

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
January 14, 1974
8:00 P.M.

Present: Mayor Jackson F. Lee

Council Members Present: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly

Others Present: Mr. J. Guy Smith, City Manager
Mr. R.G. Singleton, Jr., City Attorney
Mr. Robert H. Butler, PWC
Mr. R.A. Muench, Jr., PWC

Mayor Lee called the meeting to order and the invocation was offered by the Rev. Logan T. Richter, Christian and Missionary Alliance Church. Following the invocation, the assembly was led in the Pledge of the Allegiance by John Buie of the Fayetteville Jaycees.

At the conclusion of the Pledge of the Allegiance, Mayor Lee recognized John Buie as the winner of the Jaycees distinguished service award designating him as the "Young Man of the Year" and presented him with a City tie tac.

Mayor Lee then recognized the following and presented them with framed copies of the City's Certificate of Appreciation: Captain William A. Davis-retired - For twenty-six years of loyal and faithful service with the Fayetteville Police Department; Mr. Karl Sloan-retired - Longtime member and former Chairman of the Planning Board; D. Parker Lynch-Executive Director of the Joint Planning Department from January 1, 1970 to January 1, 1974.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, Minutes of a Special Meeting of the City Council of December 10, 1973 were approved as submitted by the Clerk.

Upon motion by Mr. George, seconded by Mr. Godwin and carried unanimously, Minutes of the Regular Council Meeting of December 10, 1973 were approved as submitted by the Clerk.

Upon motion by Mrs. Finch, seconded by Mr. Godwin and carried unanimously, Minutes of a Special Meeting of December 19, 1973 were approved as submitted by the Clerk.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, Minutes of a Special Meeting of December 27, 1973 were approved as submitted by the Clerk.

A public hearing was held as continued from the last regular meeting of December 10 on the confirmation of the assessment roll for the laying of a sidewalk on the south side of Hay Street beginning at the eastern margin of the M.M. Smith property (Miracle Theatre Building, 325 Hay Street) and extending westwardly to the Seaboard Coastline (A&Y) Railroad Track. There was no opposition present.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE LAYING OF A SIDEWALK AND OTHER IMPROVEMENT ON HAY STREET ON THE SOUTH SIDE THEREOF BEGINNING AT THE EASTERN MARGIN OF THE M.M. SMITH PROPERTY AND EXTENDING WESTWARDLY TO THE SEABOARD COASTLINE (A&Y) RAILROAD TRACK. ORD. NO. NS-1974-1

Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mr. George and carried unanimously at 8:05 P.M. o'clock. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book #NS-1974.

A public hearing was held as continued from the regular meeting of December 10, on confirmation of the assessment roll for the extension of sanitary sewer mains and other improvements in the streets in Fairview Park. The City Manager reviewed for Council's information the discussion at the last meeting and of several residents voiced opposition to the \$4.66 assessment rate. The City Manager also reviewed Council's action on this subdivision over the past years.

Calvin Graham, Jr., a property owner in the area, was recognized in opposition to the \$4.66 assessment rate. He proposed an assessment rate of \$4.00 per foot.

Following brief discussion, Mr. George offered motion that the assessment rate be at \$4.00 instead of \$4.66 per foot of abutting property. Motion was lost for lack of a second.

Following further discussion, Mr. Shaw offered motion that the City Manager have appraisals made of several representative residential lots in this subdivision and bring such appraisals back to the City Council at the next regular meeting. Motion seconded by Mrs. Finch and carried unanimously. Mr. Shaw offered motion that this public hearing be continued to January 28, 1974, seconded by Mr. Godwin and carried unanimously.

A public hearing had been published for this date and hour on the rezoning pursuant to petition of an area located at 306 Forsythe Street from R6 Residential District to C3 Heavy Commercial District. Planning Board recommended denial.

Jim McMillian, the petitioner was recognized and stated he wished to construct an automotive garage at this location. Six other persons, residents of the area, were recognized in support of Mr. McMillian's petition.

Mr. James D. McRae, 305 Forsythe Street was recognized in opposition. Following brief discussion, Mr. Shaw offered motion to deny the foregoing rezoning petition as recommended by the Planning Board. Motion seconded by Mrs. Finch and carried unanimously.

A public hearing was held as published for this date and hour on the initial zoning to R6 Residential District of an area located on Cliffdale Road between the Evans property and Windtree Apartments. Planning Board recommended approval of R5A Residential District. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS:
ZONE INITIALLY R5A RESIDENTIAL DISTRICT AN AREA LOCATED ON CLIFFDALE ROAD BETWEEN THE EVANS
PROPERTY AND WINDTREE APARTMENTS. ORD. NO. NS-1974-2

Mr. Shaw introduced the foregoing motion and moved its adoption, seconded by Mr. Kelly and carried Mrs. Finch voting no.

A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book Number NS-1974.

A public hearing was held as published for this date and hour on the rezoning from C1P Shopping Center District and C3 Heavy Commercial District to P2 Professional District of an area located on Village Drive pursuant to petition. Planning Board recommended approval.

Mr. Billy Clark, the petitioner, was recognized and requested R5 Residential District rezoning instead of P2 Professional District. There was no opposition present. In response to a question from Council, the City Attorney ruled that Council could consider this verbal request for a change in zoning.

Following brief discussion, Mr. Kelly offered motion that the rezoning petition be approved as petitioned. Motion seconded by Mrs. Beard.

Following further discussion, the City Attorney reversed his previous ruling and stated that this matter must go back before the Planning Board for consideration inasmuch as it was advertised to be rezoned to P2.

Mr. George then offered substitute motion to refer this matter back to the Planning Board for proper advertisement in accordance with the City Attorney's ruling. Motion seconded by Mrs. Finch and carried unanimously.

A public hearing was held as published for this date and hour on the consideration of proposed amendments to establish a Planned Neighborhood District in the City of Fayetteville Zoning Ordinance. Planning Board recommended approval with considerations that the Council and other governing boards within the county set as their goal a uniform zoning ordinance and subdivision ordinance within Cumberland County. There was no opposition present.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 2 OF CHAPTER 32 OF THE CITY CODE - PLANNED NEIGHBORHOOD DISTRICT. ORD. NO. S-1974-1

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

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, ARTICLE IV OF CHAPTER 32 OF THE CITY CODE - PLANNED NEIGHBORHOOD DISTRICT. ORD. NO. S-1974-2

Mr. Godwin introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, ARTICLE V OF THE CHAPTER 32 OF THE CITY CODE - PLANNED NEIGHBORHOOD DISTRICT. ORDINANCE NO. S-1974-3

Mr. Kelly introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously.

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Copies of the foregoing ordinances are in file in the office of the City Clerk in Ord. Book #S-1974.

A public hearing had been published for this date and hour on the paving of a segment of Temple Avenue pursuant to petition. The Mayor read into the minutes a certificate from the Clerk that all property owners along this segment of Temple Avenue had been notified by letter of this public hearing tonight. There was no opposition present.

FINAL RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION OF TEMPLE AVENUE FROM MURCHISON ROAD TO THE WESTERN MARGIN OF LOT 160, PLAT BOOK 21, PAGE 35 CUMBERLAND COUNTY REGISTRY. RES. NO. 1974-1

Mrs. Finch introduced the foregoing resolution and moved its adoption, seconded by Mr. George and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book #1974.

A public hearing had been published for this date and hour on the laying of a segment of sidewalk along North Street, the east side thereof, abutting a portion of the Fayetteville City School property-Teresa C. Berrien School-pursuant to petition from the City School Board. The Mayor read

into the minutes a certificate from the Clerk that all property owners had received due and proper notice of this public hearing. There was no opposition present.

