.

Mr. McBryde nominated Mark Kendrick; Rev. Johnson nominated Mrs. Henry Moses, Mr. Jones nominated Mrs. Louise Wilkey; Mr. Wofford nominated Rev. Robert W. (Sandy) Saunders.

There being no further nominations, Mayor Hurley stated that these would be reconsidered at the next meeting of the Council.

- C. Nominations to fill five vacancies (all unexpired terms) on the Human Services Commission.

Mrs. Evans nominated Dr. William Bell; Mr. McBryde nominated Rev. Aaron Johnson; Mr. Dawkins nominated Mrs. Mildred Evans; Rev. Johnson nominated Lester Shaw; Rev. Johnson nominated Bettie Goodenough.

There being no further nominations, Mayor Hurley stated these nominees would be considered for election at the next meeting of the Council.

- 15. Delegations.

- A. Representative from Highland Savings and Loan.

The City Manager stated that a representative had requested an audience before Council this evening concerning two parking spaces in front of their building at 245 Person Street, but that the request had been withdrawn and the representative was not present.

15B. Council recognized Mr. Ted Kinney, Chairman of the Human Service Commission, who expressed appreciation for the Human Services Commission nominations this evening.

16. City Manager's Reports:

A. Request from International Folk Festival for exemption from the Sunday Blue Law.

The City Manager stated he was in receipt of a request from the International Folk Festival, which will be held on Sunday, October 17, 1982, for exemption from the Sunday Blue Law in order that arts and crafts booths can be set up and items sold.

He recommended to grant the exemption.

Mr. Jones offered motion, seconded by Mr. Dawkins and carried unanimously to grant the exemption as requested.

In connection with the Festival, Mr. Dawkins encouraged everyone's attendance to this activity this coming Sunday.

Mrs. Evans listed the activities at the Festival and stated that twenty-one countries would be represented and thirty-five booths set up.

Rev. Johnson commended Mrs. Evans on putting together this excellent program and Mrs. Evans stated that the credit went to Mrs. Joan Allen.

B. Consideration of the hiring of Police Officers.

The City Manager requested a continuance of action on this matter and it was approved.

C. The City Manager presented information to the Council on the Employee Self-insured Health Insurance Program. He stated this would be presented if desired in detail at the information meeting next Monday, October 18th. He stated he will not be present at this meeting, but that Mrs. Carol Parker, the City Personnel Director, would present the program. He informed Council that all City employees had been made aware of this proposed program. He displayed a projection showing premiums compared to claims. He stated proposals had also been received from six agencies. He reviewed the proposals for Council and recommended that the Mid-South Insurance Company administer the program. He stated that can offer a lower rate to City employees and greater benefit to the City. He stated that Carol Parker would present this in detail at the information meeting. He stated the response has been favorable from City employees. Following this there was some discussion by Council of the proposals.

The City Council then set an information meeting for Monday, October 18th, at 7:00 P.M. in the Kyle House to hear this matter.

The City Manager also presented information on a proposed Tax Shelter Retirement Program for City employees. He stated details would also be presented on this matter at the information meeting.

17. Matters of Interest to the City Council:

Mr. Wofford set a meeting of the Policy Committee for Wednesday, October 20th, at 7:00 P.M. in the Council Chamber to discuss the wrecker issue.

Mr. Wofford also stated he would be absent from the next City Council meeting in order to attend a National Recreation and Parks Council Meeting in Louisville, Kentucky.

Mr. Wofford reminded councilmembers of the Charlottesville, Virginia trip by Olde Fayetteville this coming Wednesday, October 13th. He encouraged Council's attendance at the request of Mrs. Joan Allen.

Mr. McBryde requested the City Engineer to check bad sidewalks behind the Point News and the Capital Department Store on Bow Street and in front of the Old Courthouse on Gillespie Street.

Mr. McBryde asked the City Manager about the parking of City cars in the old Sanitation Department location.

Rev. Johnson suggested a review of the exemption of non-profit groups under the Blue Law so that the Council will not have to vote each time. He suggested a permanent type exemption by permit be considered.

Rev. Johnson suggested the Policy Committee consider the Committee structure of the City Council. He stated the Personnel Committee had served its purpose and stated that an Economic Development Committee has more promise. Mayor Hurley stated he would serve on this committee and this was agreeable.

Mrs. Evans suggested that Council do away with all committees and that all Council members participate in discussions.

Mr. Jones commended the City Engineer on taking the old building down on Worth Street.

Mayor Hurley stated that his secretary, Mrs. Julia Warner, had done an excellent job in preparing a resolution today endorsing the library bond referendum which he had had all of the City Council members sign prior to the meeting this evening.

Mrs. Evans then offered motion that the City Council endorse the bond referendum for the new central library in the City, seconded by Mr. Dawkins and carried unanimously.

Mayor Hurley reminded Council that he had sent them a letter earlier this week regarding the appointment of a Blue Ribbon Study Committee on the Civil Service Commission. He requested reaction and comments. Mayor Hurley suggested a seven member committee and that Council appoint four members and three be appointed from the Civil Service Commission, Police Department, and Fire Department. Mr. Dawkins suggested that City Council appoint three members and the Civil Service Commission appoint two, the Police Department and Fire Department one each. Mrs. Evans suggested that the Mayor make the three Council appointments. The Mayor stated he would be glad to do this.

Mayor Hurley recognized a representative from the Carolina Telephone and Telegraph Company in the audience, who stated she was working for the United Fund and was here as an observer this evening.

Mayor Hurley informed the Council members that he had received a very nice letter from the Mayor of Hastings, England expressing thanks to the City for the hospitality extended to their theater group recently and informing the Mayor that he and his wife would be present next spring for the City's Dogwood Festival.

Mr. Dawkins then offered motion, seconded by Mr. McBryde and carried unanimously that Council recess at this time into executive session at 9:00 P.M. for the purpose of discussing a land transaction matter only.

Council reconvened into regular session at 9:05 P.M.

Council recognized the City Attorney who recommended to Council that we tender an offer of \$25,500. for the property owned by Eastern-Federal Corporation on Franklin Street immediately behind the Grannis and the Cape Fear Furniture properties.

Mr. Dawkins then offered motion, seconded by Mr. McBryde and carried unanimously to make the offer of \$25,500. for the property as recommended by the City Attorney.

Thereafter all matters of business having been completed, this regular session of the Council was adjourned at 9:07 P.M. upon motion made and duly seconded.


Maurice W. Downs, City Clerk

SPECIAL MEETING
KYLE HOUSE CONFERENCE ROOM
OCTOBER 18, 1982
7:00 P.M.

- Present: Mayor John W. Hurley
- Council Members: Jimmie Jones, Milo McBryde, J.L. Dawkins,
Aaron Johnson, Mildred Evans, Milton Wofford
- Others Present: Roger L. Stancil, Assistant City Manager
John M. Monaghan, Jr., Assistant City Manager
Robert C. Cogswell, Jr., City Attorney

Mayor Hurley called the meeting to order and Councilmember Johnson offered the invocation.

Council first considered the hiring of Police Officers continued from the regular meeting of October 11, 1982. Councilmember Evans moved that the Council accept the recommendation of the Chief of Police and the City Manager to hire the following police officers: Kevin Schnee, Harry Arter, Joseph DeRobbio, James Wade, Michael Koszulinski, and Thomas Glascock. This motion was seconded by Councilmember Dawkins. Mr. Dawkins moved, and Mr. Jones seconded, that the Council go into executive session to discuss personnel matters. The motion carried unanimously. Council reconvened into special session and voted on the motion by Councilmember Evans. This motion carried unanimously with the understanding that the Court order provisions must be met before any academy can begin.

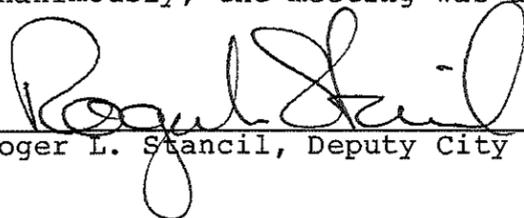
Council next heard a presentation by Mr. Bernard Stein, representing the Airport Commission, on a request by the Federal Aviation Administration for proposals for construction and lease of a Flight Information Facility. No action was taken on the Commission's request for assistance in funding the construction of this facility.

Council next heard a presentation by John Corbett representing the Fayetteville Area Chamber of Commerce. This presentation included a video presentation prepared by the Chamber.

Carol Parker, Personnel Director, then briefed the Council on a proposed employee health benefit plan. She also presented information on the proposal for tax sheltering city employees' retirement contributions.

Councilmember McBryde asked the staff to look into the possibility of locating a parking deck on the Transit Mall as was done in Charlottesville. Councilmember Jones made a brief report on his trip to the Charlottesville Mall.

Upon motion by Mr. McBryde, seconded by Mr. Wofford, and carried unanimously, the meeting was adjourned at 9:35 p.m.



Roger L. Stancil, Deputy City Clerk

FAYETTEVILLE CITY COUNCIL
 REGULAR MEETING
 CITY HALL COUNCIL CHAMBER
 October 25, 1982
 7:00 P.M.

Present: Mayor Bill Hurley

Councilmembers: Jimmie Jones, Milo McBryde, J.L. Dawkins,
 Rev. Aaron Johnson and Mildred Evans

Councilmember absent: Milton Wofford

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

Mayor Hurley called the meeting to order and the invocation was offered by Chaplian (Retired U.S. Army) Thomas Q. Whitmire. Following the invocation Mayor Hurley led the assembly in the Pledge of Allegiance to the Flag.

Mayor Hurley then recognized Fayetteville Youth Council members in the audience to observe Council proceedings.

Mayor Hurley noted for the record that Councilman Wofford was absent from this meeting by permission of the Council.

Mayor Hurley recognized Mr. Dawkins who requested permission to abstain from voting on Item 5B due to a personal interest. Mr. McBryde offered motion to approve the request, seconded by Mrs. Evans and carried unanimously.

1 Approval of Minutes:

- A. Regular meeting of October 11, 1982.
- B. Special meeting of October 18, 1982.

Mr. McBryde offered motion that both of the foregoing sets of minutes be approved as submitted by the Clerk, seconded by Mr. Jones and carried unanimously.

2 Public Hearings:

- A. A. Consideration of an application by Harry W. Moser to amend the zoning Ordinance of the City, Section 32-57(4) "Off Street Parking" for hospitals and nursing homes.

Planner Al Mitchell presented this item and stated that Planning Board recommends approval of alternate number 2, one space for each two (2) beds intended for patient use. (Hospitals remain the same).

There was no opposition present.

Following brief discussion Mr. McBryde offered motion, seconded by Mrs. Evans and carried unanimously for adoption of alternate plan number 2 as recommended and for adoption of the ordinance.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING SECTION 32-57(4) AND (4a) OF THE CITY CODE GOVERNING NURSING HOME OFF STREET PARKING.
 ORDINANCE NUMBER S1982-21.

A copy of the foregoing ordinance is on file in the Clerk's Office in Ordinance Book S1982.

- B. B. Consideration of a resolution and notice of intent to close Gable Court.

The City Engineer presented this item and recommended approval. He stated that notices had been sent to each property owner as required by statute.

Council recognized Mr. John Ivey representing Mr. Dewey K. Strother, the petitioner and requested approval of the street closing in order that the property might be developed.

There was no opposition present.

Following brief discussion Mr. Dawkins offered motion for approval by adoption of the resolution, seconded by Mr. McBryde and carried unanimously.

RESOLUTION AND ORDER CLOSING GABLE COURT
RESOLUTION NUMBER R1982-53

A copy of the foregoing resolution is in file in the Clerk's Office in Resolutions Book R1982.

C. Consideration of a resolution requiring the paving pursuant to petition of Taft Street from Whitfield Road to dead end. The City Engineer presented this item and recommended approval. The Clerk certified that all property owners had been mailed notices as required.

Council recognized Rosa McMillian and Ophelia McMillian, property owners in favor of the action.

There was no opposition present.

Following brief discussion, Rev. Johnson offered motion, seconded by Mr. Jones and carried unanimously for approval of the foregoing by adoption of the final resolution.

FINAL RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION OF TAFT STREET.
RESOLUTION NUMBER R1982-54.

A copy of the foregoing resolution is on file in the Clerk's Office in Resolutions Book R1982.

At this point in the meeting, Mayor Hurley recognized Mayor Ed Anglin from Hope Mills who had just entered the meeting.

D. Consideration of an ordinance confirming the assessment roll for the paving of Pearl Street from Fort Bragg Road to Manchester Street. The City Engineer presented this item and recommended approval. The Clerk certified that notices had been mailed to each property owner as required.

There was no opposition present.

Following brief discussion Mr. McBryde offered motion for adoption of the ordinance, seconded by Mr. Dawkins at 7:15 p.m. and carried unanimously.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENTS OF PEARL STREET
ORDINANCE NUMBER NS1982-36.

A copy of the foregoing ordinance is on file in the Clerk's office in NS Ordinance Book 1982.

E. Consideration of an ordinance confirming the assessment roll for the paving of Murray Hill Road from McPherson Church Road to Jura Drive.

The City Engineer presented this item and recommended approval. The Clerk certified that property owners had been sent notices as required.

There was no opposition present.

Following brief discussion Mr. Dawkins offered motion, seconded by Mr. McBryde and carried unanimously for adoption of the ordinance confirming the assessment roll at 7:20 p.m.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF MURRAY HILL ROAD. ORDINANCE NUMBER NS1982-37.

A copy of the foregoing ordinance is on file in the City Clerk's office in ordinance book NS 1982.

F F. Consideration of Collier Drive Redevelopment plan (8th Year CDBG funding).

The recommended action was adoption of the resolution.

Kathleen Autry and five other residents of the area stood in favor of the plan.

There was no opposition present.

following brief discussion Mrs. Evans offered motion, seconded by Mr. McBryde and carried unanimously for approval of the plan by the adoption of the following resolution:

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL APPROVING URBAN RENEWAL PLAN AND THE FEASIBILITY OF RELOCATION FOR THE COLLIER DRIVE COMMUNITY DEVELOPMENT PROGRAM (THIS IS AN UNNUMBERED RESOLUTION)

3 Public Hearings to be Set:

A A. Consideration of awarding Certificate of Public Convenience and Necessity (Section 28-16) set for November 8, 1982.

B B. Consideration of a resolution and order to file and publish preliminary assessment roll for the paving of Cunningham Street from existing pavement to 61.0 feet southwesterly from the westernmost corner of Lot 53, Plat Book 10, Page 15, Cumberland County Registry. The public hearing date is November 22, 1982.

