

The Planning Director asked that a public hearing be held to consider amending the Zoning Ordinance as it applies to a portion of the lot lying between Hay Street and Clarendon Street and bordering on East side of Myrtle Street. The Hay Street frontage of this lot is now zoned Residential 5 and the rear portion is R-6. It is requested that the entire lot be zoned R-5. Motion was made by Councilman Plummer that this matter be advertised for a public hearing to be held at 8:00 P.M., Monday, May 7, 1962. The motion was seconded by Councilman Rhodes and unanimously carried.

The Planning Director also recommended that a public hearing be held on the matter of rezoning the rear portion of two lots located at the Northwest corner of Pershing and Robeson Streets from R-5 Residential to C-3 Heavy Commercial. Upon motion by Councilman Rhodes, seconded by Councilman Maness and by unanimous vote, this matter was ordered advertised for a public hearing to be held at the special meeting of May 7, 1962.

Upon motion by Councilman Rose and seconded by Councilman Plummer final plat approval was given to Tokay Heights, Part III, Section IV, sub-division of Frank T. Edge property. This plat approval was given subject to final approval of the Public Works Commission and the City Engineering Department.

The City Planning Director reported that he had been advised by Mr. Billy Rose, of the advanced planning section of the State Highway Department, that it was the Commission's desire that the Council adopt at this meeting Plate-25 of the Major Thoroughfare Plan recently completed by Harland Bartholomew and Associates for the Fayetteville area. After some discussion and upon motion by Councilman Rose, seconded by Councilman Plummer, Plate-25 was adopted by unanimous vote of the Council.

Mr. Rumbough, Planning Director, stated that after considerable efforts, he had located a trained planner, who is graduating from the Planning School at the University of North Carolina in June of this year. This person is willing to come with our Planning department to assist with the 701 Program, which is being financed by a Federal Grant of \$45,000.00, for a salary of \$7,200.00 a year. Mr. Rumbough further stated, that one of the persons he had originally talked with about this work, had accepted another position and that it would be necessary that he employ one additional person for summer work in addition to the one full time man at a salary of \$7,200.00.

Councilman Plummer moved that the Planning Director be authorized to employ the personnel as proposed. The motion was seconded by Councilman Maness, but after some further heated discussion, during which opposing views were expressed, Councilman Plummer asked for permission to withdraw his motion. Councilman Plummer then moved that the Federal Government be notified of the City's desire to withdraw from participation in the 701 Program. This motion was seconded by Councilman Rose. Discussion followed, but no vote was taken on the motion. Councilman Rhodes then moved that the matter be tabled for further study at a later meeting. His motion was seconded by Councilman Maness and adopted.

The Planning Director stated that one of the abutting property owners on Plantation Road had made a request that the City accept a 40 foot Right-of-Way for Plantation Road. After some discussion, Councilman Rose moved that the City refuse to accept less than a 50 foot width Right-of-Way. The motion was seconded by Councilman Plummer and adopted unanimously.

The City Manager reported that Russ-Riddle Realty Company had agreed to sell to the City, the lot at the corner of Rowan Street and Woodside Avenue, which is needed by the City for Right-of-Way purpose in connection with the Central Business District Expressway, for the sum of \$38,700.00.

Councilman Rose commented that this price was high and that if the Council should set a precedent by paying such a price for the lot it would, in his opinion, establish a precedent which would make the acquisition of the other land needed in connection with this Right-of-Way prohibitive. Councilman Rose then moved that the offer be declined and that a building permit be issued to Russ-Riddle to construct the apartment building heretofore discussed. The motion was seconded by Councilman Plummer and carried by unanimous vote.

Permits to drive taxi-cabs in the City of Fayetteville were granted to Marvin L. Bible and Charles Cambrom, Jr.

Mr. D. S. Carter, president of the Cape Fear Kiwanis Club, requested permission to operate kiddie rides on the First Citizens Bank & Trust Company lot located at the Southeast intersection of Bragg Boulevard and Stamper Road, between the dates of April 19th to May 4th.

The City Manager reported a similar request from the Civil Air Patrol for the use of this same lot for like purposes, from June 26th to July 7th. Councilman Plummer moved that both of these requests be granted. His motion was seconded by Councilman Rhodes and adopted.

The City Manager reported that the Cumberland County Bar Association, through Mr. Charles Fox, had requested permission to display a sign on the Hay Street side of the Market House advertising Law Day, which is to be observed on May 1st. This request was granted by unanimous vote.

A general discussion of the operations of taxi-cabs in the City followed. The City Attorney reported that the Taxi Inspector, Lt. Davis, had made an investigation of the seven taxi-cabs that are now being operated by four individuals under Powers of Attorney. Following Lt. Davis's investigation, a conference was held between Lt. Davis, City Manager, Chief of Police and City Attorney in which it was agreed that we would recommend that permits be issued to each of these four operators for the number of cabs now operated by them under Powers of Attorney, upon the condition that the holders of the original certificates turn in such certificates to the Taxi Inspector prior to the issuance of new certificates. It was recommended further, that in order to eliminate confusion in the future, regarding operations under Power of Attorney, that the Taxi-cab Ordinance be amended in such a way as to prohibit such operations. The amendment proposed is as follows:

AN ORDINANCE AMENDING THAT ORDINANCE
REGULATING TAXICABS IN THE CITY OF
FAYETTEVILLE, NORTH CAROLINA

THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, DOES ORDAIN:

Section 1. Sub-paragraph (a) of Section 28-39 of the Code of the City of Fayetteville, North Carolina, is hereby repealed; and there is hereby enacted a new sub-paragraph (a) of said Section 28-39 reading as follows:

No taxicabs shall be operated except by the owner thereof or by an employee of the owner. No person shall operate a taxicab as an attorney-in-fact of the owner thereof.

Section 2. This Ordinance shall be in full force and effect from and after its adoption.

Adopted this 9th day of April, 1962.

Attest:

ROBERT H. BUTLER
Mayor

MAURICE W. DOWNS
Clerk

Motion was made by Councilman Rhodes that the recommendation as to the cabs now being operated under Powers of Attorney be approved and also that the ordinance be amended as proposed herein to prohibit further operations under Power of Attorney. The motion was seconded by Councilman Maness and passed by unanimous vote.

There was considerable discussion of Lt. Davis's report as to the number of taxi-cabs out of service during the past several months. During the discussion Attorney Sneed High stated that the Safety Taxi Company did not buy 1961 state license tags for 15 of its fleet of cabs until October 1961. Lt. Davis stated that only 5 of Safety's cabs were not licenses prior to October 1961 and that these were wrecked. After considerable further discussion a motion was made by Councilman Rose that the Safety Taxi Company be required to turn in for cancellation 14 of its operators certificates and that this number of certificates be granted to the persons who now have applications on file for operators certificates. The motion was not seconded. Councilman Rhodes moved that the report of the Taxi-cab Inspector be accepted and that the City Manager be instructed to recommend a full time Taxi Inspector at the next meeting. The motion was seconded by Councilman Plummer.

Voting "FOR" the motion, Councilman Rhodes, Councilman Maness and Councilman Plummer, "AGAINST" was Councilman Rose and Mayor Butler.

The City Manager reported on a petition which had been received by the Public Works Commission from property owners on Puritan Street for the installation of sanitary sewer mains and laterals. Councilman Rhodes moved that a public hearing be advertised on this matter to be held on May 7, 1962, the motion was seconded and passed.

The City Manager presented the preliminary assessment rolls in connection with the paving of Wilmington Road. This was accepted by the Council and a public hearing was scheduled to be held at 8:00 P.M. on May 7, 1962.