FINAL RESOLUTION REQUIRING THE LAYING OF A SIDEWALK PURSUANT TO PETITION ALONG NORTH STREET, ON THE EAST SIDE THEREOF FROM MCARTHUR STREET, NORTHWARDLY FOR A DISTANCE OF 315 FEET ALONG PROPERTY ABUTTING THE FAYETTEVILLE CITY SCHOOL BOARD PROPERTY-TERESA C. BERRIEN SCHOOL. RES. NO. 1974-2

Mr. George introduced the foregoing resolution and moved its adoption, seconded by Mr. Godwin and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Res. Book #1974.

Upon motion by Mr. George, seconded by Mrs. Finch and carried unanimously, public hearings were ordered published for 8:00 P.M., February 11, 1974, in the City Hall Council Chamber on the following matters:

- A. Rezoning from an R5 Residential District to an M2 Industrial District of an area located at 553 South Cool Spring Street.
- B. Initial zoning to an R5A Residential District or to a higher classification of an area located on north side of Longview Drive.
- C. The approval of a resolution to close Vann Street, Herring Street, Evans Street, Fontana Street, Frank Street and Simmons Street at the request of the Fayetteville Redevelopment Commission.

PUBLIC WORKS COMMISSION MATTERS

Council recognized Mr. Bob Butler, Public Works Commissioner. Mr. Butler stated to Council that no action was being requested this evening on PWC's request for the leasing of certain watershed property for the purposes of constructing a radio tower site, due to the fact that this matter was still under discussion by City Administration and the Attorneys representing the City and the Cape Fear Broadcasting Company. The City Manager informed Council also that the radio station owner is giving consideration to another site for this purpose.

Upon motion by Mr. Shaw, seconded by Mr. Kelly and carried unanimously, the low bid of Lafayette Motor Sales, Inc. for two 24,000 pound GVW trucks (flat body) in the amount of \$11,364.00 was approved as recommended by PWC.

Upon motion by Mr. Godwin, seconded by Mrs. Finch and carried unanimously, approval was given to an agreement between Seaboard Coastline Railroad and the City of Fayetteville for construction of a 12-inch water main beneath the railroad company tracks south of Russell Street by PWC for water service to the Mims-Thomason property and the Mayor and City Clerk were authorized and directed to sign said agreement by the adoption of the following resolution.

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE SEABOARD COASTLINE RAILROAD AND THE CITY OF FAYETTEVILLE FOR CONSTRUCTION OF A 12" WATER MAIN. RES. NO. R-1974-3

A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book #1974.

Council next gave consideration to a request by the Public Works Commission for a 1-inch water and a 4-inch sanitary connection to serve a commercial structure (paint store or restaurant) at the corner of West Hudson Street and Southern Avenue outside the city limits.

Mr. Kelly offered motion, seconded by Mr. Godwin for approval of the foregoing connections as recommended by PWC.

Following some discussion, Mr. Shaw offered substitute motion, seconded by Mrs. Beard to defer action on this matter to the next regular meeting of the Council on January 28, 1974, pending a review and recommendation by the Annexation Committee. Motion carried Mr. Kelly voting no.

Council heard further request from PWC for the approval of a 1-inch water connection for services to an existing residence on Carvers Falls Road outside the city as recommended by the Public Works Commission.

Mr. Godwin offered motion, seconded by Mrs. Beard for approval of the foregoing connection as requested. Motion carried unanimously.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, the low bid meeting specifications by Utilities Distributors, Inc. in the amount of \$20,000.00 for two hydraulic lifts for PWC was approved as recommended.

Council recognized Mr. Bill Hurley, Chairman of the Advisory Recreation and Parks Commission, who gave a report from the Commission regarding the Glenville Lake Park and watershed. Mr. Hurley stated that in view of the proposed radio tower construction plans, the Commission is opposed to any structure constructed on the Glenville Lake property that will serve any purpose other than which has been proposed in the Godwin Comprehensive Study for Parks and Recreation use. Mr. Hurley stated that the Commission also recommends that Council take necessary action to begin this development of the proposed park. In response to question as to Commission's plans for this

proposed park, Mr. Hurley stated that they include nature trails and bike paths, athletic fields and picnic areas and eventually tennis courts and an outdoor amphitheatre. Council requested drawings and a time schedule for these plans. Council scheduled a visit to the proposed park site for Saturday, January 19, 1974. Mayor Lee then thanked Mr. Hurley for this report and Mr. Hurley excused himself from the meeting.

Council then recognized Attorney, Jerome Clark, representing Mr. Gregg Sutton on a request that Council give reconsideration to preliminary plat approval of Section 2 of the Gregg Sutton Subdivision which was denied at the December 10, 1973 meeting. Mr. Clark further requested that Mr. Sutton be allowed to proceed with the development of his subdivision. Following brief discussion, Mr. Shaw offered motion that the Council not rescind its action of the December 10, meeting. Motion seconded by Mrs. Finch.

Following further discussion, Mr. George offered substitute motion that this matter be reconsidered by the Council at this or a subsequent date. Motion seconded by Mr. Kelly. Mayor Lee then called for vote on substitute motion and it carried by the following vote: FOR: Council members Kelly, Beard, Finch, and George; AGAINST: Council members Godwin and Shaw. Mayor Lee declared the substitute motion carried and hearing was set on this matter for the next regular meeting of the Council on January 28, 1974.

Council next recognized Mr. J. Bernard Stein, representing the Midtown Revitalization Committee, and their request for \$80,000.00 from the city for a planning study and implementation of the revitalization plan. Mr. Stein stated that it was his understanding that two questions concerning this proposed still remained unresolved. Mr. Stein stated that Mr. Day of the firm of LBC&W was present this evening to answer any questions which Council might have and that he had been working with the Planning Director on this matter. Regarding question number one, which was if Council approved this project, could the funds be paid after the first of this fiscal year and the answer is "Yes" if Council decided not to amend the present budget. The second question was that in view of the fact that a number of studies had been made before, could the information contained in the prior studies be used as a basis for the revitalization plan study with a subsequent saving in cost. Mr. Day has stated that the information contained in the prior studies could be used in a new study. He further stated that he did not know at this time whether or not a cost reduction could be realized by doing this. Since they in affect have to "turn one card at a time before they will know what will be revealed by the next card". However, Mr. Day has suggested another procedure for payment which the Council might prefer. This would be a cost plus 25% basis with an upset price of \$75,000.00 plus the \$5,000.00 for printing which was included before and any savings that could be affected by using this method could be used otherwise. Following brief discussion, Mr. George offered motion that the City participate in the funding of the Downtown Revitalization Plan as follows: That the city will commit \$32,000.00 in its 1974-1975 budget provided the county commit a like amount of \$32,000.00 and that the merchants commit \$16,000.00 and that consideration of the funding part for the implementation be delayed until a plan has been presented to and approved by the Council and the other governing body and the City Manager decide whether or not to go cost plus or straight amount in the funding. Motion seconded by Mr. Shaw and carried unanimously.

The City Manager reported receipt of a request from Mr. Charles Fairley, Executive Director of the Fayetteville Redevelopment Commission, for Council's approval of a contract for the sale of a tract of land (parcel # N-3 in the Murchison Road Redevelopment area, NC-R-90) to the Gladhaven Nursing Home, Inc. for their bid of \$14,150.00. Approval of this contract is recommendation by the Commission.

Mr. Godwin offered motion, seconded by Mr. Kelly that approval be given to the execution of the foregoing contract as recommended by the Redevelopment Commission. Motion carried unanimously.

The City Manager reported that a request had been received that Council allow parking on the west side of Olive Road from Morganton Road south to the Cross Creek Savings and Loan Company driveway (An ordinance adopted by Council at the last regular meeting now prohibits parking on both sides of Olive Road.) The City Manager reported that the request had been reviewed by the City Engineer and the City Engineer recommends against granting this request on the basis that sufficient off-street parking now exists at this location and Olive Road is only two-lanes wide and parking on-street would leave inadequate width for Olive Road traffic entering and leaving Morganton Road.

Following brief discussion, Mr. Shaw offered motion to follow the foregoing recommendation of the City Engineer and deny the request. Motion seconded by Mr. Godwin and carried unanimously.