C C. Consideration of a resolution and order to file and publish preliminary assessment roll for the paving of Eden Cross from the western boundary of Matthews Subdivision to the eastern boundary of Matthews Subdivision. Public hearing date is November 22, 1982.

D D. Consideration of proposed amendment to Section 21-44(r) regarding approval for Charitable Organization exemptions under the Blue Law. Public hearing date is November 22, 1982.

Mr. McBryde offered motion to set the foregoing public hearing dates as recommended for adoption of the resolutions and in the case of Item 3 D. to allow in the publication to allow City Manager to approve these items as recommended by the City Attorney. Motion seconded by Rev. Johnson and carried unanimously.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENTS ON CUNNINGHAM STREET. RESOLUTION NUMBER R1982-55.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENTS ON EDEN CROSS. RESOLUTION NUMBER R1982-56.

Copies of the foregoing resolutions are on file in the Clerk's office in Resolutions Book R1982.

4 Public Works Commission matters:

A A. Consideration of an application for one 1-inch water connection to existing main to serve a residence at 4275 Rosehill Road, outside the City. The property is not contiguous to the present City limits. PWC Manager Ray Muench presented this item and stated PWC recommended approval and that the developer will execute an annexation agreement.

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

Mr. Muench also gave Council an update on the Rockfish Treatment Plan. He displayed bids on the general construction and stated that nine in all had been received. He stated there was a possible disqualification of the low bidder, however. He stated that three bids had been received on the mechanical portion, three bids on the plumbing, four bids on the electrical portion and 21 bids on the interceptor sewer and that there appeared to be no problem with these.

At the request of Rev. Johnson, Mr. Muench also commented on the electric rate reduction meeting with CP & L and stated that the rate increase would not be as high as anticipated as a result of this meeting.

Rev. Johnson commended Mr. Muench on the electric rate reduction with CP & L.

5 Planning Board Matters:

A Consideration of Vanstory Hills Subdivision, Section VII, Part F in an R10 Residential District for preliminary and final review located on the south side of Morganton Road on Thorncliff Drive.

Planner Al Mitchell presented this item and stated that Planning Board recommended conditional approval per their memo of October 25.

Following brief discussion Mrs. Evans offered motion, seconded by Mr. Dawkins for conditional approval as recommended. Motion carried unanimously.

B Consideration of Cross Creek Office Park proposed street location and dedication west of McPherson Church Road between Morganton Road and US 401 Bypass.

Planning Board recommended conditional approval per their memo of October 25.

Mrs. Evans offered motion, seconded by Mr. Jones for conditional approval as recommended. Motion carried, Mr. Dawkins abstaining to vote.

C Consideration of Revised Memorandum of Understanding, Area Continuing Transportation Planning Process.

Planner Mitchell stated that approval is recommended and that this revised memorandum is appropriate to reflect changes which have occurred since 1975 that is the addition of Fort Bragg, Pope Air Force Base and Harnett County as participants in the Fayetteville Urban Area Transportation Planning Program. No changes in responsibilities of any of the signatories have been indicated in the revised memorandum. The City Attorney has reviewed the memorandum and recommends approval and execution by the Council.

Following brief discussion Mrs. Evans offered motion for approval of the memorandum of understanding as recommended by the planning staff, seconded by Mr. McBryde and carried unanimously.

6 Request by Allen Jordan and Marland Reid to appear before the council to discuss cable television

Council recognized Mr. Jordan, a member of the Hope Mills Board of Commissioners.

Mr. Jordan commented on the cablevision service being furnished by the Fayetteville Cablevision Company. He requested Council's participation in securing improved cablevision service for Hope Mills and Cumberland County. He stated that Fayetteville Cablevision is a huge entity and difficult to deal with. He stated Hope Mills needs the support of the City and that the Cumberland County Commissioners have agreed to support them in their request. He stated Hope Mills had received no answers from Cablevision on their request for service. He stated they wanted the best service for Hope Mills. He requested the City Council to join Cumberland County and Hope Mills in securing this service. He also requested that Council seek amendment to the Public Works Commission charter to allow it to handle cablevision service. He presented a resolution to Council and asked that this matter be considered at a later joint meeting.

Council then recognized Attorney Stacy Weaver representing Fayetteville Cablevision Company. Mr. Weaver stated that the cablevision company is under a program of enlargement and that to date approximately \$90,000 have been spent and additional \$410,000 by next June for greater service to the area. He stated the Company has spent 1.8 million for conversion and 1.6 million for expansion into unserved areas. He stated that by 1983 the Company will be serving 99 and 34/100% of the City of Fayetteville. He stated they will complete their conversion by April 1, 1983. He stated that Fayetteville Cablevision provides quality service and has been a tax payer in the Fayetteville Community for many years. He stated as additional service, cablevision will provide 24 hour news service, 24 hour movies and a children's channel. He concluded by saying his company would like to have a meeting with the town of Hope Mills.

Council again recognized Mr. Jordan from Hope Mills who stated that Hope Mills was certainly not unwilling to talk but their requests to do so with the cablevision company have been ignored. He stated Mr. Weaver did not refute anything that he had said concerning service to the Town of Hope Mills. He suggested that Mr. Weaver and Fayetteville Cablevision write down their proposed improvements and provide a performance bond to guarantee accomplishment of these improvements.

Mr. Weaver was then again recognized and stated that some things said by Mr. Jordan were not irrefutable. He stated the company has released financial data to Hope Mills and has rebuilt the Hope Mills system. He stated he and his company will address these matters to Hope Mills rather than elaborate on them at this time in this place. He then concluded by extending thanks to the City Council for the opportunity to appear before them this evening.

Mayor Hurley then recognized Rev. Johnson who stated that he had received complaints concerning cablevision service. Mr. Weaver stated to Rev. Johnson that he would like to have these complaints.

Mrs. Evans suggested an information session to discuss these matters.

Mayor Hurley requested the City Manager and staff to set a date for such information meeting.

City Council then moved on to item 7 on the Agenda.

- 7 Consideration of the Sale of the City's Inland Port Facility on South King Street. This matter had been continued from the regular meeting of October 11, 1982.

The City Attorney presented this item and stated that the last bid of \$15,000 submitted by Fitchett and Folsom, the present tenants, had not been raised. He recommended approval of the sale subject to the remainder of the balance of the purchase price being tendered to the City within 30 days. He recommended adoption of the resolution authorizing the sale.

Following brief discussion Mr. Dawkins offered motion, seconded by Rev. Johnson and carried unanimously to approve the foregoing sale for \$15,000 as recommended by the City Attorney by the adoption of the following resolution.

RESOLUTION AUTHORIZING THE SALE OF CITY OF FAYETTEVILLE PROPERTY - INLAND PORT FACILITY
RESOLUTION NUMBER R1982-57.

A copy of the foregoing resolution is on file in the Clerk's office in Resolution Book R1982.

- 8 Consideration of guidelines for approving requests for speed limit changes.

The City Engineer presented this item and stated that on September 27 a petition was presented for changing the speed limit from 35 to 25 mph on all streets in Huntington Park and Howard Acres subdivisions. The matter was discussed by Council and delayed for one month to consider some guidelines for changing speed limits. The suggested guidelines are as follows:

A petition may be submitted by a majority of the property owners abutting a street for reduction or increase of the speed limit. The petition must be for the full length of the street or a portion of a street that has a definite change in use or design from the remaining portion.

A reduction in speed limit below the State's standard 35 mph urban speed limit should not be implemented on streets shown on the adopted thorough fare plan or the feeder street system plan.

He noted that St. Mary's Parkway is on the thorough fare plan and if the above guide lines are followed the reduction in speed limit would not be implemented on this street. It should also be noted, he stated, that wholesale re-signing of speed limits was not anticipated in the present budget. Therefore the extra expense of materials for signing should be appropriated. The sign erection in this area is estimated at \$400 (\$225 for materials and \$175 for labor).

Following brief discussion Mr. McBryde offered motion to adopt the policy guidelines as presented by the City Engineer, seconded by Mr. Jones and following some discussion carried unanimously.

Following some further discussion Mr. McBryde offered motion to adopt the ordinance reducing the speed limit from 35 mph to 25 mph on the streets in Huntington Park and Howard Acres. Motion seconded by Mrs. Evans.

Following some further discussion Rev. Johnson offered motion to amend Mr. McBryde's motion to include St. Mary's Parkway in the above and reduce the speed limit on this street from 35 mph to 25 mph by the adoption of an ordinance. Motion on the amendment was seconded by Mrs. Evans and upon being put to vote, carried unanimously.

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

The ordinance titles appear below:

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 8- SPEED CONTROL HUNTINGTON PARK AND HOWARD ACRES STREETS. ORDINANCE NUMBER NS1982-38.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 8-SPEED CONTROL - ST. MARY'S PARKWAY. ORDINANCE NUMBER NS1982-39.

Copies of both of the foregoing ordinances are on file in the Clerk's office in Ordinance Book NS1982.

9 Consideration of petition for residents requesting reduction of speed limit in the Huntington Park area.

The recommended action was approval in conformance with the adopted guidelines and this matter was handled under Item 8.

Mayor Hurley then declared a five minute recess in the meeting.

Council then reconvened into regular session.

10 Consideration of request from North Carolina Department of Transportation for the concurring 25 mph school zone speed limit on Morganton Road at Alma Eason Elementary School.

The City Engineer presented this item and recommended adoption of the ordinance.

Following brief discussion Mr. McBryde offered motion, seconded by Rev. Johnson for approval of the DOT request by the adoption of the following ordinance. Motion carried unanimously.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 8 - SPEED CONTROL - MORGANTON ROAD. ORDINANCE NUMBER NS 1982-40.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1982.

- 11 Consideration of opening two bids received for resurfacing and award of contract.

The City Engineer presented this item. He stated on October 11 Council approved resurfacing a number of streets in the City. Advertisement was placed in the local newspaper and contract documents were mailed to all local paving contractors. Bids were received on October 19. Only two bids were received and because of North Carolina Statutes requiring three bids on construction work the bids were not opened. There is a provision in the statutes for the Council to declare emergency situation and proceed with less than three bids. We believe that the resurfacing of these streets is of a very urgent nature and an emergency should be declared.

To readvertise would delay the work beyond the paving season and, therefore, the work could not be done until Spring. Additional cost would be incurred by a further deterioration of the streets and no doubt major potholes would occur before Spring which would constitute a safety hazard. Also delaying the work until Spring would be additional expense to the City making makeshift repairs.

If the Council agrees with this emergency condition, then we would suggest immediately opening the bids and making a recommendation as to award at this Council meeting he concluded. Following brief discussion Mr. Dawkins offered motion, seconded by Mr. Jones and carried unanimously to declare an emergency situation and accept the two bids as presented and proceed with opening the bids. The City Engineer was then requested to open the bids and present them to the Council later in the meeting.

Council then proceeded to the next item on the agenda which was number 12.

- 12 Consideration of an amendment to Section 20-164 reducing the application time for parade permits from 14 to seven days.

The City Attorney presented this ordinance and recommended approval and adoption.

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

AN ORDINANCE AMENDING CHAPTER 20 MOTOR VEHICLES AND TRAFFIC OF THE CITY CODE OF THE CITY OF FAYETTEVILLE - PROCEDURES FOR OBTAINING PARADE PERMIT. ORDINANCE NUMBER S1982-22.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1982.

- 13 Consideration of amendments to the sign ordinance.

The City Attorney presented this item and recommended to refer to Revitalization Commission and Appearance Commission. In a memorandum to the Council Members from the Mayor he stated he had met several months ago with John Smith, Bob Cogswell, Cliff Strassenberg and J.L. Dawkins and discussed the need for a revised sign ordinance for the City. A first draft of an ordinance had been prepared by the City Attorney and the City Planner. It is intended to be a guide for our initial considerations.

He stated in the memo I am sure you agree with me that something needs to be done to curtail sign proliferation. Also there is a need for laws that will prevent the display of neglected signs that have been abandoned or not properly maintained. I feel we owe to our City the correction of this situation. I realize there will be opposition from people who are in the sign business.

There was then considerable discussion of this matter.

Following this discussion Mrs. Evans offered motion to refer this item to the Revitalization and the Appearance Commission as recommended, seconded by Mr. Dawkins and following some discussion carried with Rev. Johnson voting no.

- 14 Consideration of Amendments to Section 32-30(1), 32-57(14), and 17-42(10)(B) to eliminate the term "dance halls" from the City Code.

The City Attorney presented this item and recommended to refer zoning amendments to the Planning Board. Mr. McBryde then offered motion seconded by Mrs. Evans to follow the foregoing recommendation of the City Attorney, motion carried unanimously.

- 15 Consideration of proposed agreement between the City of Fayetteville and Fayetteville City Schools for the purchase of the Haymount School Site.

The City Manager presented this matter and stated that the site is being considered for low rent housing. The school board had declared the property surplus to their needs. The City can enter into an option with the school board and sell the property to a developer. A proposal has been made with City Schools and Fayetteville Progress and the City will act as the Agent. There will be no outlay of City funds he concluded.

Following brief discussion Mr. McBryde offered motion seconded by Mr. Jones and carried unanimously to authorize the City Manager to pursue this concept.

- 16 Consideration of Memorandum of Agreement for exchange of property with the County of Cumberland. The City Manager presented this item and requested authorizing the agreement. He stated the Memorandum of Agreement was that the City would buy from the County parking equipment located at the County Courthouse on Dick Street which has previously been declared surplus for \$16,500. Also the real property commonly referred to as the Annex consisting of two buildings and the adjacent parking lot areas for \$325,000.

The County agrees to purchase from the City the real property and buildings known as the "Mayview property" currently being utilized by the City's FAST Bus system for the sum of \$141,750.

There was then some discussion and following this Mrs. Evans offered motion to authorize the agreement as recommended, seconded by Mr. McBryde and carried unanimously.

- 17 Consideration of proposed Employee Health Insurance Program. The City Manager presented this item and stated that at Council's October 11 and 18 meetings, information was presented on the self insurance concept with the proposed benefits involved in the adoption of a new Employee Health Insurance Program. A copy of the proposed agreement with Mid-South Insurance Company was also presented for the administration of the insurance program. Both the staff and the Risk Management Advisory Committee recommend the award of the contract for the administration of the Employee Health Insurance Program to Mid-South Insurance Company.

Following brief discussion Rev. Johnson offered motion to award the contract as recommended with the correction stated by Mr. Smith to Mid-South Insurance Company, seconded by Mr. McBryde and carried unanimously.

- 18 Consideration of Capital Project Ordinance (CAP-14) - Worth Street, Phase II. The City Manager presented this item and recommended approval. The project appropriation is \$86,800 he concluded.