Council heard recommendation from the City Manager that the Council adopt a resolution authorizing, empowering, and commanding the City Tax Collector to collect 1973 ad valorem taxes in accordance with statutory requirements.

RESOLUTION AUTHORIZING, EMPOWERING, AND COMMANDING THE CITY TAX COLLECTOR TO COLLECT 1973 TAXES. RES. NO. R-1974-4.

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

A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book #1974.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, a lease extension was approved between the City of Fayetteville and the Sherwin-Williams Company for premises located at 334 Hay Street beginning February, 1, 1974 and running to January 31, 1976. A copy of this lease extension is on file in the office of the City Clerk.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, the low bid of Royal Dodge in the amount of \$3,749.63 for supplying one van type vehicle for the Training Division of the Police Dept. was approved as recommended.

Upon motion by Mrs. Finch, seconded by Mr. Kelly and carried unanimously, the low bid of Royal Dodge in the amount of \$12,846.49 for 4 intermediates size sedans for the Police Dept. was approved as recommended.

Council heard recommendation from the City Manager that the Council appoint Mr. William G. Thomas, III, the Assistant City Manager, as the Deputy City Clerk.

RESOLUTION APPOINTING MR. WILLIAM G. THOMAS, III, AS DEPUTY CITY CLERK. RES. NO. R-1974-5

Mr. Kelly introduced the foregoing resolution and moved its adoption, seconded by Mr. Godwin and carried Mrs. Beard voting no.

A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book #1974.

RESOLUTION APPOINTING MR. J. GUY SMITH, CITY MANAGER, AS BUDGET OFFICER FOR THE CITY OF FAYETTEVILLE. RES. NO. R-1974-6

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

A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book #1974.

Upon motion by Mr. Kelly, seconded by Mrs. Beard and carried unanimously, Taxi Cab Driver Permits were approved for the following named: ROGER DEAN HEUER AND JOHN DAVID FAIRLEY.

Stephen B. Ray's application for a taxi cab driver permit was recommended for disapproval by the Taxi Cab Inspector and the Chief of Police. Mr. Stephen Ray was recognized in his own behalf.

Following discussion of his request and a review of his record, Mr. George offered motion to continue this matter to January 28, 1974. Motion was seconded by Mr. Kelly and carried unanimously.

Mr. Ray was informed that he could appear again before Council at the January 28 meeting regarding his application,

The taxi cab driver application of Mr. Herman Shook was also recommended for disapproval. Mr. Shook was not present.

Mr. Godwin offered motion to follow recommendations of the Taxi Cab Inspector, Chief of Police, and the City Manager and deny a Taxi Cab Driver application for Mr. Shook. Motion seconded by Mrs. Beard and carried unanimously.

RESOLUTION OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, AUTHORIZING THE FILING FOR A FEDERAL GRANT FOR THE FAYETTEVILLE POLICE LEGAL ADVISOR IN THE AMOUNT OF \$24,773.00. RES. NO. R-1974-7

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE APPLICATION FOR A FEDERAL GRANT FOR POLICE RECORDS MANAGEMENT IN THE AMOUNT OF \$70,741.00 RES. NO. R-1974-8

Mr. Godwin introduced the foregoing resolution and moved its adoption, seconded by Mr. Kelly and carried unanimously.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE APPLICATION FOR A FEDERAL GRANT FOR OPERATION PUBLIC AWARENESS IN THE AMOUNT OF \$41,388.00 RES. NO. R-1974-9

Mr. Kelly introduced the foregoing resolution and moved its adoption, seconded by Mr. Godwin and carried unanimously.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING AN APPLICATION FOR A FEDERAL GRANT FOR FAYETTEVILLE COMMUNITY SERVICES UNIT, PHASE III IN THE AMOUNT OF \$65,731.00. RES. NO. R-1974-10

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE APPLICATION FOR A FEDERAL GRANT FOR CITY-COUNTY CRIME PREVENTION BUREAU, PHASE II IN THE AMOUNT OF \$51,801.00. RES. NO. R-1974-11

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

Copies of the foregoing resolution are on file in the office of the City Clerk in Resolution Book #1974.

Appointments to various Boards and Commissions.

An appointment to the Civil Service Commission to complete the unexpired term of Dr. G.L. Butler, deceased, was deferred until the next regular meeting of the Council.

An appointment of re-appointment of a member to the Fayetteville Redevelopment Commission to fill a five year term of office je to the expiration of the term of office of Mr. Dan McMillan was deferred until the next meeting of the Council.

Upon motion by Mrs. Finch, seconded by Mr. Shaw and carried unanimously, MRS. MARY GRACE CAIN was appointed to the Human Relations Advisory Commission to complete the term of Mrs. Ruth Walker, resigned, said term expiring in March 1975.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, George McCarthy was reappointed as Treasurer of the Board of Trustees of N.C. Fireman's Relief Fund for a term of two years, said term expiring in January 1976.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, the following named were appointed to the Fayetteville Cumberland County Civil Military Commission on Alcoholism and Drug Abuse: MR. C.P. BOOKER AND DR. TOM MCCUTCHEN.

Upon motion by Mrs. Beard, seconded by Mr. George and carried unanimously, Mr. Booker was appointed to a two year term of office and Dr. McCutchen was appointed to a one year term of office.

Mayor Lee informed Council of the resignation of Mr. Richard L. Player, Jr. from the Airport Commission effective February 1, 1974.

There were no delegations present.

CITY MANAGER REPORTS

The City Manager reported the resignation from the Police Dept. of the following: T.W. DAVIS, RAYMOND JOHNSON, AND BRIAN DANKER. The resignations were noted.

The City Manager informed Council of the establishment at Fayetteville State University of a school in Municipal Administration. There are at present time twenty-one (21) employees who desire to attend this course. The cost of the course is \$50.00 tuition plus \$12.50 for books per student. The City Manager stated that if there was no objection by Council these 21 students plus any additional who wish to enroll would be allowed to enroll with the City paying the tuition and book expense. Council gave tacit approval to this request.

The City Manager informed Council that he had received a complaint from a business man in the County that he had knowledge of persons coming into the City and purchasing items banned for sale under the City Blue Law. The City Manager informed Council that the Police Dept. is investigating this complaint.

The City Attorney gave a report to Council on the status of the Massage Parlor litigation.

MATTERS OF INTEREST TO THE CITY COUNCIL

Mrs. Finch stated that the Fayetteville Bike Club had now been formed and requested the City Engineer to investigate the establishment of bike trails. The City Engineer acknowledged the request.

A Council Conference was set for 7:30 P.M., Wednesday, January 23, 1974, in the Council Chamber in the Kyle House.

Mayor Lee directed that the minutes reflect a commendation to Fire Chief, Thurman Bishop, for his excellent Fire Department report.

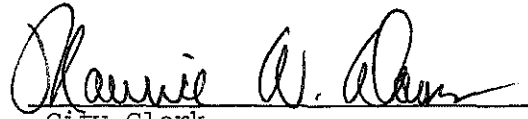
Mayor Lee requested that the Council adopt a resolution to be forwarded along with a letter to the widow of Dr. G.L. Butler recognizing Dr. Butler's service to the community as a member of the Civil Service Commission.

Mr. Shaw offered motion, seconded by Mr. George that such resolution be drawn and adopted and mailed to Mrs. Butler with a letter from Mayor Lee. Motion carried unanimously.

Concerning the City's Workable Program as required by the Dept. of Housing and Urban Development, Mayor Lee informed Council that he had met with the Human Relations Advisory Commission and this Commission had agreed to accept the responsibilities of the Citizens Advisory Commission which has been inactive for several months.

Mr. George then offered motion for the adjournment of this meeting in the memory and honor of Dr. G.L. Butler, Jr. and the late Deputy Joe Smith, Jr. These two gentlemen had something great in common other than the fact that they were named after their fathers. Both of these gentlemen had bettered the life of this community by the fact that they lived here and they

gave freely and unselfishly of their time to implement that goal. Deputy Joe Smith was an Air Force Veteran who had served with the Cumberland County Sheriff's Department for approximately two years until his life was snuffed out by a senseless act of violence. Dr. Butler was one of the first black men to be appointed to a Board or Commission in this community. Members of the Civil Service Commission have expressed their belief that Dr. Butler's appointment was one of the best ever made. He served this Commission with dedicated interest and distinction and was responsible for bringing more minority representation to this Council. I therefore move that this Council adjourn in honor and memory of these two gentlemen.



City Clerk
Maurice W. Downs



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JANUARY 28, 1974
8:00 P.M.

Present: Mayor Jackson F. Lee

Council Members Present: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard
Glen Kelly

Others Present: Mr. J. Guy Smith, City Manager
Mr. Rudolph Singleton, City Attorney
Mr. Thurman Williams, PWC
Mr. Joe Stowe, PWC

Mayor Lee called the meeting to order and led the assembly in the Lord's Prayer and the Pledge of the Allegiance to the Flag.

Mayor Lee then recognized the following named City Employees and presented them with service award pins:

FIVE YEAR SERVICE

Erwin L. Harrington, Street and Sanitation Dept.
J. D. Musselwhite, Street and Sanitation Dept.
Arthur L. Owens, Street and Sanitation Dept.
Donald D. Wright, Street and Sanitation Dept.
Charles Singleton, Inspection Dept.

FIFTEEN YEAR SERVICE

Clifton Robinson, Airport Dept.

TWENTY YEAR SERVICE

Paul Wright, Street and Sanitation Dept.

TWENTY-FIVE YEAR SERVICE

Perry Ingram, Street and Sanitation Dept.

Mayor Lee recognized the following members of the Fayetteville Youth Council present in the audience to observe Council proceedings: Wayne Bennett, Curt Haefeli, and Lisa Hamm.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, Minutes of the Regular Meeting of January 14, 1974 were approved as submitted by the Clerk.

Public hearing was held as continued from the meeting of January 14 on confirming the assessment roll for the installation of sanitary sewer mains in the streets in Fairview Park. The City Manager reviewed past Council actions concerning this subdivision for Council's information and stated that representative appraisals of several lots had been made since the last meeting as directed by the Council. The recommendation was that the assessment rolls be confirmed at the rate of \$4.66 per foot for the installation of these sewer mains.

Mr. Jesse Council, a resident and property owner in the area, was recognized representing himself and several other residents in favor of the improvements made and with a request that street paving now also be accomplished. He was referred to the City Engineer's office for petition forms to be submitted for this purpose. There was no opposition present.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLLS FOR THE EXTENSION OF SANITARY SEWER SYSTEMS AND OTHER IMPROVMENTS ON AND IN BRINKLEY STREET, INGRAM STREET, NEVILLE STREET, NORTH STREET AND THAD STREET. ORD. NO. NS-1974-3

Mr. Godwin introduced the foregoing ordinance and moved its adoption at 8:10 o'clock P.M., seconded by Mrs. Beard and carried unanimously. A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book #NS-1974.

The City Manager informed Council that at the last meeting on January 14, Council had ordered publication of a notice to close several public streets in the Murchison Road Redevelopment Area and set a public hearing on this matter for February 11 as requested by the Fayetteville Redevelopment Commission. Counsel for the commission, Mr. Richard Lewis, stated that due to an oversight this publication had not reached the newspaper in time and requested that Council this evening reset the public hearing for March 11 by the adoption of a resolution.

RESOLUTION TO CLOSE AS PUBLIC STREETS - VANN STREET, HERRING STREET, EVANS STREET, FONTANA STREET, FRANK STREET, AND SIMMONS STREET. RES. NO. R-1974-12

Mr. Kelly introduced the foregoing resolution and moved its adoption and that public hearing be published on the closing of these streets for 8:00 P.M., Monday, March 11, 1974, seconded by Mr. George and carried unanimously. A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book #1974.

Upon motion by Mrs. Finch, seconded by Mr. Shaw and carried unanimously, public hearings were

set on the following items for 8:00 P.M., Monday, February 25, 1974.

B. The rezoning from an R6 Residential District to a C1 Local Business District of an area located at 1804 Ramsey Street between Jones Street and Colonial Street.

C. A request for a special use permit under Section 32-25 of the Fayetteville Ordinance for a parking lot in a residential district of an area located at 118 and 120 Lamon Street between Ramsey Street and Barges Lane.

D. The annexation of three properties located on the northwest quadrant of the intersection of Legion Road and West Hudson Street.

E. An Annexation located along either side of McPherson Church Road between Morganton Road and 401 By-Pass.

F. An annexation located in northwest quadrant of the intersection of Owen Drive and Cumberland Road.

G. An annexation of an area located northeast of City Limits and generally bounded by the present City Limits on the south and west, and the Cape Fear River on the east and C.P.&L. easement to the north.

H. An annexation of an area northeast of the City Limits lying between Cape Fear River and Raleigh Road, including Cedar Wood Apartments and the southern part of Methodist College property.

PLANNING BOARD MATTERS

Council again gave consideration to a request for preliminary plat approval for Section 2 of the Gregg Sutton Subdivision, which was denied at the December 10, 1973 meeting. Council again recognized Attorney Jerome Clark in behalf of his client, Mr. Gregg Sutton, who requested preliminary plat approval in his behalf. Planning Board had recommended denial of this plat inasmuch as the subdivision be situated in the proposed right-of-way of the CBD Loop Expressway. The City Attorney informed Council that he had reviewed the state law on this matter, specifically GS168-372, which provides for the co-ordination of streets and highways and provides that it must harmonize within the city wide plan. However, specifically it states that streets within a subdivision shall harmonize with the Master Thoroughfare Plan. However, there are no streets proposed within this area and he found no authority to deny this request on the grounds that this is in the way of a proposed street.

Mrs. Beard then offered motion that Council rescind its action of December 10 denying preliminary plat approval to the Gregg Sutton Subdivision, Section 2, and grant preliminary plat approval to said subdivision. Motion seconded by Mr. Godwin and carried Councilman Shaw voting no.

PUBLIC WORKS COMMISSION MATTERS

Council recognized Public Works Commissioner Thurman Williams who stated that PWC Manager, Ray Muench, had written a letter to Mrs. Annie Ruth Williams and had advised her to contact City Engineer Bennett regarding a petition for annexation of the property adjacent to hers and the corporate limits relative to her application for a 1 inch water service outside the city to serve a commercial structure owned by her at the corner of West Hudson Street and Southern Avenue. (This matter was postponed from the last meeting.)

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, an application by Cleo Crouch, a contractor in behalf of Mack J. Utley, for one 4-inch sanitary sewer connection to an existing sanitary sewer main to serve Lot 127, College Lake Subdivision, Section 2 outside the city and located at the southwest corner of Cooper and Concord Streets was approved as recommended by PWC.

Upon motion by Mrs. Beard, seconded by Mr. George and carried unanimously, the low bid for labor by D.R. Allen and Son, Inc. for construction of a 16 inch water main along River Road to Cargill Inc. in the amount of \$47,068.90 was approved as recommended by PWC.

Council again gave consideration to an application by Stephen B. Ray for a Taxi Cab Driver Permit. This matter had been considered at the January 14 meeting and deferred to this meeting due to a recommendation from the City Taxi Cab Inspector that the permit not be approved. Council recognized Mr. Robert Gerald of the Hillsboro Taxi Company and Beverly Close, a Counselor for the Youth Services Bureau, in Mr. Ray's behalf.