Following brief discussion Rev. Johnson offered motion for adoption of the Capital Project Ordinance as recommended, seconded by Mr. McBryde and carried unanimously.

- 19 Consideration of Budget Ordinance Amendment - Change 4. Assistant City Manager Roger Stancil presented this item and stated that this budget amendment accomplishes several purposes. It transfers the cost of public safety officers from the Fire Department to the Airport. This would allow us to charge the PSO cost directly to the Airport. This amendment along with the financial plan change also transfers the fueling station function from the Fleet Maintenance Department to the Administrative Services Department. Also during the budget preparation, we did not budget funds to the City Clerk to pay for the printing of the City Code Supplements. This amendment transfers funds from contingencies to cover this cost. We recommend the adoption of this budget ordinance amendment and financial planning change one he concluded.

Following brief discussion Mrs. Evans offered motion for the adoption of Budget Ordinance Amendment Change 14 and Financial Plan Change 1, seconded by Rev. Johnson and carried unanimously.

- 20 Consideration of grant agreements with North Carolina Department of Transportation for construction of Transit Mall and renovation of maintenance facility. The Assistant City Manager also presented this item and stated that DOT had notified us that the Board of Transportation has approved the request for state grant funds to provide funding for the construction of the Transit mall and the purchase and renovation of a transit maintenance facility. The state will provide ten percent of the total cost of these projects. In order for us to receive these grant funds we must execute a grant agreement with the state. He recommended that Council authorize the City Manager to execute the grant agreements by the adoption of a resolution. Following brief discussion Mr. Jones offered motion to authorize the City Manager to execute the grant agreements by the adoption of the resolution as requested. Motion seconded by Rev. Johnson. Mr. McBryde requested permission to abstain from voting on this matter and permission was granted by the Council. Mayor Hurley then called for a vote on the motion and it carried, Mr. McBryde abstaining.

- 21 Presentation on Tax Increment Financing.

Mayor Hurley stated that all City Council members were familiar with this subject and had signed the appropriate resolution endorsing passage of same in the upcoming election.

Mr. McBryde then offered motion, seconded by Rev. Johnson for adoption of the resolution, motion carried unanimously.

- 22 Appointments:

- A A. Election of nominees previously made to fill three vacancies on the Advisory Recreation and Parks Commission.

There were four nominees for three positions.

Votes were cast and Mayor Hurley declared the following appointed for three year terms of office each to October 1985:

Mark Kendrick
Mrs. Henry Moses
Rev. Robert W. (Sandy) Saunders

- B B. Election of nominees previously made to fill five vacancies on the Human Services Commission.

Following brief discussion Mr. McBryde offered motion, seconded by Mr. Dawkins and carried unanimously that the following appointments be made: Rev. Aaron Johnson and Mrs. Mildred Evans for three year terms of office and Dr. William Bell, Mr. Lester Shaw and BettieJo Goodenough for two year terms of office.

- 23 Delegations:

The Council recognized Mr. Clinton Harris, a local citizen, who had comments on the reduction of speed limits this evening but no provision for sidewalks in the areas. He suggested that a provision be made in the ordinance for this. He also suggested that Council make the Gillespie Street library a historical place.

- 24 City Managers Reports:

The City Manager reported on the bid tabulation on the resurfacing of the streets considered earlier. He stated the Engineering estimate was \$186,276.50. He stated that bids consisted of Crowell Constructors, \$173,805 and Cumberland Paving Company \$166,746.05. He recommended awarding the contract to Cumberland Paving.

Rev. Johnson offered motion, seconded by Mr. Dawkins and carried unanimously to make the foregoing award as recommended.

Mr. Jones requested the City Manager to consider the repaving of Kensington Circle. The City Manager replied that he and the City Engineer will take this under consideration.

25 Matters of Interest to the City Council.

Mr. Jones extended thanks to the City Engineer for completion of the paving over the new bridge on Rosehill Road.

Mr. Dawkins commented on the recent death of Mr. Thad Cherry. He commented on his hard work and conscientious efforts in the Senior Citizens program and stated that the would be sorely missed.

Mr. Dawkins stated that in November, November 11, Armistice Day and November 25 Thanksgiving day would be celebrated as Holidays. These are also trash pick-up days and he requested the City Manager to send appropriate notices out well in advance.

Mr. McBryde stated that the City employees pumping gasoline at night do not have the knowledge to pump propane gas. Since the City police cars run on propane gas he suggested that some employees be trained to do this. Mr. McBryde also commented on the parking on Anderson Street and asked about an ordinance covering this. The City Attorney replied that this was covered.

Mayor Hurley then commented on his memorandum to the Councilmembers concerning the Chamber of Commerce video presentation. He stated as a follow up to the requests by the Chamber at the information meeting on October 18, he felt compelled to vote for reimbursing the Chamber for the cost incurred in the production of the video presentation "Fayetteville: A Lot to Offer". The cost was \$5,508.40. He stated he knew this is a break with precedent, however, we have a contingency fund to meet such needs when they arise. Since this is a one-time specific request to cover the promotion of our City I feel the request is justified.

He stated he presented it at this time for Council discussion and any action.

He then called on the City Manager for comments and the City Manager suggested an accounting before approval for the record.

Mrs. Evans stated that she could not approve the request and Mr. McBryde agreed with her.

Rev. Johnson suggested approval for promotional purposes.

Mr. Dawkins agreed with the City Manager on the accounting suggestion.

Following some further discussion Mr. McBryde offered motion that Council not approve this request, seconded by Mrs. Evans.

Following some further discussion Mr. Dawkins offered a substitute motion to ask administration to study the matter and consider before the full Council since Mr. Wofford is absent tonight and take action in two weeks on the request. Motion seconded by Rev. Johnson.

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

Mayor Hurley then called for a vote on the main motion and it was as follows:

For the motion: Councilmembers Jones, Evans and McBryde. Against the motion: Councilmembers Johnson, Hurley and Dawkins. Mayor Hurley again declared a tied vote.

The City Manager then suggested in an effort to resolve the matter that if the Chamber of Commerce requests approval of this appropriation in writing he will place the matter on the agenda for the next meeting and request an accounting from them concerning the original appropriation. This was agreeable to the Council.

Mayor Hurley then reminded Councilmembers of the North Carolina League of Municipalities meeting beginning this weekend.

Mayor Hurley then informed the Council that recognition had been given to Mr. Thad Cherry with a presentation from the Council to Mr. Cherry's family.

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


Maurice W. Downs, City Clerk

FAYETTEVILLE CITY COUNCIL
REGULAR MEETING
CITY HALL COUNCIL CHAMBER
NOVEMBER 8, 1982
7:00 P.M.

Present: Mayor Bill Hurley
Councilmembers: Jimmie Jones, Milo McBryde, J.L. Dawkins, Rev. Aaron Johnson, Mildred Evans and Milton Wofford
Others present: John P. Smith, City Manager
Roger L. Stancil, Assistant City Manager
Attorney Larry McGlothlin, Acting City Attorney in the absence of Robert Cogswell

Mayor Hurley called the meeting to order and Chaplain (Cpt. U.S. Army) Frank Bruning, 503rd Military Police, Ft. Bragg, NC, offered the invocation. Following this Mayor Hurley led the assembly in the Pledge of Allegiance to the Flag.

Mayor Hurley requested Fayetteville Youth Council Representatives to stand but they were not present.

Mayor Hurley recognized Attorney McGlothlin sitting in for the absent City Attorney Robert Cogswell.

Mayor Hurley extended congratulations and best wishes to City Clerk Maurice Downs on receiving Certified Municipal Clerk Status from the International Municipal Clerks Association.

Mayor Hurley stated that the City Manager had requested an executive session at the close of this meeting to discuss a land transaction matter. This was approved.

Rev. Johnson asked Attorney McGlothlin about participating in the vote on Item 8 on the agenda. The City Attorney replied that there would be no problem.

Mr. Wofford stated that due to the fact he was absent from the last meeting, he requested permission to abstain from voting on approval of the minutes. This was approved.

1. Approval of the minutes of the regular meeting of October 25, 1982. Mr. Dawkins moved for approval of the minutes as submitted by the clerk, seconded by Mr. McBryde and carried, Mr. Wofford abstaining.

2. Public Hearings:
A Consideration of awarding Certificate of Public Convenience and Necessity (Section 28-16). The recommended action was to authorize 110 franchises.

There was no opposition present.
Following brief discussion, Mrs. Evans offered motion to authorize the 110 franchises as recommended, seconded by Mr. Wofford and carried unanimously.

B Consideration of a joint public hearing with the Historic Properties Commission for the purpose of designating two sites as Historic Properties:
1. Old Howard School Site (1867)
2. McGary-Small House (1842)

The recommended action Historic Properties Commission recommended approval.
Council recognized Dr. Charles Speegle, Chairman of the Commission, who introduced Commission members Rosalie Kelly and Rev. Bob Laderhoff. Dr. Speegle also introduced Mr. Ed Murphy and Mr. and Mrs. Hunter Olive, owners of the respective properties. Dr. Speegle stated the properties had been approved for designation by both the Division of Archives and History and the Fayetteville Historic Properties Commission as required by State law.

Council first considered the Old Howard School Site.
Council recognized Mr. W. Edward Murphy of the Board of Trustees of the school property and the members of the Gillespie Street Library Club who offered comments concerning the site.

Following Mr. Murphy's comments, Mr. Wofford requested that they be spread on the minutes verbatim for historic purposes.

They appear below.

I am W. Edward Murphy and I am speaking in the interest of the Board of Trustees of the Howard School property and the members of the Gillespie Street Library Club.

This evening, within the next few minutes, I shall try to solicit the support of this prestigious body in our efforts to get the Howard School Site, the grounds on which the Gillespie Street Library now stands, designated an historic property and eventually listed on the National Register so that the site, the memory and the appreciation thereof will endure for future generations to admire.

This small, yet important, tract of land purchased by the black citizens of Fayetteville in 1867 is a rich heritage, indeed, a single landmark in the development of the education of black people in Fayetteville and the immediate area and there are many good reasons why it is held in such high esteem. It embodies a deep feeling of great cultural significance. For here in this soil are sweat, the blood and the tears of black citizens that nurtured the roots of hope, inspiration and the aspirations that helped to lift a people from the thralls of despair.

Moreover, these grounds mark the birthplace of the first graded school by an act of the North Carolina Legislature in 1877 that school became the first normal school for the training of black teachers in the South. A normal school that was the forerunner of our pride and joy, Fayetteville State University.

On these grounds so much human drama unfolded that had great influence, influence like a mighty stream that spread to the hinterlands on through to some of our major metropolitan centers. The influence of those who once trod the soil of which I speak - men and also women who are Howard School graduates or were in some way associated with the Howard School movement. Indeed, a few made tidal waves, it will suffice to mention three.

One of the purchasers of the land, Thomas Lomax, became a Bishop and an intellectual giant in the Methodist Church. Lomax was the grandson of William Lomax, who came to Fayetteville with General LaFayette from the French colony of Africa to help fight for the freedom of America.

Another was Dr. Ezra Ezekial Smith named Minister to Liberia. He also became the third principal of the normal school and the president of Fayetteville State College, now Fayetteville State University.

Charles Waddell Chesnutt, the noted novelist, a literary great, entered the Howard School at the tender age of eight. Later became the second principal of the normal school.

Charles Chesnutt was one of the first Carolinians of either race to make a national name for himself in literature. He authorized many books and received greatest praise from the writers of his day. Among Chesnutt's work that received the greatest acclaim are: "The House Behind the Cedars" which abounds with local color of Fayetteville. Here Chesnutt describes the beauties of the Cape Fear Region, its sounds, its earth, its air. Others are "The Marrow of Tradition" and "The Conjure Woman". The influential critic, William Dean Howell, compared Chesnutt to such greats as Maupassant, Henry James and others.

It may be worth while to mention that among Chesnutt's friends he could count Mark Twain, who invited Chesnutt to his 80th birthday celebration.

And so, because of these and other outstanding contributions to Fayetteville, to North Carolina and our nation, the beginnings which are rooted in this precious, almost sacred spot of ground and because our resources are scarce, our landmarks limited, we sincerely ask your invaluable assistance in helping to make our dream a realization - the designation of the Howard School Site an historic property.

Rev. Johnson then offered brief comments concerning Mr. Murphy and his background. Among his distinctions was that he was a retired school principal.

Council then recognized Mr. Clinton Harris, a local citizen, with comments concerning the old school site as well as the old well which was situated on the former Horne House site on Green Street.

Mayor Hurley asked if there were others who wished recognition and approximately twenty-five persons in the audience stood endorsing the action.

There was no opposition present.

Rev. Johnson then offered motion to follow the recommendation of the Historic Properties Commission and designate the Howard School Site as an historic site by adoption of the following ordinance. Motion seconded by Mr. Dawkins and carried unanimously.

AN ORDINANCE DESIGNATING THE OLD HOWARD SCHOOL SITE AS AN HISTORIC PROPERTY PURSUANT TO 2-54 OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. NS1982-41.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1982.

Council next considered the McGary-Small House for designation as a historic site.

Council recognized Mary Erwin Olive, the property owner, who offered pertinent comments on the house and site located at 207 Bradford Avenue across from the Arsenal Site, an important location to the Confederacy during the years 1861-1865. Mrs. Olive then requested approval of this house and site as an historic property.

There was no opposition present.

Mr. Jones then offered motion for approval of the designation of the McGary-Small House as an historic site by the adoption of the following ordinance. Motion seconded by Mr. McBryde.

Mr. Dawkins then offered thanks to the members of the Commission for their efforts in these matters. Mr. Jones requested an enlarged picture of the old well to be placed in the Kyle House. Mayor Hurley then called for a vote on the motion and it carried unanimously.

AN ORDINANCE DESIGNATING THE MCGARY-SMALL HOUSE AS AN HISTORIC PROPERTY PURSUANT TO 2-54 OF THE FAYETTEVILLE CITY CODE. ORDINANCE NO. NS1982-42.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS1982.

3. Consideration of amendment of Section 2-20 of the Fayetteville City Code concerning Regular Meetings of the Council. The recommended action was adoption of the amendment.

The City Manager presented the proposed ordinance and stated that whenever a Regular Meeting of the Council falls on a holiday, Council has changed meeting dates. Under the current ordinance that makes the rescheduled meeting technically a special meeting. Certain public hearings must be held at regular meetings. The ordinance amendment would allow Council to reschedule a Regular Meeting and it would still be a Regular Meeting under the General Statutes.

He continued by stating the second meeting in December will fall on December 27th, the Monday following the Christmas holiday. Since there are three weeks between the last November meeting and the first December meeting, you may wish to consider moving both December meetings up one week to the first and third Mondays respectively.