Following these presentations, Mr. George offered motion that the application of Stephen B. Ray for a Taxi Cab Driver Permit be approved, seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to an proposed ordinance prohibiting parking along a segment of Fountainhead Lane. The City Engineer stated that he had discussed this matter with Mr. Stewart Martin, owner and operator of an Interior Decorating Shop, at the corner of Fountainhead Lane and Hay Street and Mr. Martin was in agreement with the provisions of this proposed ordinance.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE #11-"PARKING PROHIBITED"-FOUNTAINHEAD LANE ORD. NO. NS-1974-4

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

Council next gave consideration to four ordinances necessary for the updating of the City's traffic schedules as contained in the City Code.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE #14-"YIELD RIGHT OF WAY"-COWAN STREET. ORD. NO. NS-1974-5

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

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE #6-"STOP INTERSECTIONS"-VARIOUS INTERSECTIONS. ORD. NO. NS-1974-6

Mr. Godwin introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE #14-"YIELD RIGHT OF WAY"-ANARINE ROAD. ORD. NO. NS-1974-7

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

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE #6-"STOP INTERSECTIONS"-MONOGAN STREET AND MCKIMMOW ROAD. ORD. NO. NS-1974-8

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

Council next gave consideration to a proposed ordinance amending traffic schedule #10 which would establish a loading-unloading zones on the east side of Burns Street. The City Engineer informed Council that this change was proposed at the request of and due to establishment of a luncheon program for the elderly at the Second Baptist Church on the corner of Burns Street and Person Street.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE #10-"LOADING AND UNLOADING ZONES"-BURNS STREET. ORD. NO. NS-1974-9

Mr. George introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously. Copies of all of the foregoing ordinances are on file in the City Clerk's office in Ordinance Book #NS-1974.

The City Engineer reported receipt of a request from Patterson Storage Warehouse on Robeson Street for city participation in an expense of installing pipe in a drainage ditch at their location on Robeson Street. The City Engineer stated that several years ago the city participated 50% with Patterson in the installation of a 36 inch drainage pipe along a portion of their property. In 1973, Patterson installed at its own expense another section of pipe in this ditch. Patterson now requests city participation in installation of pipe in the remaining portion of this ditch as well as participation by the city in that section installed by Patterson in 1973. The estimated cost for the installation of the requested portion of piping is approximately \$8,500.00 and in that section installed by Patterson at \$5,740.00. The City Engineer recommended that the city agree to participate in the requested extension of the line between points A and B only on the map provided and upon condition that an easment is granted by Patterson on the entire line and recommended against participating in the line installed on the section by the owner.

Following brief discussion, Mr. Shaw offered motion to follow the foregoing recommendation of the City Engineer and share in the cost of the pipe installation between points A and B on the map and estimated at a total of \$8500 total cost and that we secure an easement from Patterson for the entire system. Motion seconded by Mr. Godwin and carried unanimously.

Council next gave consideration to the approval of a proposed contract with Haigh and vonRosenberg, CPA's for the annual audit of the city's books.

Following brief discussion, Mr. Shaw offered motion, seconded by Mrs. Finch for approval of the foregoing contract for the period beginning July 1, 1973 and ending June 30, 1974 at an estimated cost of \$11,000.00 and that the Mayor and Clerk be and they hereby are authorized and directed to sign and seal said contract in behalf of the city. Motion carried unanimously.

Council next gave consideration to a request from Harold Cohen and Cohen & Green Salvage Company, Inc. to install asphalt paving in the sidewalk right-of-way on Glidden Street. Council recognized Attorney D.P. Russ, Jr. for Cohen & Green. Mr. Russ stated that his clients requested permission from the city for the asphalt paving of the sidewalk area in front of the warehouse now under construction at the corner of Blount and Glidden Streets for a distance of approximately 105 feet on the south side of Blount Street and then along the east side of Glidden Street southwardly for a distance of approximately 500 feet. All to be constructed in accordance with grade specification required by the city and at the expense of Harold Cohen and Cohen & Green Salvage Company, Inc. This asphalt sidewalk paving, Mr. Russ explained, would connect with other asphalt paving so as to prevent washing and erosion of soil and enhance the appearance and use of the area. Mr. Russ stated that in order to fully protect the city as to the use of the sidewalk area and then in the event the city should later require sidewalks throughout Blount and Glidden Streets or in the event the asphalt should need to be removed for placement or repairs of utility lines, Cohen & Green and Harold Cohen as owners would agree to pay all cost of future removal or repair of this asphalt sidewalk strip and to execute such indemnity agreement and bond as required by the City.

Following brief discussion, Mrs. Beard offered motion to grant the foregoing request, seconded by Mr. Kelly.

Following further discussion, Mr. Shaw offered substitute motion that the city allow Harold Cohen and Cohen & Green to asphalt to the curb on Glidden Street but not allow them to asphalt to the curb on Blount Street but the city will allow the installation of a concrete sidewalk with participation on the south side of Blount Street in accordance with grade specifications and that Harold Cohen and Cohen & Green execute an indemnity agreement and bond for same. Motion seconded by Mrs. Finch and carried; Mr. Godwin voting no.

Upon motion by Mr. Shaw, seconded by Mr. Godwin and carried unanimously, the low bid of Walter Motor Truck Company in the amount of \$75,891.00 was accepted for the purchase of an aircraft fire fighting and rescue vehicle for the Municipal Airport subject to the approval by the Federal Aviation Agency and Airport Commission.

Council next discussed the Russell Street Improvement Alternatives (Railroad Overpass/Underpass) and Bond Referendum for this project and for the PWC Utilities Project. The City Manager stated that an overpass at this location would cost approximately \$1 million and would provide three overhead lanes and two one-way east west lanes. The revamping of the railroad system at the north and south ends to consolidate all railroads on to one line would cost an estimated \$250,000.00 two years ago plus the right-of-way cost. The alternative to an overpass would be an underpass at an estimated cost of \$3 million plus an additional \$700 to \$800,000.00 for the revamping of the railroads and right-of-way cost. The overhead pass is recommended with a bond referendum in the amount of \$1.8 million the City Manager stated, and the earliest date that such referendum could be held from this date is April 6, 1974.

If the April 6 date is decided upon, then publication could be started in the local newspaper on February 1. The Bond ordinance could be adopted on February 12 and application for approval filed with the local government commission. Notice of public hearing on the matter would be published for February 15 and again published on February 21 and the polls open for voter registration until March 8.

Following brief discussion, Mr. Shaw offered motion that the Council adopt a notice of intent to call a bond referendum for \$1.8 million on April 6 for the Russell Street improvement (Russell Street Railroad Overpass) and for the implementation of the movement of the railroads onto the main line. Motion seconded by Mr. Godwin and carried unanimously.

Mrs. Finch then offered motion for the adoption of a notice of intent to call a bond referendum for \$7 million for April 6, 1974 for the expansion of the Hoffer Water Treatment Plant and the construction of underground water storage facilities for Public Works Commission.

Council then held a discussion of the Turnpike Road improvement project. The question as to what width to install paving along Turnpike Road was discussed at a Council Conference Meeting on January 23, 1974 and set for further discussion at this time.

Following brief discussion, Mr. Shaw offered motion that Council approve a 29 foot paved street on a 42 foot right-of-way for this segment of Turnpike Road. Motion seconded by Mr. Godwin.

Following further discussion, Mr. George offered substitute motion to defer action on this matter to the next meeting pending notification of the property owners of Council's intent along this segment of Turnpike Road. Motion seconded by Mrs. Beard and the substitute motion carried unanimously.

Council next considered a request from the Cross Creek Cyclists, a local bicycle club, for the installation of bicycle route signs on the state systems streets within the city. Council recognized Mr. Melville M. Murray, Jr., president of the club, who presented the request. Mr. Murray cited the increasing use of bicycles in the midst of the existing fuel shortage and of his club's effort to promote the use of bicycles whenever possible. He cited that bicycles can be used for commuting purposes. He stated that very few people are aware that the bicycle is subject to practically every law that applies to automobiles. He stated that the Fayetteville City Police Department Community Service Unit is sponsoring a voluntary bicycle registration and safety program and is going to all the city schools with the program. Mr. Murray stated that the motorist must be made aware that a bicyclist, so long as he obeys the traffic laws, has a right to a piece of pavement and probably the easiest and cheapest means of doing this is by posting "Bike Route" signs along designated bicycle routes. These signs are aimed almost entirely at the motorists. They are to inform the motorists that this section of road may be used by bicyclists and to be alert for them. The bike route sign then performs two functions: (1) tells the motorist that bicycles are present and (2) by the presence of the sign, the motorist is informed that a bicyclist has a legal right to ride there. Bike route signs should be posted in routes that would be relatively heavily used by bicyclists in commuting or shopping trips. Mr. Murray then requested that if the City would provide the necessary bike route signs Cross Creek Club would provide the labor to post them at locations along all of the major arterial routes in the City.