Following brief discussion, Mr. McBryde offered motion for adoption of the amendment plus changing the monthly meeting date from the second and fourth Monday nights to the first and third Monday nights on a permanent basis, motion seconded by Mr. Johnson.

There was then some discussion of this matter and it was decided to change the Regular Meeting dates for the Council may cause some confusion with other Commission meeting dates.

Following this discussion, Mr. McBryde withdrew his motion and Rev. Johnson withdrew his second.

Mr. McBryde then offered motion for adoption of the amendment as stated with no changes, motion seconded by Rev. Johnson and carried unanimously.

AN ORDINANCE AMENDING CHAPTER 2 ADMINISTRATION OF THE FAYETTEVILLE CITY CODE OF ORDINANCES - CITY COUNCIL MEETING DATES. ORDINANCE NO. S1982-23.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1982.

4. Consideration of change in Regular Meeting dates for the month of December.

The City Manager presented this matter and stated that the second meeting in December will fall on December 27, the Monday following the Christmas holiday. Since there are three weeks between the last November meeting and the first December meeting, you may wish to consider moving both December meetings up one week to the first and third Mondays respectively.

Following brief discussion, Mr. McBryde offered motion to approve moving the Regular Council Meeting dates in December to December 6 and December 20, respectively. Motion seconded by Mrs. Evans, and carried unanimously.

5. Public Hearings to be set:

A Consideration of annexation of property located on the west side of North McPherson Church Road. Suggested City Council date is November 22, 1982.

Mr. McBryde offered motion, seconded by Mr. Dawkins and carried unanimously that the foregoing public hearing be set for November 22, 1982.

B Consideration of annexation of property located on the south side of Johnson Street. Suggested City Council date is December 20, 1982.

Mr. McBryde offered motion to set the foregoing public hearing on December 20, 1982, seconded by Mr. Dawkins and carried unanimously.

6. Consideration of bids for airport runway repair. The recommended action was Airport Commission recommends award to the low bidder under G.S. 143-129 - "Emergency Conditions".

Council recognized Airport Manager Earl Dennis, who presented this item and stated the low bidder, Central Atlantic Contractors, in the amount of \$31,400 was recommended.

Following brief discussion, Mrs. Evans offered motion to follow the foregoing recommendation of the Airport Commission and award the contract under the terms of G.S. 143-129 - "Emergency Conditions", seconded by Rev. Johnson and carried unanimously.

7. Consideration of approval of state grant agreements for airport projects:

A Project No. 83-13-\$23,544 to reconstruct and rehabilitate a portion of Runway 4-22. The recommended action was to authorize the Mayor to execute the grant agreement. Mr. Dennis presented this matter and recommended acceptance.

Following brief discussion, Mr. Dawkins offered motion, seconded by Mr. Jones and carried unanimously to accept the grant as recommended.

B Project No. 83-14-\$114,694 to rehabilitate FBO access road; construct new FBO access road; terminal development consisting of baggage claim expansion and installation of two (2) escalators. The recommended action was to authorize the Mayor to execute the grant agreement.

Mr. Dennis presented this item and stated the Airport Commission recommended acceptance.

Mrs. Evans offered motion to accept the agreements, seconded by Rev. Johnson and carried unanimously.

8. Consideration of award of Contract Number 276 - Murchison Road Sidewalk and Retaining Wall.

The City Engineer presented this matter and stated that this project is for the construction of sidewalks on the west side of Murchison Road from Filter Plant Drive to Matthews Street. Bids were opened on November 2nd for this work. We recommend awarding the contracts to the low bidders, Jackson Construction Company in the amount of \$31,010 for the retaining walls and to McDonald Grading Company in the matter of \$26,745 for the sidewalks and reserving \$63,600 (10% over the low bids) for this project.

The budget ordinance for this work sets aside \$100,000 for the sidewalk projects. With award of this project, there will be \$20,000 left in the sidewalk fund as has been discussed by the Streets and Roads Committee, the Murchison Road Sidewalk Project shall be extended from Filter Plant Drive to join the existing sidewalk to Mt. Sinai Homes. We recommend committing this remaining \$20,000 for rights of way acquisition and construction of this additional section of sidewalks.

There was then some discussion by Council and following this Mrs. Evans offered motion to follow the foregoing recommendation of the City Engineer, seconded by Mr. Jones.

There was then some further discussion and Council recognized Mr. Theodore A. Wood, a resident, who requested that the retaining wall be replaced in front of his property.

Mr. Eugene Wood, another resident, was recognized and requested a three foot retaining wall instead of a seven foot retaining wall. The City Engineer stated that this would be OK and would present no problem.

Mr. Edward Murphy, another resident, was recognized and stated that some residents did not receive all that was promised them by the state when Murchison Road was widened. He requested that the contractors abide by the agreements.

Mayor Hurley reminded those property owners present that there would be no assessment made for this sidewalk work.

Mr. Wofford requested a clarification on the three foot wall and the City Engineer stated that this could be done on an individual basis.

Mrs. Evans then added the following to her motion, "and leave the height of the retaining wall to the discretion of the City Engineer", this amendment was satisfactory with Mr. Jones. Mayor Hurley then called for a vote on the motion and it carried unanimously.

The City Engineer then requested approval by the Council of the extension of the sidewalk contract to join the existing sidewalk to Mt. Sinai Homes and commit the remainder \$20,000 for rights of way acquisition and construction. Mr. McBryde offered motion, seconded by Mr. Dawkins, and carried unanimously to approve the foregoing as requested by the City Engineer.

- 9. Consideration of award of Contract Number 278 - Traffic Signal/Lighting Poles. The recommended action was to award to the low bidder.

The City Engineer presented this matter and stated this contract was for signal lighting poles for downtown projects at several street intersections. The low bid was submitted by Southeastern Safety Company in the amount of \$35,647.80. He recommended award of the contract to Southeastern Safety for supplying the 18 mast arm poles.

Mr. Dawkins offered motion, seconded by Rev. Johnson and carried unanimously to award the contract to the low bidder as recommended.

- 10. Consideration of the proposed Municipal/State Agreement for the reinspection of the Municipal System bridges in Fayetteville. (Estimated local share \$3,000) The recommended action was adoption of the resolution.

The City Manager presented this matter and stated the agreement between NCDOT and the City of Fayetteville is for inspection of the City's thirteen bridges. Under the Federal Bridge Inspection Program, the City must have these bridges inspected. The Federal government will pay for 80% of the cost of the inspections. We have determined that the most economical way to accomplish the inspections is to contract with NCDOT. The estimated local share is less than \$3,000, he concluded. Following brief discussion, Rev. Johnson offered motion, seconded by Mr. Jones and carried unanimously for approval of the agreement and the adoption of the resolution.

RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA - INSPECTION OF MUNICIPAL SYSTEM BRIDGES. RESOLUTION NO. R1982-58.

A copy of the foregoing resolution is on file in the Clerk's office in Resolution Book R1982.

- 11. Consideration of Capital Project Ordinance CAP-15 (Street Resurfacing - Powell Bill). The recommended action was adoption of the ordinance.

The City Manager presented this matter and stated this covered the 1982-1983 street resurfacing program to include streets approved by City Council at their meeting of November 10th and other streets as approved by the Council. He recommended adoption.

Following brief discussion, Mr. Wofford offered motion, seconded by Mr. Jones for adoption, motion carried unanimously.

- 12. Consideration of amendment to Capital Project Ordinance CAP-1 (Bow Street sidewalk, intersection improvements and signalization at Bow and Person Streets). The recommended action was adoption of the amendment.

The City Manager presented this matter and stated the Capital Project Ordinance Amendment is to establish a budget for the completion of the sidewalk along Bow Street from the Bow Street Commons area back to Liberty Point and for rounding out the intersection radius and signalization improvements at the intersection of Bow Street and Person Street. The funds will come mostly from funds left over in the Bow Street Commons Project. There was \$25,000 left from the Bow Street Commons Project Ordinance and additional \$10,000 was added to the fund balance from the refunds received from businesses in the commons area for the parking lot. These funds, together, will make up the \$35,000 project budget, he concluded. Following brief discussion, Mrs. Evans offered motion for adoption of the amendment as recommended, seconded by Rev. Johnson and carried unanimously.

- 13. Consideration of amendment of Section 20-107 of the Fayetteville City Code, adding violations of Section 20-76 of the Code to the towing schedule. The recommended action was adoption of the amendment.

The City Manager presented this matter and recommended adoption of the amending ordinance. In a memorandum from the City Attorney, he attached a copy of 20-76 of the City Code. It is a catch all listing of various places where parking is prohibited. Section 20-107 is also attached and it is the listing of those separate traffic schedules and other sections for which a violation may be enforced by towing. Although the blocking of traffic, or any other emergency condition, would authorize a tow, since Section 20-107 contains a listing that is inclusive in nature, he recommended that 20-76 be added to this list. The proposed ordinance would do that. The provisions of the ordinance would be that illegal parking of motor vehicles in loading and unloading zones, prohibited parking zones, restricted parking zones, fire lanes, and handicapped spaces and that in order to protect the same, the immediate towing and impoundment of such vehicle would be necessary.

Mrs. Evans offered motion for adoption of the ordinance, seconded by Rev. Johnson.

There was then considerable discussion and following this, Mayor Hurley called for a vote on the motion and it carried unanimously.

AN ORDINANCE AMENDED CHAPTER 20 MOTOR VEHICLES AND TRAFFIC OF THE CITY OF FAYETTEVILLE CODE OF ORDINANCES. ORDINANCE NO. S1982-24.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1982.

14. Consideration of offer to purchase City property - Forty-foot right-of-way to Inland Port Facility on S. King Street. The recommended action was to authorize advertisement.

The City Manager presented this item and stated that the City Attorney's memo on this subject was clear, but he stated you will recall that at your last Council meeting, when you approved the sale of the Inland Port Property, the question was raised regarding the maintenance of the road into the property. The City Attorney stated he was under the impression at that time that the road was part of the overall description of the property and would be transferred with the deed. He stated he had subsequently learned that the road is a separate piece of property that was conveyed to the City in 1935 for use as a public road. Over the years the road has been only used for access into the Inland Port Facility, I believe that it was implied all along, if not publicly stated, that the right-of-way into the property and the attendant maintenance would be transferred at the time the sale was made. However, because it was a separate conveyance, it will require another sale to give the property owners the proper title. Approval of the sale of the right-of-way would place the property in private ownership and would place the maintenance responsibility upon the purchasers. Under these conditions, it is my recommendation that only nominal consideration be paid for the right-of-way. The present owners of Inland Port have made an offer to purchase the forty foot right-of-way under certain conditions and he recommended that Council advertise the sale as stated in the notice. Following brief discussion, Mr. McBryde offered motion, seconded by Mrs. Evans and carried unanimously to authorize the advertising of this sale.

15. Consideration of authorization to exercise purchase option for output equipment for the Word Processing Center. The recommended action was to authorize the City Manager to exercise the purchase option.

Assistant City Manager Roger Stancil presented this matter and stated that at the March 8th meeting Council awarded lease contracts for both input and output equipment for the Word Processing Center to Lanier Business Products, Inc. Both lease contracts included an option to purchase to be exercised when City was satisfied with the equipment and its performance.

At its September meeting, Council exercised this option on the input equipment. We have since resolved all issues concerning the output equipment and are prepared to recommend that Council exercise the purchase option on it.

We have made five lease payments on this equipment, 80% of that money will go toward the purchase price. The cost to purchase the equipment is now \$28,747.44, sufficient funds are available in the Revenue Sharing Fund and the Departmental Operating Budget.

He recommended approval, he concluded.

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

16. Appointments:

A Reconsideration of appointments made to the Human Services Commission.

Mayor Hurley informed Council that he had received a memorandum from the Chairman of the Human Services Commission indicating an error had been made at the last meeting of the Council concerning these appointments and requesting reconsideration. Mayor Hurley stated these appointments would be for serving uncompleted terms of office, two would be for terms expiring in March, 1983 and three would be for terms of office expiring in March, 1984.

Following this explanation, Mr. McBryde offered motion that Councilmembers Mildred Evans and Rev. Aaron Johnson and Betty Goodenough be appointed to complete unexpired terms ending March, 1984 and Dr. William Bell and Mr. Lester Shaw be appointed to complete terms ending in March, 1983, motion seconded by Mr. Dawkins and carried, Rev. Johnson abstaining to vote.

17. Delegations.

Council recognized Mr. Clinton Harris with comments on equipment to measure air pollutants. Mr. Harris suggested City acquire such equipment. Mr. Harris also stated he observed an accident on Murchison Road and asked when will action be taken to safeguard this intersection. Mr. Harris stated that also a pole had been struck on Marlborough Street numerous times and no reflectors or safety devices had been installed, he requested that they be installed. Council took note of his comments.

Council then recognized Mr. Theodore Kinney, Chairman of the Human Services Commission, who expressed thanks to the Council for the Human Service Commission appointments.

18. City Manager's Reports.

The City Manager stated ^{that} a memorandum from City Attorney Cogswell stated that the Downtown Fayetteville Loan Program, as Council approved it, was reviewed by the banks and they requested two additional changes and I requested another. The purpose of this memo would be to outline those changes for your consideration tonight.

The first change that they have requested occurs in the provisions dealing with the interest rate. Specifically, the agreement, as you approved it, stated that "the rate would be not less than 60% nor more than 75% of the banks prime rate, the exact percentage between 60% and 75% to be determined by the bank on a loan by loan basis and adjusted with the banks prime rate of the first day of each calendar quarter". They have requested that the ceiling be raised to 80%.

The next change requested deals with the grace period after a payment is due before default shall occur. In terms of the borrower, they have requested that default be immediate upon nonpayment of the principle and within five days after the due date on the interest. In other words, if the borrower is one day late in making his payment, the bank is in a position to exercise default remedies which in its discretion could result in an acceleration of the interest rate. This would defeat the purpose of the loan program, if the banks were to do this, but it is an available option that they can choose. It is available in the event of any default, however, the lack of any grace period makes it more of an acute problem, in my opinion. In discussing this with the banks, they were unanimous in wanting this in the contract. It is legal to make this a condition of the contract and therefore, I take no position on it one way or the other.

The banks have requested that our grace period precipitating default on our part be reduced from sixty to thirty days. This presents no problem.

Finally, I have requested that the bank have the responsibility of first notifying us before we have to initiate any default notices or commence a foreclosure. We can assign this right to foreclose to the bank which they will probably want, he concluded. The City Manager requested approval of these amendments by Council.

Mr. McBryde then offered motion for adoption of the three amendments as recommended, seconded by Mr. Wofford and carried unanimously.