The City Manager informed Council that approximately 200 signs would be required and recommended that Council postpone action on this request until a cost estimate could be secured and presented at the next meeting. The City Manager's recommendation was accepted without objection.

Upon motion by Mr. Kelly, seconded by Mrs. Beard and carried unanimously, the following named persons were granted to drive Taxi Cabs as recommended by the City Taxi Cab Inspector, Chief of Police and the City Manager: CLYDE BLOUNT, LESLIE RAYMOND WRIGHT, TOD BANKSON DRACHMAN, BARRY ADAMS ROGERS.

Appointments to various Boards and Commissions.

Upon motion by Mr. George, seconded by Mr. Godwin and carried unanimously, Dr. Herbert W. Vick was appointed to the Civil Service Commission to fill the unexpired term of Dr. G.L. Butler, deceased, said term expiring in June 1975.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, Mr. Dan MacMillan was reappointed to the Fayetteville Redevelopment Commission to serve a five year term of office said term to expire in December 1978.

Mr. Jesse Council and Mr. Moses Bethea were recognized as a delegation for the residents of Fairview Park with a request that Council now proceed with the paving and storm drainage in and along the various streets in Fairview Park.

Mayor Lee informed these gentlemen that the City as at this moment preparing to spend approximately \$90,000.00 for storm drainage within their subdivision.

Mr. Council stated that an abandoned motor vehicle problem existed in their neighborhood. Mayor Lee referred him to the Police Dept. for assistance. Mr. Council also stated that they had a dogs-running-at-large problem in their neighborhood. Mayor Lee referred Mr. Council to the Police Dept. for assistance with this problem. Mr. Council related the problem of finding a place to park to pay the City and County Taxes in the downtown area. Mayor Lee reminded Mr. Council that public parking lots were provided within one block of each of these offices. Mr. Council asked if some relief could be given from the imposition in January of interest of ad valorem taxes. Mayor Lee informed Mr. Council that this was a state law requirement.

CITY MANAGER REPORTS

The City Manager reported the resignation from the Fire Dept. of the following named: HAROLD J. CAUNTERMAN, JR. AND MARION L. HUGGINS. The resignations were noted.

The City Manager gave a brief report on the city street resurfacing contract. He stated that Council would be provided shortly with a written copy of this report including a map which shows the proposed resurfacing of streets within the city. He requested that Council look over this report and map and make any suggestions that they deem advisable.

Council heard a report and recommendation from the City Manager and the City Engineer concerning the Fairview Park Drainage-City Contract #153. The City Manager stated that on December 14, 1972, the city opened bids on the subject project. Council awarded the bid to the low bidder, C.W. Matthews Construction, Inc. on January 15, 1973 for \$81,654.00. The Seaboard Coastline Railroad subsequently objected to the city's design and wanted the banks of the canal moved further north than we had previously been led to believe. This required a redesign which they have approved. In December 1973, Matthews Construction Company advised the city that they could not proceed with the original bid because of the increase cost of labor and equipment. They resubmitted a new price of \$98,346.70, a 20.4% increase. After further negotiations they reduced the second adjustment to \$94,111.70, a 15.3% increase. They proposed to subcontract the work to Bollinger Construction Company of Lumberton since their own crews were out of the Fayetteville area at this time and Bollinger can proceed with the work immediately. The renegotiated price is still slightly lower than the second low original bid. The City Manager stated that he did not believe the job could be done at a lesser price therefore, they recommend approval of the adjusted price of \$94,111.70. Following brief discussion, Mr. Shaw offered motion to follow the foregoing recommendation of the City Manager and award the Fairview Park drainage contract to C. W. Matthews Construction Company, Inc. for their adjusted bid price of \$94,111.70. Motion seconded by Mr. Kelly and carried unanimously.

The City Manager reported that bids had been received for the construction of a segment of sidewalk along city school property at the Teresa C. Berrien School on North Street. The low bid was submitted by Cape Concrete Service in the amount of \$1822. and was the bid recommended.

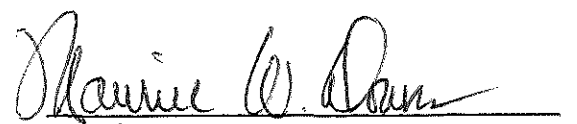
Mr. Godwin moved the motion, seconded by Mrs. Beard and carried unanimously, to accept the low bid of Cape Concrete Service in the amount of \$1822. for the construction of this segment of sidewalk on North Street.

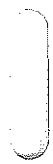
MATTERS OF INTEREST TO THE CITY COUNCIL

Mr. Kelly asked about improvements along Cain Road. The City Engineer replied that this was a matter of Council priority. The City Engineer was requested to bring information on this matter back to the Council.

Mayor Lee read a letter to the Council from Mr. Bob Tyndall and Mr. Wally Hinkamp, local jewelers, who commended the Fayetteville Police Dept. for their efficiency and specifically Detectives Jimmy Cook and J.L. Chapman who made the investigation and found leads and arrested 7 persons involved in the break-in of their jewelry store recently. They also recovered some of the merchandise stolen. We know that this quick tie-up of the case was due to the training and guidance given to these men by older and knowledgeable detectives and dedicated work of these younger men. It is to this type of person that we are most appreciative and it is our hope that all of your departments will be as efficient, pleasant, courteous, alert, and helpful as the Police Department.

Thereafter, all matters of business having been completed, the meeting was adjourned at 10:20 P.M. o'clock, upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
FEBRUARY 11, 1974
8:00 P.M.

Present: Jackson F. Lee, Mayor

Council Members Present: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard
Glen Kelly

Others Present: Mr. J. Guy Smith, City Manager
Mr. Rudolph Singleton, City Attorney
Mr. Robert Butler, PWC
Mr. Joe Stowe, PWC

Mayor Lee called the meeting to order and led the assembly in the Lord's Prayer. Eagle Scout James Obershay of Troop 761, Boy Scouts of America, led the assembly in the Pledge of the Allegiance to the Flag.

Mayor Lee then recognized Fayetteville Youth Council Representatives: Linda Chico, Jennifer Murphy and Larry Fleishman.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, Minutes of the Regular Meeting of January 28, 1974 were approved as submitted by the Clerk with the following correction: that so much of paragraph 7 on page 734 pertaining to the Public Works Commission Bond Referendum which reads "\$7 million" be changed to read "\$6.5 million."

A public hearing had been published for this date and hour on the rezoning from an R5 Residential District to an M2 Industrial District of an area located at 553 Cool Spring Street. Planning Board recommended approval. There was no opposition present.

Following brief discussion, Mrs. Finch offered motion, seconded by Mr. Shaw, to deny this petition for rezoning.

Attorney Robert H. Butler, representing the petitioner, Mr. Albert McCauley, was recognized and displayed photographs of the area and stated that his client desired this rezoning in order to build an office building and a warehouse.

Following some further discussion, Mr. George offered substitute motion to follow the recommendation of the Planning Board and rezone this area to M2 Industrial District, motion seconded by Mrs. Beard, and carried by the adoption of the following Ordinance. Council members Shaw and Finch voted against the motion.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R5 RESIDENTIAL DISTRICT TO AN M2 INDUSTRIAL DISTRICT OF AN AREA LOCATED AT 553 COOL SPRING STREET. ORD. NO. NS-1974-10

A public hearing had been published for this date and hour on the initial zoning to R5A Residential District, or to a higher classification, of an area located on the north side of Longview Drive. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY R5A RESIDENTIAL DISTRICT OF AN AREA LOCATED ON THE NORTH SIDE OF LONGVIEW DRIVE. ORD. NO. NS-1974-11.