The City Manager informed Council of impending Council Chamber renovations, including a new sound system. He stated there was a small problem with the voting lights where they were, in that they could not be seen. He suggested the use of a tally board, above and behind the City Council positions. This was tacitly agreed upon.

An information meeting was requested and approved for next Monday, November 15th at seven o'clock in the Council Chamber to discuss cablevision.

Rev. Johnson stated he would not be able to be present. Mr. Wofford suggested publication of information meetings. The City Manager also suggested that Council consider the Hope Mills Cablevision Resolution at this information meeting.

The City Manager reported on the Capital Projects Team meetings on fixed assets and stated that they want City Council input on these projects and a workshop session was needed. A tentative date was set for Tuesday, December 7th.

Mayor Hurley suggested that at Council's December 6th meeting date that Council entertain prior to the meeting the military by acting as host for the candlelight tour and move the time of the meeting up to 8:00 P.M. This was discussed briefly and Mayor Hurley stated he would work out the details and get back to Council. Rev. Johnson suggested letting the spouses host the tour.

19. Matters of Interest to the Council:

Mr. Jones stated that lights are needed at the Law Road/Ramsey Street intersection. The City Engineer stated this was in progress and he would call the state to get a report.

Rev. Johnson stated he was in agreement with Mr. Jones' comments and agreed that the City Engineer contact the state concerning this.

Rev. Johnson stated that recently he was going to a meeting and his car broke down and he could not get a City bus to stop for him. He suggested a change in the City policy. The City Manager was requested to check this.

Mr. Dawkins mentioned the present leaf situation and that pickups are needed. The City Manager replied that additional crews are being put on to handle this.

Mr. McBryde mentioned a light on Longview Drive.

He also requested the City Engineer to check behind the Point News and Dixie Billiards on Hay Street for a light.

Mr. McBryde mentioned the pumping of propane gas, which came up at an earlier meeting. The City Manager stated he had discussed this matter with Mr. McGugan, Administrative Services, and the Chief of Police and they will get the problem resolved.

Mr. Wofford mentioned the Airport-airline rates are high and a solution is needed. He asked that the staff and Airport Commission study this.

Mr. Wofford stated that the Policy Committee had met on the wrecker policy and they agreed that it was a good wrecker ordinance but that it had no teeth. He suggested that staff study further and bring back a recommendation.

Mr. Wofford also mentioned the residential speed limits policy adopted at the last regular meeting. He suggested that the policy was inadequate. He suggested further to refer this matter to the Streets and Roads Committee for study with the City Manager and the City Engineer.

Mr. Dawkins then offered motion, seconded by Mrs. Evans and carried unanimously at 9:45 P.M. that Council enter into executive session to discuss property matters only.

Council then reconvened into regular session at 9:50 P.M.

The City Manager then recommended the adoption of a resolution authorizing the condemnation of a parcel of land for Ray Avenue widening and authorizing the City Attorney to initiate condemnation action on parcel W 7A on the northwest corner of Maiden Lane and Ray Avenue.

Mrs. Evans then offered motion, seconded by Mr. Jones for adoption of the resolution authorizing the condemnation as recommended. Motion carried unanimously.

RESOLUTION AUTHORIZING THE CONDEMNATION OF A PARCEL FOR RAY AVENUE WIDENING - PARCEL W-7A. RESOLUTION NO. R1982-59.

A copy of the foregoing resolution is on file in the Clerk's office in Resolution Book R1982.

Thereafter all matters of business having been completed this regular session was adjourned at 9:55 P.M. upon motion made and duly seconded.

Maurice W. Downs
Maurice W. Downs, City Clerk

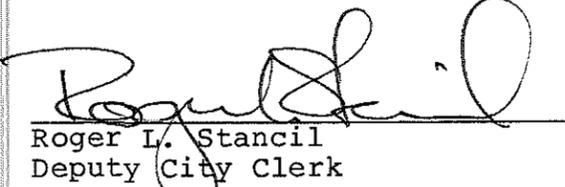
INFORMATION MEETING
CITY HALL COUNCIL CHAMBERS
NOVEMBER 15, 1982
7:00 P.M.

Present: Mayor John W. Hurley
Councilmembers: Jimmie Jones, Milo McBryde, J.L. Dawkins, Mildred Evans,
Milton Wofford
Others Present: John P. Smith, City Manager
Roger L. Stancil, Assistant City Manager
Robert C. Cogswell, Jr., City Attorney

Mayor Pro Tem Dawkins called the meeting to order and offered the invocation.

City Manager John Smith presented a summary of information on the status of cablevision in general and the cablevision franchise in the City of Fayetteville. He stated that the issue was a complicated one and deserved study in depth. He recommended that an informal working group comprised of the managers and attorneys of those units of government in Cumberland County be established to explore issues of mutual concern and make recommendations back to the respective governing bodies. Representatives of the Town of Hope Mills, Cumberland County, and Fayetteville Cablevision also addressed the Council.

There being no further business, the meeting adjourned at 8:10 P.M.



Roger L. Stancil
Deputy City Clerk

FAYETTEVILLE CITY COUNCIL
 REGULAR MEETING
 CITY HALL COUNCIL CHAMBER
 NOVEMBER 22, 1982
 7:00 P.M.

Present: Mayor Bill Hurley

Councilmembers: Jimmie Jones, Milo McBryde, J.L. Dawkins,
 Rev. Aaron Johnson, Mildred Evans and Milton Wofford

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

Mayor Hurley called the meeting to order and stated the invocation this evening would be given by one of Fayetteville's community leaders. He called upon the Rev. Dr. A.A. Markley, Minister of First Presbyterian Church for the invocation. Following the invocation Mayor Hurley lead the assembly in the pledge of allegiance to the flag.

Mayor Hurley then recognized a Fayetteville Youth Council representative present in the audience.

Mayor Hurley also recognized Mr. John Manos who had installed the Council Chambers new sound system being used for the first time this evening. He invited Mr. Manos to make any comment. Mr. Manos came forward and stated first of all he was appreciative of the City's business and that he had enjoyed the relationship over the past number of years.

Mr. Dawkins commented that he and John were classmates in high school. Mrs. Evans stated that John is a public spirited individual. Mr. Wofford stated that he and John were classmates in college. Rev. Johnson stated that he and John had gone to Washington together.

1 Approval of Minutes:

A Regular meeting of November 8, 1982. Mr. McBryde stated that on page 789, item 19, the reference should be made to "sidewalks" instead of "lights" behind Point News and in front of Dixie Billiards." Mr. Wofford stated that on page 773, bottom of the page referring to Mr. Ed Murphy's remarks that the minutes should read "read into" rather than "spread upon."

Mr. Dawkins then offered motion, seconded by Mr. McBryde that the minutes of November 8 be approved as corrected. Motion carried unanimously.

B Information Meeting of November 15, 1982. Mr. McBryde offered motion, seconded by Mr. Wofford for approval of the minutes of the Information Meeting as submitted. Motion carried unanimously.

Mr. Dawkins requested permission to abstain from voting on Item 4B. due to a possible conflict of interest. His request was approved.

Mayor Hurley stated he would move Item 9 up to and make it Item 4C on the Agenda at the request of Mr. McBryde.

2 Public Hearings:

A. Consideration of an ordinance confirming the assessment roll for the paving of Cunningham Street from existing pavement to 61.0 feet southwesterly from the westernmost corner of Lot 53, Plat Book 10, Page 15.

There was no opposition present.

Mrs. Evans then offered motion for approval of the assessment roll. At the 7:15 p.m., seconded by Mr. Dawkins and carried unanimously.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF CUNNINGHAM STREET, ORDINANCE NO. NS 1982-43.

A copy of the foregoing ordinance is on file in the clerk's office in Ordinance Book NS 1982.

B. Consideration of an ordinance confirming the assessment roll for the paving of Eden Cross from western boundary of Matthews Subdivision to eastern boundary of Matthews Subdivision.

There was no opposition present.

Mr. Jones offered motion for approval of the foregoing assessment roll, seconded by Rev. Johnson and carried unanimously at 7:20 p.m.

AN ORDINANCE CONFIRMING THE ASSESSEMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF EDEN CROSS, ORDINANCE NO. NS 1982-44.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS 1982.

C. Consideration of annexation of property located on the west side of McPherson Church Road.

Planner Al Mitchell presented this item and stated that the annexation technical review committee recommended approval of this annexation.

Mr. Tom Paty, the petitioner, was recognized in favor.

Mr. Clinton Harris, a local citizen, was recognized in opposition and suggested sidewalks for the area.

Mr. Wofford stated that the City Council should resist annexation of parcels of land.

Mr. Dawkins stated that the developers were living up to their requirements.

Mr. Evans extended thanks to Mr. Harris for finding these trouble spots.

In response to question from Council, PWC manager Ray Muench offered comments on the development on the McPherson Church Road area.

There was then discussion of this matter.

Following this discussion, Mr. McBryde offered motion to follow the recommendation of the Committee and annex this area by adoption of the following ordinance, seconded by Mrs. Evans and carried. Mr. Wofford voting no.

AN ORDINANCE EXTENDING THE CITY LIMITS OF FAYETTEVILLE TO INCLUDE A TRACT ON THE WESTSIDE OF MCPHERSON CHURCH ROAD. ORDINANCE NO. 82-11-255.

A copy of the foregoing ordinance is on file in the Clerk's office in Annexation Ordinance Book 1982.

D. Consideration of proposed amendment to Section 21-44(r) regarding approval for Charitable Organization exemptions under the Blue Law.

There was no opposition present.

Mr. Wofford asked why this amendment was before Council and the City Attorney stated that it had been suggested by Rev. Johnson some time ago.

There was then considerable discussion of this matter.

Mrs. Evans then offered motion for adoption of the amending ordinance as recommended, seconded by Rev. Johnson.

There was then some further discussion.

Mr. Jones then offered substitute motion to continue with the old ordinance and let requests of this nature come before the City Council. The motion was lost for lack of a second.

There was then further discussion. Mr. McBryde then called the question, seconded, and carried unanimously.

Mayor Hurley then called for a vote on the motion to adopt the ordinance and it carried, Mr. Jones voting no.

AN ORDINANCE AMENDING CHAPTER 21 "OFFENSES AND MISCELLANEOUS PROVISIONS" OF THE CITY CODE OF THE CITY OF FAYETTEVILLE - CHARITABLE ORGANIZATIONS. ORDINANCE NO. S1982-25.

A copy of the foregoing ordinance is on file in the clerk's office in ordinance book S1982.

3 Public Hearings to be set:

A. Consideration of an ordinance to amend Section 32-30 (1) and 32-57 (14) Chapter 32 Zoning of the Fayetteville City Code pertaining to dance halls. Suggested City Council date is December 20, 1982.

B. Consideration of a resolution and order to file and publish preliminary assessment roll for the paving of Rosehill Road from Ramsey Street to U.S. 401 By-Pass. Suggested City Council date is December 20, 1982.

Mr. Wofford offered motion that the foregoing public hearings be set for December 20 and by the adoption of the following resolution. Motion seconded by Mr. Dawkins and carried unanimously.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR THE PAVING OF ROSEHILL ROAD FROM RAMSEY STREET TO U.S. 401 BYPASS. RESOLUTION R1982-60.

A copy of the foregoing resolution is on file in the clerk's office in Resolutions Book R1982.

4 Public Works Commission Matters:

A. Consideration of an application for one 1-inch water connection to an existing main to serve existing residence at 2665 Owen Drive, outside the City. PWC Manager Ray Muench presented this item and stated that PWC recommended approval.

Mr. Dawkins offered motion, seconded by Mr. Wofford and carried unanimously for approval of the foregoing extension with a petition for annexation.

B. Consideration of an application for extension of sanitary sewer main to serve Tiffany Pines Subdivision, Section 8, Part 2. This section would be made from an interceptor sewer, for which construction was funded in part by Federal and State grants. This outside-city area receives water service from a privately owned water system. PWC Manager Ray Muench stated PWC recommends approval.

Mrs. Evans then offered motion for approval of the foregoing as recommended, seconded by Mr. Wofford. There was then brief discussion and Mayor Hurley called for a vote and the motion carried, Mr. Dawkins abstaining.

C. Consideration of bids received November 2, 1982 for the purchase of 21,600 feet of 4-inch PVC sanitary sewer pipe. PWC Manager Ray Muench stated the low bid in the amount of \$10,108.80 by Southern Meter and Supply Company of Greensboro was recommended. Mr. McBryde offered motion to approve the foregoing bid, seconded by Mr. Jones and carried unanimously.

D. Consideration of bids received November 9, 1982 for the purchase of two switching cabinets for use in the electrical distribution system. PWC Manager Ray Muench stated the PWC recommends the low bid by Mill Power Supply Company in the amount of \$17,250.00.

Mr. Wofford offered motion, seconded by Mr. Dawkins and carried unanimously to accept the foregoing low bid as recommended.

E. (Agenda Item 9) Consideration of award of Contract Number 274 - Lighting Poles and Fixtures for Maiden Lane Extension.

The City Manager introduced this item and stated the City Engineer has revised information on this matter.

The City Engineer presented information to the Council concerning the lighting poles and fixtures for the extension. The City Engineer stated bids were opened on Friday, November 19, for furnishing poles and lighting fixtures for erection along Maiden Lane and Ray Avenue. These poles and fixtures are as specified by CHNMB and are for a specific manufacturer's pole and fixture. Advertisement was made in the newspaper and invitations were mailed to known suppliers. One bid was received from C. Alley and Associates in the amount of \$29,069.00. There was then considerable discussion of this matter. Following this discussion Mrs. Evans offered motion to delay a decision on this matter to the next regular meeting for additional information from the staff. Motion seconded by Mr. McBryde.

Additional lengthy discussion followed and then Mayor Hurley called for a vote on the motion and it carried, Mayor Hurley voting no.

5 Planning Board Matters:

- A A. Consideration of Dewey K. Strother property in an R6 Residential District for preliminary and final group development review located off the south side of Country Club Drive on Gable Court approximately 0.6 miles west of Raleigh Road (US 401 Business).

Planner Mitchell presented this item and stated that the Planning Board recommended conditional approval per their memorandum of November 22, 1982. Mr. Mitchell called attention to condition no. 6 that only 6 additional units may be constructed at this time based on the land area of the lot.

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

- 6 Consideration of amendment of Section 2-20 of the Fayetteville City Code concerning regular meetings.

The City Manager presented this item and stated that this amendment would change the regular meetings of the City Council from the second and fourth Monday evenings to the first and third Monday evenings of each month.

Following brief discussion, Mr. McBryde offered motion for adoption for the foregoing amending ordinance as presented, seconded by Mr. Jones and carried unanimously.

AN ORDINANCE AMENDING CHAPTER 2 "ADMINISTRATION" OF THE FAYETTEVILLE CITY CODE OF ORDINANCE - REGULAR MEETINGS. ORDINANCE NO. S1982-26.

A copy of the foregoing ordinance is on file in the clerk's office in ordinance book S1982.

- 7 Consideration of agreement between the City of Fayetteville and the Fayetteville City School Board for the purchase of the Haymount School Site.

The recommended action was to authorize the City Manager to submit an offer to purchase.

The City Manager presented this item and stated that the property was needed for the redevelopment of the Haymount area under the Urban Redevelopment Law. The sale price would be \$120,000.00. The City will find a qualified redeveloper to acquire the property from the City and develop the same in accordance with the approved redevelopment plan for the Haymount redevelopment area. The City Manager stated the assumption would be for residential use of this property. Following some discussion Mrs. Evans offered motion, seconded by Mr. McBryde and carried unanimously to authorize the Mayor to sign the memorandum of agreement.

- 8 Consideration of award of bid for modular ambulance unit. The recommended action was to award the bid to Emergency Vehicle Services, Inc.

The City Manager presented this item and stated that the low bidder Ashley Ambulance Service of Jefferson, North Carolina did not submit all of the required documents to meet bid specifications which included the letter of certification with notice of compliance and product liability insurance. Therefore we recommend that the award of this bid be made to the second low bidder Emergency Vehicle Service, Inc. of Greenville, North Carolina in the amount of \$35,997.50.

Following brief discussion Mrs. Evans offered motion, seconded by Mr. Jones and carried unanimously to follow the foregoing recommendation of the staff and accept the bid.

- 9 Was handled as Item 4 E.

- 10 Consideration of airport Fixed Base Operation (FBO) Lease to Flight Unlimited. Recommended action was to authorize advertisement.

- 11 Consideration of lease of rental car service area to National Rent-A-Car. Recommended action was to authorize advertisement.

The City Attorney presented both of the foregoing items at the same time and recommended authorizing the advertisement.

Mr. Wofford then offered motion to authorize the advertisements of items 10 and 11. Seconded by Mr. McBryde and carried unanimously.

- 12 Consideration of offer to purchase City property - Forty-foot right-of-way to Inland Port Facility on South King Street.

The City Attorney presented this item and recommended approval to authorize the sale by the adoption of a resolution.

Mr. McBryde then offered motion, seconded by Mr. Dawkins for approval of the authorization of the sale by the adoption by the following resolution. Motion carried unanimously.

RESOLUTION AUTHORIZING THE SALE OF CITY OF FAYETTEVILLE PROPERTY - FORTY FOOT RIGHT-OF-WAY FROM THE INLAND PORT PROPERTY - SOUTH KING STREET. RESOLUTION NO. R1982-61.

A copy of the foregoing resolution is on file in the clerk's office in Resolutions Book R1982.

- 13 Delegations.

Council recognized Mr. Clinton Harris who expressed thanks to the Council for the traffic signs on Marlborough Road. He also suggested that sidewalks be installed on Ramsey Street at Buckingham Avenue for the safety of the school children. The City Engineer was requested to check this item out.

- 14 City Manager's Reports:

- A. Consideration of establishment of a working committee to discuss Cablevision issues. The recommended action was to instruct the City Manager and City Attorney to contact Managers and Attorneys of other units of government in Cumberland County to establish a working committee.

Mr. Wofford offered motion to follow the foregoing recommendation of the City Manager, seconded by Mr. McBryde.

The City Attorney then offered comments on cablevision clearing houses. Some discussion followed and then Mayor Hurley called for a vote on the motion and it carried unanimously.

The City Manager informed Council that she had received a letter from Carolyn C. Weaver, Executive Director of the Arts Council who stated that in the past the City has proclaimed February as Arts Council month. The Arts Council requested that this be done again in 1983. In order that this news be announced in the January, February 1983 issue of Spectra we ask that you place this matter on Council's agenda tonight. Our deadline for the printer is December 3, so we would like to have the proclamation confirmed no later than that date. I have enclosed a copy of the updated proclamation for your information. Thank you for your attention she concluded. Following brief discussion Mr. McBryde offered motion, seconded by Mr. Dawkins and carried unanimously to approve the proclamation as requested.

- B. Capital Improvements Project Program

The City Manager stated that the Capital Projects Management Team had been working for several weeks and developing the framework for a multi-year Capital Improvements Program for the City. This program would project the City's capital needs forward at least five years and would be updated each year through a detailed planning process involving City Council, the advisory boards and commissions and City departments. Council has set aside Tuesday evening December 7 for a briefing by staff on the process of developing this program. We propose that the discussion on the 7th be more general focusing on the City's current physical assets, what our priorities have been in the past and what our choices are for the future. We would then request that a follow-up meeting be scheduled to discuss specific criteria for evaluating the projects which are under consideration for the Capital Improvements program. We would also solicit your suggestions of specific projects at or just before the follow-up meeting. The most important factor in evaluating potential projects will be your priorities as members of the Council. In order to define priorities more clearly we have devised a set of five project categories and four project types which are intended to encompass all kinds of capital projects that the City normally would be involved in. We ask that you rank the five project categories from most important to least important. We would like to pick up these individual rankings tonight if possible. We will then compile a combined ranking for the whole Council which can be discussed and fine tuned at the meeting on December 7.

The City Manager then recognized for Council's benefit Ms. Sharon Peele, the new manager of accounting in the Finance Department. Mayor Hurley welcomed Ms. Peele to the meeting and to the City.

The City Manager then distributed to the Council proposed amendments to the City's Personnel Ordinance and stated to Council that this item would be placed on the agenda at the next meeting or the next depending upon the number of items on a particular agenda.

15 Matters of Interest to the City Council

The Mayor recognized Mr. Wofford regarding residential speed limits and the action taken recently by City Council in adopting a policy and changing the speed limits in Huntington Park and on St. Mary's Parkway. Mr. Wofford stated that as Council recalls the residents of Huntington Park requested that Council reduce all speed limits in their area to 25 mph. The City Manager and City Engineer recommended disapproval. The issue was referred to staff for a policy and ordinance recommendation. The staff drafted a proposed policy. Not knowing if this policy would be approved, the staff split the proposal ordinance into two parts. If the policy was approved, the staff assumed the Council would approve the residential streets part and disapprove the St. Mary's Parkway part. If the Council disapproved the policy, both ordinances were available for Council action. The Council action, according to the minutes, was to approve the policy and both ordinances. The City Manager and City Engineer both agreed that St. Mary's Parkway was an exception to the policy. St. Mary's Parkway is on the thoroughfare plan and at least is a feeder street. In either case, a 25 mph speed limit violates the approved policy, he stated. To preclude the situation getting out of hand, I would like to see the roads, streets and transportation committee work with the staff to recommend a better solution. Mr. Wofford then requested the City Manager to review the last action by City Council on this matter, which he did.

There was then a lengthy discussion of this matter. Following this discussion, Mayor Hurley asked if any official action was desired. It was decided to take no action, but to observe the effects of Council's action.

Mr. Wofford commented on the City's leaf collection and stated that the crews are doing a good job keeping up. He suggested to Administration that advertising be continued to inform the general public on the leaf collection efforts.

Mr. McBryde agreed with the foregoing suggestion and also mentioned to Council the remembrance of this particular date, November 22, 19 years ago (the assassination of President John Kennedy).

Mr. Dawkins asked the City Engineer if repair work was in progress on Sutton Street and the City Engineer replied in the affirmative. Mr. Dawkins mentioned the lack of curbs on Russell Street next to the railroad tracks and of the danger involved. The City Engineer replied that he had contacted the State concerning this and the State had said they would paint white or yellow lines. Mrs. Evans suggested that this matter be referred to the legislators.

Mr. Dawkins then concluded by wishing everyone a Happy Thanksgiving Holiday. Mayor Hurley and Rev. Johnson said amen to that.

Rev. Johnson stated that there was an area off Wilmington Road in an urban renewal area and that there is a group of residents living there concerned about upgrading their neighborhood. They want several lots cleaned up to make a better appearance. He stated there was also water standing on Harris Street. The City Manager and City Engineer were requested to check this out.

Mrs. Evans asked about the status of the Savoy Heights recreation center and the City Manager replied that the Recreation and Parks advisory commission had met with the architect and that it is now in the planning stage.

Mrs. Evans stated that the Human Relations Commission wants a meeting with the City Council. A meeting was tentatively set for the 3rd Tuesday in January on the 18 in the Kyle House for such joint meeting.

Mr. Jones stated the Transportation Committee had met for three hours today and that he thought the whole Council should be in on matters which were discussed at this meeting. There was then a lengthy discussion of the various committees and of the purposes which they serve in City government.

Following this discussion Mr. Jones offered motion, seconded by Mrs. Evans to do away with the Committee structure in the City. Following some further lengthy discussion Mayor Hurley called for vote on the motion and it was as follows - for the motion - Councilmembers Evans and Jones, against the motion Councilmembers Wofford, McBryde, Dawkins, Hurley and Johnson. Mayor Hurley declared the motion lost.

Mayor Hurley informed Council that the Christmas Tree in Cross Creek Park would be lit in a ceremony on Friday, December 3 at 4:45 p.m. City employees would be excused to attend the Christmas Tree lighting.

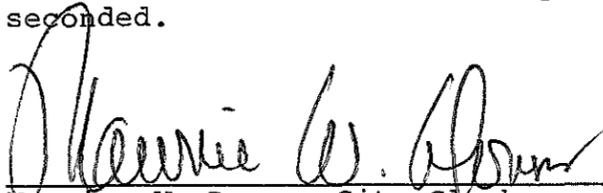
Mayor Hurley informed Council that the dinner meeting with the military would be held in the Kyle House on Monday, December 6 at 5:00 p.m. The tour would then follow and the Council would meet in regular session at 7:00 p.m. in the City Hall.

Mayor Hurley then recognized in the audience Mr. Bill McGugan and extended congratulations to him on his appointment as the new Director of Administrative Services for the City and stated that the Council would be looking forward to seeing him on a regular basis at the Council meetings.

Mayor Hurley extended thanks to all others present this evening for the meeting.

Mayor Hurley then recognized the City Engineer who stated that a request had been made at an earlier meeting concerning the Ramsey Street, Law Road intersection traffic signal. He stated he wished to inform Council that he had contacted the State and they have approved the signal and installation is expected this winter within three months. Also, new lane improvements would be constructed at the same time.

Thereafter all matters of business having been completed, this regular session of the Council was adjourned at 9:40 p.m. upon motion made and duly seconded.


Maurice W. Downs, City Clerk

FAYETTEVILLE CITY COUNCIL
REGULAR MEETING
CITY HALL COUNCIL CHAMBER
DECEMBER 6, 1982
7:00 P. M.

- PRESENT: Mayor Bill Hurley
- COUNCILMEMBERS: Jimmie Jones, Milo McBryde, J.L. Dawkins
Rev. Aaron Johnson, Mildred Evans, and Milton Wofford
- OTHERS PRESENT: John P. Smith, City Manager
Roger L. Stancil, Assistant City Manager
Robert C. Cogswell, City Attorney

Mayor Hurley called the meeting to order and the invocation was offered by Councilman Rev. Aaron Johnson. Following the invocation, Mayor Hurley lead the assembly in the Pledge of Allegiance to the flag.

Mayor Hurley then welcomed all persons present in the Council Chamber to this meeting.

Fayetteville Youth Council representative were not present, but Mayor Hurley stated he would recognize them later on in the meeting.

Mayor Hurley stated the City Manager had requested an executive session at the end of this meeting to discuss property matters only.

Mayor Hurley recognized Councilman Dawkins who requested the Council and all others present remember Mrs. Jimmie Jones in their prayers due to her illness and hospitalization at this time. Councilman Jones extended thanks for all of the cards and prayers and stated that his wife's health is improving.

- 1 1. Approval of the minutes of the regular meeting of November 22, 1982.

Mr. Johnson offered motion for approval of the minutes, seconded by Mr. Wofford and carried unanimously.

- 2 2. Public Hearing to be set:

- A A. Consideration of the rezoning from P1 Professional District to C1 Local Business District or to a more restrictive zoning classification of an area located at 1818 Murchison Road. Suggested City Council date is January 17, 1983.

Mr. Dawkins offered motion for setting of the foregoing public hearing as recommended, seconded by Rev. Johnson and carried unanimously.

- 3 3. Public Works Commission Matters:

A. Consideration of approval, subject to final approvals by the North Carolina Department of Natural Resources and Economic Development and the Federal Environmental Protection Agency, the contract awards for the Rockfish Wastewater Treatment Plant and the Rockfish Creek Interceptor. The recommended action was PWC recommends awards to the low responsive bidders with the Mayor and City Clerk being authorized to execute the contract documents at a later date.

Mayor Hurley recognized Mr. James Warner, Chairman of the Public Works Commission, who introduced this matter.

Mr. Warner then called on PWC Manager Muench to present the bids. Mr. Muench presented a projection of the plant site and interceptor line. Chairman Warner stated that this interceptor line would relieve the load on the present City system considerably.

Mr. Muench then presented the low bids as follows:

For the Rockfish Waste Water Treatment Plant
Division 1 - General (Plant and Equipment)
D.R. Allen & Son, Inc.

\$5,411,000.00
 Division 2 - Mechanical
 Bass Air Conditioning Co., Inc.
 \$35,000.00
 Division 3 - Plumbing
 Town and Country Plumbing, Inc.
 \$35,500.00
 Division 4 - Electrical
 Hayes and Lundsford Electric Co., Inc.
 \$665,324.00

Rockfish Creek Interceptor

M & C Contracting (joint venture)
 \$2,869,626.00

Mr. Dawkins then offered motion to follow the foregoing recommendation of the PWC and award the bids as recommended and that the Mayor and Clerk execute the contracts subject to approval of state and federal governments, seconded by Mr. McBryde and carried unanimously.

Mrs. Evans and the City Council commended the PWC and Mr. Muench for their efforts.

B. Consideration of bids received November 23, 1982 for the purchase of electrical distribution transformers. The recommended action was PWC recommends awards to the low bidders.

PWC Manager Muench presented the bids as follows:

Mill-Power Supply Company
 Two 267 KVA - 12,470/7200 - volt pad mount transformers at \$2,414.69 each -
 a total of \$4,829.38.

Westinghouse Electric Supply Company
 Three 300 KVA - 12,470/7200 - volt pad mount transformers at \$4,510.00 each
 - a total of \$13,530.