Mr. Godwin introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Beard, and carried unanimously. Copies of the foregoing ordinances are on file in the office of the City Clerk in Ordinance Book #NS-1974.

PLANNING BOARD MATTERS

Upon motion by Mrs. Finch, seconded by Mr. Godwin and carried unanimously, an application by Highland Printers, Inc. for one 1-inch water connection to an existing water main to serve a proposed commercial structure located on the east side of Enterprise Avenue near the intersection of Owen Drive and Eldorado Road outside the city was approved.

PUBLIC WORKS COMMISSION MATTERS

Upon motion by Mr. Kelly, seconded by Mrs. Beard and carried unanimously, an application by Robert Westbrook for a 4-inch connection to an existing sanitary sewer outfall, for service to a residence at 3429 Sandhill Drive outside the city was approved.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, an application by James R. Rose for one 1-inch water connection to an existing water main for service to a residence at 425 Raynor Drive outside the city was approved.

Upon motion by Mr. Shaw, seconded by Mr. Godwin and carried unanimously, an application by Saint Andrews United Methodist Church for one 1-inch water and one 4-inch sanitary sewer connections to existing mains to serve the church at 5804 Raleigh Road outside the city was approved.

✓ Council next discussed the paving and other improvements of the northern section of Turnpike Road between Branson Street and Commerce Street. Discussion as to the paving width and street

right-of-way was postponed from the last regular meeting in order that property owners along this segment could be notified to be present and voice their opinions.

All property owners had been notified in writing in advance that Council would give consideration to either the construction of pavement 37 feet wide on a 50 foot right-of-way or 29 feet wide on a 42 foot right-of-way. Approximately 12 property owners were present in the Council Chamber. Among them were Marvin M. Morrison of 1203 Turnpike Road, Wesley McKoy of 1123 Turnpike Road, Mrs. J.E. White of Turnpike Road, Mr. Lacy Godwin, a property owner, and the City Manager read a letter from a Mr. Scarborough representing Mrs. Bessie B. Inge. All of these residents or property owners favored the 29 foot pavement on the 42 foot right-of-way.

Following brief discussion, Mr. Shaw offered motion that this segment of Turnpike Road between Branson Street and Commerce Street be paved to a width of 29 feet on a 42 foot right-of-way. Motion was seconded by Mr. Godwin.

During discussion of the motion, Council recognized Norman L. Collins, a resident of Savoy Heights off the southern segment of Turnpike Road. Mr. Collins represented himself and approximately 10 other persons or property owners of the area on a request for the paving of Turnpike Road south of Commerce Street at Pierce Street and for the improvement of maintenance of this unpaved portion immediately due to the drainage problems. In response to question, City Engineer Bennett stated that drainage would be installed in this southern segment of Turnpike Road as a result of the paving of the northern segment and will alleviate the drainage problems along the southern segment. Mr. Collins stated that this was satisfactory with himself and the other residents until such time as paving of the southern segment is accomplished.

Councilman George then offered substitute motion for the paving for all of Turnpike Road, both that segment north of Commerce, and that segment south of Commerce to a width of 29 feet. Mayor Lee ruled Mr. George's substitute motion as not germane to the main motion and set it aside temporarily until such time as Council voted on the main motion. Mayor Lee then called for a vote on the main motion and it carried unanimously.

Mr. George then offered motion that the city obtain a 42 foot right-of-way for the southern end of Turnpike Road between Commerce Street and Pierce Street and proceed to pave this segment to a width of 29 feet as soon as possible. Motion seconded by Mrs. Beard. During discussion of this motion, the City Manager informed Council that this action would require a public hearing and that he would bring this matter back before Council at a subsequent meeting. Mayor Lee then called for vote and it carried unanimously.

Council next gave reconsideration to a request by the Fayetteville Bicycle Club for the installation of bicycle route signs on the highway system streets. This request had been presented by Mr. Mel Murray at the last regular meeting of the Council and postponed until this date until the City Manager could obtain and present some cost figures. In a memorandum to the Council, the City Manager stated that the cost would be approximately \$10.00 for each installation and if such signs were installed at approximately one-quarter mile intervals on both sides of the arterial streets, the total expenditure would be between \$2,000 and \$3,000.00 for material cost alone. The Bike Club had signified their intention to install the signs themselves. The City Manager recommended that Council also consider the following: (A) the intent of the sign installation is to educate the public that bicycles have the right to use streets as well as automobiles and trucks. The streets chosen for sign installation are all state system streets and the city has not heretofore borne sign costs for any of the system streets. (B) The Dept. of Transportation will allow bicycle route signs but not bear any of the cost.

Whatever the rights of bicycle riders are, there are safety hazards and the designation of bicycle route signs will give to some people a false sense of security or safety.

The City Manager then recommended the project not be disapproved but that no action be taken at this time.

Mr. Murray was again recognized and gave some accident statistics and information on state legislation regarding bicycles. He also stated that Dept. of Transportation Representative, Curt Yates had been invited to speak to their club about the funding situation.

Following some discussion, Mrs. Finch offered suggestion that Council take no final action tonight but wait until after the club has approached Dept. of Transportation, Representative Yates, concerning assistance from the state in this matter. Mr. George also offered suggestion that the Traffic Director and the Recreation and Parks Commission study this matter and make recommendation back to the Council. The City Manager was then requested to put this matter back on the agenda for the next regular meeting.

Council next gave consideration to a proposed ordinance which would repeal Section 2-2 of the City Code. In a memorandum to the Council, the City Manager stated that this section of the code established annexation policy and required any proposed annexation should first be presented to the Planning Board for study and recommendation and set forth certain criteria for Planning Board evaluation; such as land use studies, availability and feasibility of utilities service and population studies. He stated that the present ordinance was adopted in 1965 prior to the establishment of the Cumberland County Joint Planning Board and at a time when the city had its own Planning Staff. The annexation procedures listed in the present law are, of course, in addition to the procedural requirements of the general statutes. Since the adoption of this section of the code, the Council has appointed an annexation study committee which consists of three Council members: the City Manager, PWC Manager, City Engineer, and a staff member from the Planning Board.

Section 2-2 of the code sets forth procedures which are not necessary and which complicate annexations even more than the state laws and the state laws on annexations are complicated enough

by the special restrictions imposed upon all Cumberland County Municipalities.

Section 2-2 the City Manager stated, presented a needless delay in annexation proceedings and another hazard which may cause an annexation to be invalidated because of legal technicalities. The City Manager then recommended that the Council adopt the proposed ordinance which would delete Section 2-2 from the code.

The City Attorney gave a detail explanation as to what affect this proposed action would have upon the annexation procedures.

Following some discussion, Mr. Shaw offered motion for adoption of the ordinance proposed to repeal Section 2-2 of the code as recommended by the City Manager. Motion seconded by Mr. Kelly.

Councilman George then offered substitute motion to continue this matter until the next regular meeting of the Council, seconded by Mrs. Beard. Mayor Lee called for vote on the substitute motion and it failed to carry by the following vote. FOR: Mrs. Beard, Mr. Godwin, and Mr. George; AGAINST: Mr. Shaw, Mrs. Finch, Mr. Kelly and Mayor Lee. Mayor Lee then called for vote on the original motion and it carried by the following vote: FOR: Mr. Shaw, Mrs. Finch, Mr. Kelly and Mayor Lee. AGAINST: Mr. George, Mr. Godwin, and Mrs. Beard. Mayor Lee declared the ordinance approved on first reading and stated that second reading would be at the next regular meeting on February 25.