Mrs. Evans offered motion to follow the recommendations of PWC and accept the two foregoing bids, seconded by Mr. Jones and carried unanimously.

This completed, PWC matters and Mr. Warner and Mr. Muench were excused from the meeting.

4. Reconsideration of of awarding certificates of Public Convenience and Necessity (Section 28-16) continued from the regular meeting of November 8, 1982. Second reading required the recommended action was approval.

The City Attorney presented this matter and stated that this item needs approval on second reading for the 110 certificates.

Mrs. Evans offered motion for approval of the 110 certificates on second reading, seconded by Mr. Dawkins and carried unanimously.

5. Consideration of award of Contract Number 274 - Lighting Poles and Fixtures for Maiden Lane Extension. Continued from the regular meeting of November 22. The recommended action was to award the contract to C. Alley and Associates.

The City Manager presented this matter and stated that one bid was received from C. Alley and Associates from Charlotte, North Carolina. The initial bid was on a lump sum basis and was for 34 poles and fixtures, however, C. Alley and Associates has advised that they will furnish the poles and fixtures on a price per pole that made up the initial bid. These prices were as follows:

1. For the 27 foot poles that are to be erected on the retaining wall approaches to the bridge.

5 (one spare) at \$266.00 each, a total of \$1,330

2. For the 34 foot poles to be embedded in the ground between the West end of the walls in Ray Avenue paragraph 8 (one spare) at \$421.00 each, a total of \$3,368.00

3. Twelve (one spare) 400 watt high pressure sodium fixtures at \$452.00 each, a total of \$5,424.00.

Total amount for Maiden Lane poles and fixtures \$10,122.00

He stated that he and City Engineer share this view with CHMNB in recommending ordering the poles and fixtures as outlined above.

Following brief discussion Mr. Wofford offered motion to follow the recommendation of the City Manager and City Engineer and award the contract as recommended, seconded by Mr. Dawkins and carried, Rev. Johnson voting no.

- 6 6. Consideration of revisions to Traffic Schedule Number 7 - One-Way Streets.
- A A. Maiden Lane is proposed for one-way West from Green Street to Ray Avenue.
- B B. Old Street is proposed for change from one-way West to one-way East for the entire length.

The recommended action was adoption of the ordinance.

The City Manager stated the circulation pattern for downtown streets with the new Maiden Lane needs to be finally adopted in ordinance form to be effective with the opening of Maiden Lane. The circulation pattern has been discussed at information meetings but never officially adopted. I am sure there has been some confusion regarding Old Street since over the past two years several alternative proposals have been discussed. The most recent recommendations have been reviewed again recently with the two churches and with First Citizens bank. As you know the primary function of Old Street is for parking and access to parking. Through traffic should be discouraged he stated. The City Engineer stated that the proposed ordinance, if adopted, establishes traffic flow along the newly constructed portion of Maiden Lane to be one-way West and traffic flow along Old Street to be one-way East for the entire length from Hay Street to Green Street. The City Manager stated the ordinance shall be in full force and effect from and after January 17, 1983 if approved by City Council.

There was then brief discussion and Councilman McBryde suggested 30-minute parking on Old Street.

Mr. Jones suggested a delay in this matter for a meeting with the downtown merchants and revitalization commission.

Mayor Hurley stated that he believed that all parties have been informed.

Mr. Jones stated he had reservations about Old Street one-way West.

Mr. Wofford stated that following study, this appeared to be the best plan, but Maiden Lane behind the Social Services building needs attention.

There was then further discussion.

The City Engineer then presented slide projections on Old Street, Maiden Lane and Green Street intersection and stated that before this change takes effect sufficient advertising will be made in all of the newspapers and the news media.

There was then a discussion of the other downtown streets.

Following this discussion Mr. Dawkins offered motion, seconded by Mr. McBryde for approval of the foregoing and by the adoption of the ordinance, motion carried unanimously.

The ordinance title appears below:

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 7 - ONE-WAY STREETS - OLD STREET AND MAIDEN LANE ORDINANCE NUMBER NS1982-45.

A copy is on file in the Clerk's office in Ordinance Book NS 1982.

- 7 7. Consideration of contract management for the Fayetteville Area System of Transit. The recommended action was to authorize the City Manager to negotiate a management contract to be brought back to the City Council for approval. Rev. Johnson stated that this matter had been discussed by the Committee and that the City Manager would present it this evening.

The City Manager stated the City of Fayetteville has been operating the bus system since 1976. In 1978 a completely new fleet was put into operation and transit service greatly expanded. Since the time that the City took over the operation of the system, total annual ridership grew to over one million riders per year. At the same time the total operating deficit grew to over 800,000 per year with one half of that deficit being funded by the City. During the past two years some fairly drastic action has been taken by the City in an attempt to hold down the growth of the transit deficit. This has included a significant cut back in service as well as substantial fare increases. As a result of these actions, the growth in operating deficit was eliminated and the deficit has leveled off. At the same time primarily as a result of the most recent fare increase, ridership has significantly declined.

The City now finds itself at a significant cross roads with regard to transit service. Further significant cuts in service or increases in fares could prove to be counterproductive. Approximately 70% of the City's population currently resides within one quarter mile of a transit route. Using standard transportation planning standards, anyone living outside one quarter mile of a transit route is considered unserved by the transit system. Most of these people now utilizing the transit service are highly dependent upon this service for basic transportation. In addition, we cannot ignore the potential loss of the federal operating subsidy. We are still awaiting action from Washington with regard to this most important issue even though we don't know absolutely what the future may be with regard to federal funding, we need to be in a position to take whatever action is necessary in the future should our funding be cut or significantly reduced.

He mentioned marketing, fare structure, route structure, scheduling of drivers, employee morale, administrative organization, internal operating procedures, maintenance expense and depreciation and replacement of rolling stock.

In light of these immediate management needs he stated, I am recommending that the City contract the management of the transit system on a one-year basis in order to bring to bear on these and other management problems the best expertise possible in the field of transit management and operations. The City Manager also included some comparative statistics regarding transit systems throughout the state of North Carolina as well as a brief analysis of the fees and what he considered to be the advantages and disadvantages of a management firm. It will be my recommendation to you, he stated, that you authorize me to negotiate a contract with a management firm and bring that contract back to you for final approval he concluded.

During discussion that followed, Mr. Wofford suggested to City Manager that he also look at urban mass transit program also.

Mr. Jones remarked that the City Council needs to create an incentive for the public to use the bus system.

Mrs. Evans suggested that City Administration advertise to see what quality management is available.

There was then some further discussion.

Following this, Rev. Johnson offered motion that the City Council authorize the City Manager to negotiate a management contract and bring it back to the City Council as recommended, seconded by Mr. McBryde and carried. Councilmembers Evans and Jones voting no.

8. Consideration of an ordinance amending various sections of Chapter 20, Article XI concerning operating of parking lots. The recommended action was adoption of the ordinance.

The City Manager presented this matter and stated that when the Council approved the reconstruction of parking lot number 7 (behind the Capitol Department store) it also set a 25¢ per hour fee. Lot No. 7 is listed in the Section of the code which governs the operation of off-street parking lots. Therefore, in order to implement the fee and establish hours of operation it is necessary to amend the ordinance.

We are also recommending amending the hours of operation on other lots in order to provide for control of parking during periods of high use such as Saturdays and certain holidays. Quoting from the proposed ordinance, the City Manager stated that lot number 7 shall operate under the provisions of this article as a pay lot in accordance with the schedule approved by the City Manager.

Lot No. 9 shall operate under the provisions of this article from 8:00 a.m. to 5:00 p.m. Monday through Saturday with the exception of the holidays stated below.

All other lots shall operate under the provisions of this article from 9:00 a.m. to 6:00 p.m. Monday through Saturday with the exception of the holidays stated below.

All lots shall be open with no limitation as to time of parking or length of time permitted with no rental charge on New Year's Day, July 4, Thanksgiving Day, and Christmas Day.

The City Manager stated that the City Attorney recommended in the paragraph concerning holidays that a comma be inserted after the word permitted and following the word charge.

Following some discussion, Mr. Wofford suggested that July 4 be stricken from paragraph D.

Following some discussion, Mrs. Evans offered motion to approve the proposed ordinance amending Chapter 20 and striking July 4th from paragraph D, seconded by Mr. Wofford and carried Mr. Jones voting no.

AN ORDINANCE AMENDING CHAPTER 20 MOTOR VEHICLES AND TRAFFIC ARTICLE XI OFF-STREET PARKING LOTS OF THE FAYETTEVILLE CITY CODE ORDINANCE NUMBER S1982-27.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book S1982.

9 9. Appointments:

A A. Nominations to fill three vacancies on the Fayetteville Appearance Commission.

Mrs. Evans nominated Mrs. Joan Allen. Mr. Jones nominated Mr. Joe Mac Hatcher. Rev. Johnson nominated Mrs. Geneva Foushee.

B B. Nomination to fill one vacancy on the Fayetteville Redevelopment Commission.

Mr. Dawkins nominated Mr. Kenneth Smith.

C C. Nominations to fill two vacancies on the Fayetteville Historic Properties Commission.

Mr. McBryde nominated Mr. Paul Eaglin. Mr. Wofford nominated Dr. Charles Speegle. Rev. Johnson nominated Mr. Ed Murphy.

Mayor Hurley stated that the foregoing nominations would be considered at the next regular meeting.

10 10. Delegations:

There were no delegations requesting appearance before the Council.

11 11. City Manager's Reports:

A A. Discussion of proposed amendments to Personnel Ordinance, Chapter 22.

The City Manager presented this and stated that at Council's last meeting he passed out copies of the proposed new personnel ordinance. This ordinance was originally adopted in 1978 he stated. The proposed changes were highlighted in the handout in all capital letters. I have placed this item on the agenda this evening for discussion. You may wish to adopt the amendments tonight, simply discuss them or set an information meeting to discuss them he stated. He stated the major changes in the grievances procedure for department heads which would require City Manager to hold the hearings himself.

Following some discussion of the proposed changes, Mrs. Evans offered motion for adoption of the proposed provisions in Chapter 22 as recommended by the City Manager. Motion seconded by Mr. Jones and following some discussion carried unanimously. A copy of the proposed revisions to Chapter 22 of the City Code - Personnel are on file in the City Manager's office.

The Ordinance Title appears below:

AN ORDINANCE AMENDING CHAPTER 22, "PERSONNEL", OF THE FAYETTEVILLE CITY CODE OF ORDINANCES ORD. NO. S 1982-27A

A copy is on file in the City Clerk's Office.

The City Manager reminded the Council of the information meeting tomorrow night on the Capital Improvements Program and stated that at the next regular meeting of the Council there would be an item on the agenda regarding the City vehicles policy concerning use, mileage, reimbursement and other matters.

This was discussed at some length by the City Council.

12. Matters of Interest to the Council:

Mr. Jones offered comments on the City's leaf collection efforts and of the dirty streets throughout the community. He commented on the unfavorable publicity given the City by the news media and even from Channel 11 in Durham. Mr. Jones suggested a five-day work week be tried for the Sanitation Department.

There was then a very lengthy discussion of this matter. Following this discussion, the City Manager was requested to take the item under advisement.

In response to request the City Manager commented on the present procedures now being used by the Sanitation Department and of improvements being contemplated by him.

Mrs. Evans stated that one of the most valuable assets of the City is Cross Creek and that a very thorough clean-up of this stream should be started.

Rev. Johnson offered comments on the gas user fee and asked if a study had been done on the streets and bridges. The City Manager replied that he will take this up before Council at the information meeting tomorrow night.

Rev. Johnson also commented on economic development and stated that the Council needs a structure for downtown revitalization. He commented also on enterprise zones. Mayor Hurley replied that the Olde Fayetteville Association is doing a good job in this respect.

Mr. Dawkins concurred with Mr. Jones on trash pickups. He concurred also with Mrs. Evans making the good point on the Creek cleanup. He also offered comments on revenue bonds.

Mr. McBryde stated he was in receipt of a request from the Sudan Motorcycle Escort. They want to practice on Grove Street at the site of the old Lafayette Motors. The City Manager was requested to check this request out particularly where liability insurance is concerned and advise the Council.

Mayor Hurley requested the City Engineer not permit any traffic on the new Bow Street/Maiden Lane connector when it is completed in order that the proper ceremony can be conducted opening these segments.

Mayor Hurley extended thanks to the police officer present in the Council Chamber this evening.

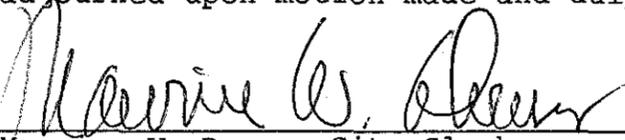
Mayor Hurley reminded Council of the Christmas parade this coming Saturday morning.

Mayor Hurley also reminded Council of the Christmas Open House for City employees at the Kyle House this coming Friday from 3:00 p.m. to 5:00 p.m.

Mayor Hurley extended thanks to everyone for the get together tonight with the City's military neighbors and especially to the ladies for the candlelight tour.

Mayor Hurley then stated he would entertain a motion for an executive session and Mr. McBryde offered motion, seconded by Mr. Dawkins and carried unanimously that Council enter into an executive session to discuss land transaction matters only at 9:10 p.m.

City Council then reconvened into regular session at 10:00 p.m. and adjourned upon motion made and duly seconded.


Maurice W. Downs, City Clerk

INFORMATION MEETING
CITY HALL COUNCIL CHAMBERS
DECEMBER 7, 1982
7:00 P. M.

Present: Mayor John W. Hurley

Councilmembers: Jimmie Jones, Milo McBryde, J.L. Dawkins,
Aaron Johnson, Mildred Evans, Milton Wofford

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

Mayor Hurley called the meeting to order and offered the invocation.

City Manager John Smith and members of the staff Capital Projects Management Team presented an inventory of the City's Capital Assets. Discussion also included issues for the future.

The meeting was adjourned at 10:15 P. M.



Roger L. Stancil
Deputy City Clerk

SPECIAL MEETING
KYLE HOUSE CONFERENCE ROOM
DECEMBER 13, 1982
5:15 P.M.

Present: Mayor Bill Hurley

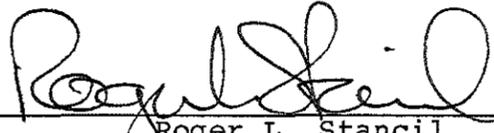
Councilmembers Present: Jimmie Jones, Milo McBryde, J. L. Dawkins, Aaron Johnson, Mildred Evans, Milton Wofford

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

Mayor Hurley called the meeting to order and offered the invocation.

Upon motion by Mr. Johnson, seconded by Mr. McBryde, and carried unanimously, the Council went into executive session to discuss land transactions. Council reconvened into regular session at 5:50 p.m.

Upon motion by Mr. Wofford, seconded by Mr. Dawkins, and carried unanimously, the meeting was adjourned.



Roger L. Stancil
Deputy City Clerk



FAYETTEVILLE CITY COUNCIL
 REGULAR MEETING
 CITY HALL COUNCIL CHAMBER
 DECEMBER 20, 1982
 7:00 P.M.

Present: Mayor Bill Hurley

Councilmembers: Jimmie Jones, Milo McBryde, J.L. Dawkins, Rev. Aaron Johnson, Mildred Evans and Milton Wofford

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

Mayor Hurley called the meeting to order and the invocation was offered by Councilman Rev. Aaron Johnson. Following the invocation Mayor Hurley led the assembly in the Pledge of Allegiance to the Flag.

Mayor Hurley then recognized in the audience Mary Ellen Wiggins, Miss Fayetteville-Cumberland County and extended congratulations to her and invited her to come forward and make comments. Miss Wiggins did so and among other remarks stated that she would work hard to bring the title back to Fayetteville from the North Carolina Beauty Contest. She introduced her business manager and the executive director of the pageant, who were also present with her. Mayor and Council extended congratulations again to Miss Wiggins.

No Fayetteville Youth Council representatives were present and Mayor Hurley stated he would recognize them later on in the meeting.

Mayor Hurley stated the staff requested an executive session for litigation and land transactions at the end of this meeting.

Mayor Hurley recognized the City Manager who stated that Item 5B on the agenda tonight had been removed. He also called attention to the memo in the agenda packet on the annexation court decision and stated the City Attorney would present this later. He suggested in view of this that the Council not set or consider annexation matters until the staff studies the situation. He stated further that Mr. M.J. Weeks, President of Fayetteville Progress, was also present tonight and wished to address the Council on the Prince Charles Hotel.

1. Approval of minutes:
 - A. Regular meeting of December 6, 1982.
 - B. Information meeting of December 7, 1982.
 - C. Special meeting of December 13, 1982.

Mr. Wofford offered motion that all of the foregoing minutes be approved as submitted by the Clerk, seconded by Mr. McBryde and carried unanimously.

Mayor Hurley then recognized Mr. Weeks on the Prince Charles Hotel feasibility study for Fayetteville Progress. Mr. Weeks stated the study is now completed and an adequate market demand for a quality hotel in the Prince Charles Hotel downtown exists. He asked if the Council was willing to wait further for an additional report.

Following additional comments by Mr. Weeks, the Council stated that they were all willing to wait for additional information.

Mr. Weeks stated that the hotel project will follow the 500 Block demolition.

Following some discussion, Mr. Jones offered motion to grant Fayetteville Progress one year to continue with efforts and to let the City Council know of the results, seconded by Mr. Wofford and carried unanimously.

The Mayor and Council then extended thanks to Mr. Weeks for his report.

2. Public Hearings:
 - A. Consideration of annexation of property located on the south side of Johnson Street. The recommended action was the Annexation Technical Review Committee recommended approval.

Planner Mitchell of the Planning Department presented this item. There was no opposition present. Following brief discussion Mrs. Evans offered motion to approve the annexation as recommended by the adoption of an ordinance, seconded by Mr. Johnson and carried, Mr. McBryde and Mr. Wofford voting no.

preliminary and final revision review located off U.S. 401 North (Raleigh Road). The recommended action was Planning Board recommends conditional approval per their memo of December 20th.

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

- B. Consideration of Southeast Fayetteville Industrial Park Lot 1 had been removed and therefore was not considered by the Council.
6. Consideration of ordinances revising Traffic Schedule Number 6 "Stop Intersections" and Traffic Schedule Number 14 "Yield Right-of-Way". The recommended action was adoption of the two ordinances.

The City Engineer presented this matter and stated these two revisions were brought about by new street construction in subdivisions, changes in traffic patterns due to City street improvements, annexations and some corrections to the existing schedules. The proposed ordinances are primarily addition to the Stop Intersection Schedule and Yield Right-of-Way Schedule. He recommended adoption of the ordinances.

Following brief discussion, Mr. McBryde offered motion for approval as recommended by the adoption of the ordinances, seconded by Rev. Johnson and carried unanimously.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 6 - "STOP INTERSECTIONS" - VARIOUS LOCATIONS. ORDINANCE NUMBER NS1982-46.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 14 - "YIELD RIGHT-OF-WAY" - VARIOUS LOCATIONS. ORDINANCE NUMBER NS1982-47.

Copies of the foregoing ordinances are on file in the City Clerk's office in Ordinance Book NS1982.

7. Consideration of a municipal agreement with the North Carolina Department of Transportation - Participation by the City in the right-of-way costs for the widening of Owen Drive. The recommended action was approval of the resolution and of the agreement.

The City Manager presented this matter and stated the NCDOT would perform this work with the City participating in the cost. He stated that no appropriation would be from the present used budget.

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

RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA - WIDENING OF OWEN DRIVE. RESOLUTION NUMBER R1982-64.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1982.

8. Consideration of a grant from Region "M" Council of Governments for \$5,644 for the operation of the Senior Citizen's Service Center. The recommended action was to authorize the City Manager to execute the grant agreement.

Assistant City Manager Roger Stancil presented this matter and stated that the proposed contract between the City of Fayetteville and Region "M" Council of Governments for a grant of \$5,644 had been prepared for management of the Senior Citizens Service Center in this fiscal year. Grant funds are provided under the Older Americans Act through the North Carolina Division of Aging. The grant requires a local match of \$627. These funds are provided through the General Fund in the Recreation Department's operating budget for the Center. I have discussed this grant with Mr. Jack Wilson of the Recreation Department and we recommend that Council authorize the City Manager to execute this grant agreement.

Following brief discussion, Mrs. Evans offered motion to authorize the City Manager to execute the grant agreement, seconded by Rev. Johnson and carried unanimously.

9. Consideration of a Management Contract for the Fayetteville Area System of Transit - FAST. The recommended action was to authorize the City Manager to execute the contract.

The City Manager presented this item and stated that the recommended contract was with the American Transit Corporation. There were three proposals received and of the three ATC presented to proposal which, in my opinion, best suits the current needs of the City of Fayetteville. The contract fee is \$67,000 for the first year with a 7.6% increase annually for two years thereafter. The contract is automatically renewable annually for three years, however, after the first year it can be cancelled on 120 days written notice by

the City or ATC. The proposals were evaluated in accordance with criteria. ATC currently manages the system for the City of Winston-Salem and many other systems throughout the country. The Assistant City Manager and I have also conducted a complete employment interview with the ATC candidate for resident manager, I recommend a contract beginning January 1, 1983. The City Manager also explained some of the conditions of the contract. He also presented Council with some additional statistical information.

There was then a very lengthy discussion of this matter.

Following this discussion, Mr. McBryde offered motion to follow the foregoing recommendation of the City Manager and approve the contract with the changes as recommended by the City Attorney, seconded by Mr. Wofford.

Following some further discussion, Mayor Hurley called for a vote on the motion and it carried. Mrs. Evans and Mr. Jones voting no.

10. Consideration of an offer to purchase Lot 51 - Topeka Street by Mr. James McGrady. The recommended action was to authorize advertisement of the offer. The City Attorney presented this matter and requested authorization to advertise.

Mrs. Evans offered motion to authorize the advertisement as requested, seconded by Mr. Dawkins and carried unanimously.

11. Consideration of renewal of lease with Olde Fayetteville Association for the Market House. The recommended action was to authorize the City Manager to execute the lease.

The City Attorney presented this matter and stated that they were currently negotiating with Olde Fayetteville Association for a renewal of their lease of the Market House. The staff proposal is that the rent they pay be their proportionate share of their utilities. Because the lease is for a year duration, it is recommended that you authorize the City Manager to sign the lease for a period of one year at the rent stated above.

There was then some lengthy discussion of this item.

Following the discussion Mr. Jones offered motion to negotiate with Olde Fayetteville for the lease for the proportionate share of utilities, motion seconded by Mrs. Evans.

Following some further discussion, Mr. Wofford offered a substitute motion to waive payment of utilities until an equitable solution to the rent can be determined, seconded by Mr. Dawkins.

Following some further discussion, Mayor Hurley called for vote on the substitute motion and it carried, Mrs. Evans and Mr. Jones voting no.

12. Consideration of approval of Consultants Contract for preparation of contract documents and supervision of bidding for the airport terminal building expansion. The recommended action was Airport Commission recommends approval.

Mr. Earl Dennis, Airport Manager, presented this item and stated that Council consider approval of Consultants Contract for preparation of contract documents and supervision of bidding for the terminal building expansion.

The total fee is \$51,500, the FAA rate is 50% or \$25,750, the State is 25% or \$12,875 and the City 25% is \$12,875. The Airport Commission recommends approval, he stated. Mrs. Evans then offered motion to approve the foregoing as recommended, seconded by Mr. Dawkins and carried unanimously.

13. Tax Matters:

- A. Request for refund - Mrs. W.C. Hollingsworth, in the amount of \$5.43.
B. Request for refund - Mr. Reginald W. Lemon, in the amount of \$80.44.

The City Manager presented these matters and recommended approval.

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

14. Appointments:

- A. Election of nominees previously made to fill three vacancies on the Fayetteville Appearance Commission.

Mr. McBryde then offered motion, seconded by Mr. Dawkins and carried unanimously that Mrs. Joan Allen, Mr. Joe Mac Hatcher and Mrs. Geneva Foushee be appointed to this Commission for two year terms of office each to run to December 1984.

- B. Election of nominees previously made to fill one vacancy on the Fayetteville Redevelopment Commission.

Mr. McBryde offered motion, seconded by Mr. Wofford and carried unanimously that Mr. Kenneth Smith be appointed to this Commission for a five year term of office to run to December 1987.

- C. Election of nominees previously made to fill two vacancies on the Fayetteville Historic Properties Commission.

Mr. McBryde offered motion to appoint Dr. Charles Speegle and Mr. Ed Murphy for two year terms of office each to December 1984.

- D. Consideration of extension of resolution creating the Energy Advisory Committee until December 31, 1983 and reappointment of the current members. The recommended action was the City/County Liaison Committee recommends approval.

The City Manager presented this and stated the request had been received from the Energy Conservation Committee.

Following brief discussion, Mr. McBryde offered motion to extend the resolution until December 31, 1983 and that the following reappointments be made: Mr. Dick Detter representing architects and engineers, Mr. Michael Green representing energy advocacy groups, Mr. Tom Piner representing gasoline dealers, Mr. Rex E. White representing homebuilders.

- E. Nominations to fill two vacancies on the Energy Advisory Commission.

Rev. Johnson nominated Mrs. Evelyn Durham for the elderly and handicapped and Mr. Jones nominated Mr. Marion Cooper, electric utilities.

Mayor Hurley stated this would be reconsidered at the next regular meeting.

15. Delegations:

Council recognized Mr. Clinton Harris who wished the Council a Merry Christmas and a Happy New Year. He stated the Council's action on Rosehill Road tonight did not include sidewalks. He stated also that Owen Drive Extension had no provisions for sidewalks. He stated there were slopes on other streets which were unsafe for pedestrians and especially for school children.

The City Engineer gave the City Council the policy on sidewalks and there was some discussion.

Following the discussion, Mayor Hurley extended thanks to Mr. Harris for his suggestions.

Council then recognized Mrs. Betty Goodenough who stated that the bus stop on Owen Drive at Bordeaux Shopping Center needed relocation. She stated there was also a bus shelter needed on Southern Avenue. Mayor Hurley thanked her for her suggestions and stated they would be taken under advisement.

16. City Manager's Reports:

- A. Discussion of the City's vehicle policy.

The City Manager informed Council that in view of the lateness of the hour he suggested that this matter be discussed at an information meeting later on and this was satisfactory.

- B. The City Manager informed Council that he was in receipt of a resolution requesting and approving the participation of the North Carolina Housing Finance Agency in the financing of a housing project to be located in the City. He recommended approval by the adoption of the resolution.

Following some discussion, Mrs. Evans offered motion for approval of the request and to adopt the resolution as corrected, seconded by Rev. Johnson and carried unanimously.

RESOLUTION REQUESTING AND APPROVING THE PARTICIPATION OF THE NORTH CAROLINA HOUSING FINANCE AGENCY IN THE FINANCING OF A HOUSING PROJECT TO BE LOCATED IN THE CITY OF FAYETTEVILLE. RESOLUTION NUMBER R1982-65.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1982.

The City Manager raised the question of Council's appointees of members to the various boards and commissions being required to be residents of the City. He stated there was no general policy on this, but he believed that the Council intends for such persons to be City residents. He asked Council if such a policy should be drawn. Council was in agreement and the City Manager stated he would bring this matter back at a later meeting.

17. Matters of Interest to the City Council:

In view of the lateness of the hour, this item was dispensed with.

Mayor Hurley then requested a motion to go into executive session and Mr. Jones offered motion, seconded by Mr. Wofford and carried unanimously that the Council enter into an executive session to discuss litigation and land transaction at 10:30 P.M., motion carried unanimously.

Council recognized the City Attorney who presented for action a tract of land owned by Eastern Turf Equipment, Inc. located on the corner of Maxwell and Russell Streets. He recommended adoption of a resolution authorizing condemnation of this tract and a sum to be deposited in the amount of \$225,000. He stated to Council that this was a friendly condemnation and that the owners will consent to a judgment in that amount.

Mrs. Evans then offered motion for adoption of the resolution of condemnation, seconded by Mr. Jones and carried. Rev. Johnson and Mr. McBryde voting no.

RESOLUTION AUTHORIZING THE CONDEMNATION OF PROPERTY LOCATED AT THE CORNER OF MAXWELL AND RUSSELL STREETS AND BEING THAT PROPERTY OF EASTERN TURF EQUIPMENT, INC. RESOLUTION NUMBER R1982-66.

A copy of the foregoing resolution is on file in the Clerk's office in Resolutions Book R1982.

The City Attorney then stated that regarding the Holiday Park Annexation lawsuit, he would request that Council authorize him to file a notice of appeal and seek additional time to file record on the appeal.

Mr. McBryde then offered motion, seconded by Mr. Jones to authorize the City Attorney to appeal the Holiday Park Annexation decision as recommended, motion carried, Rev. Johnson voting no.

Thereafter, all matters of interest having been completed this regular session of the Council was adjourned at 11:00 P.M. upon motion made and duly seconded.

Maurice W. Downs
 Maurice W. Downs, City Clerk

by *Bobbie Joynes*
 Deputy City Clerk