Council next heard a report from the City Engineer on the proposed Cain Road widening project. In a memorandum to the City Manager, the City Engineer stated that Cain Road presently has a 20 foot pavement on a 60 foot right-of-way with very poor shoulder conditions and open ditches for drainage. The pavement has deteriorated and is not adequate for the vehicular load it is carrying. It is on our city thoroughfare plan to be upgraded to four lanes with an additional left turning lane at Bragg Blvd and 401 By-pass. The volume of traffic along Cain Road has increased enormously the last few years and now justifies the widening project. The estimated cost for the widening project is \$236,000.00 including rights-of-way.

Cain Road should be extended north of 401 By-pass to intersect with Helen Street thereby eliminating the present off set intersection of Cain and Helen. Frequent accidents occur at these intersections caused by congestion of the large volume of turning movements off 401 By-pass. This extension is also a part of the thoroughfare plan. There is a possibility of the highway department building the connection in their 401 project. This possibility should be investigated and if the state highway department is not willing to add this portion, then the city should proceed with the connection simultaneously with the widening project. There would be some construction waste if this is not done in conjunction with the 401 widening project because a new signal installation will be included and then have to be reconstructed if the connection is made later. This connection is estimated at \$84,000.00 including rights-of-way.

Following brief discussion, the City Manager was requested to enter these items in the new budget for submission and consideration.

Council next gave consideration to an Airport Commission appointment.

Upon motion by Mrs. Finch, seconded by Mr. George and carried unanimously, Mr. Charles C. Clark was appointed to the Airport Commission to complete the unexpired term of Mr. Richard Player who resigned; said term expiring in June 1975.

Council next gave consideration to the architect for the new Fire Station on Rosehill Road. The City Manager reminded Council that a site for the construction of this new Fire Station had recently been purchased and the appointment of an architect should now be considered. Councilman George requested from Administration, a memorandum as to how such work has been apportioned among the various architects over the past few years. The City Manager was requested to provide this information and this item was deferred to be place as an agenda item at the next regular meeting.

Council next gave consideration to a request from the Downtown Fayetteville Association for reconsideration of confirmation of the assessment roll for the sidewalk paving costs on a section located on the south side of Hay Street. The letter concerned the assessment rate for the recently completed section of sidewalk along the south side of Hay Street between the M.M. Smith property and Norfolk Southern Railroad in the 300 block. The letter stated that the City Engineer was requested to survey the extent of the replacement of the sidewalk and furnish the property owner with cost estimates. The letter stated that the Engineer had estimated that the sidewalk could be reconstructed at a cost of \$15.50 per front foot with a cost to the property owners of \$7.75 per front foot under the present city sidewalk policy. Since completion of the sidewalk in November 1973 and confirmation of the assessment roll for the cost of same the property owners have been assessed for \$18.43 per front foot instead of the \$7.75 that they accepted, the letter stated.

Action on this matter was deferred until the next regular meeting of the Council when a delegation would be present on this matter, and the City Manager was requested to make this an agenda item for the next meeting of February 25, 1974.

Council next gave consideration to a request for a traffic light installation at the intersection of Langdon and Edgecomb Streets. Mr. George stated that he had been approached by a number of people several times about the installation of this light.

Mr. George then offered motion that a traffic light be installed at the intersection of Langdon and Edgecomb Streets. Motion seconded by Mrs. Beard.

In response to question, the City Engineer stated that he had completed a traffic count at this location and that as a result of this count, and the accident record for this location, a

traffic light was not warranted.

Following some discussion of this matter, the City Manager suggested as an alternative the installation of a blinker light.

Mr. Godwin then offered substitute motion to accept the foregoing suggestion of the City Manager and install a blinker light at the Langdon-Edgecomb intersection and that the City Engineer be requested to improve the site clearance at this location. Motion seconded by Mr. Shaw and carried by the following vote. FOR: Council members Kelly, Godwin, Shaw, and Mayor Lee; AGAINST: Mr. George Mrs. Finch and Mrs. Beard.

Council next considered passage of the \$1.8 million street improvement bond referendum order and the \$6.5. million PWC utilities bond referendum order.

The Mayor called on the City Manager to present this item and the City Manager in turn called on the City Attorney. The City Attorney informed Council that orders on these bond issues had been prepared by the City's Bond Attorney in New York City and that sworn statement of the City's debt had also been prepared.

Mrs. Finch then introduced the order authorizing the \$6.5. million water bond referendum and the order authorizing the \$1.8 million street improvement bond referendum and a sworn statement of the City's debt was filed with the City Clerk at this time.

Council next considered from the Civil Service Commission six recommendations for Sergeant, one recommendation for Lieutenant and two recommendations for Captain in the Police Dept. Following brief discussion, Mr. George offered motion to defer action on this matter until the next regular meeting of the Council on February 25, 1974, motion seconded by Mr. Shaw and carried unanimously.

Council next gave consideration to the adoption of budget guidelines for funding outside organizations and informed Council that such policy had never been officially adopted and suggested the adoption of same and then the rewording of the policy for use at budget time.

Following brief discussion, the City Manager was requested to bring this matter back up at the next meeting.

Mrs. Finch then offered motion, seconded by Mr. Kelly to postpone action on this matter to the next regular meeting of the Council. Motion carried unanimously.

Council next gave consideration to a proposed ordinance prohibiting parking at all time on Country Club Drive (U.S. 401 By-pass), both sides, from Ramsey Street to Murchison Road. In a memorandum to the City Manager, the City Engineer stated that Lafayette College located on Country Club Drive at the corner of Gables Drive carries on an active night program attracting a large number of students with cars who park on the edge of the pavement of Country Club Drive. Numerous complaints have been received and with the State Highway Dept. Division Traffic Engineer, we recommend no parking at any time be established along Country Club Drive. Lafayette College recently provided an off-street parking lot, however, they are unable to require the students to park in the lot and they encourage passage of this ordinance.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE #11 "PARKING PROHIBITED" ALONG COUNTRY CLUB DRIVE (US 401 BY-PASS), BOTH SIDES, FROM US 401 (RAMSEY STREET) TO NC 210 (MURCHISON ROAD) ORD. NO. NS-1874-12

Mr. Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book #NS-1974.

Upon motion by Mr. Shaw, seconded by Mr. Godwin and carried unanimously, a taxi cab driver permit was approved for the following named as recommended by the City Taxi Cab Inspector, Chief of Police and the City Manager: CLYDE WARWICK

Mayor Lee informed Council members that the cut off date for local legislation before the General Assembly was February 15, 1974 and he asked Council if they had any items to present. He mentioned for consideration exemptions to property taxes, public employee bargaining, and governmental immunity. He suggested review, discussion, and consideration of these matters as a body or individually with the representatives. He recommended that Council follow the League of Municipalities recommendations. There was no objection so the Mayor stated that he would present the League's recommendation to the Cumberland County Delegation.

There were no delegations present.

CITY MANAGER REPORTS

The City Manager reported that the Airport Commission had today received approval from the FAA on the security fencing, safety fencing, the purchase of the fire and crash rescue vehicle and the removal of the old terminal building for which Council had already approved bids. FAA now wishes approval of the grant agreement on these items by the adoption of a resolution.

RESOLUTION AUTHORIZING ADOPTING, APPROVING, ACCEPTING, AND RATIFYING THE EXECUTION OF GRANT AGREEMENT FOR PROJECT #8-37-0021-02 BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF FAYETTEVILLE, NC. RES. NO. R-1974-13

Mr. Shaw introduced the foregoing resolution and moved its adoption, seconded by Mr. Godwin and carried unanimously. A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book #R-1974.

The City Attorney made a report to Council on the New Hope Dam litigation. The essence of the judgment, Mr. Singleton stated, was that the New Hope Dam would be completed. Weather permitting, the design height of the dam, 266 feet, will be reached this fall. This will give the community the flood protection which it has desired, Mr. Singleton stated. He made this report to Council, he stated, so that it can know what has gone on and be fully informed and so that you can take some pride in your concern for what has been accomplished. Mayor Lee thanked Mr. Singleton for his report and for all the hard work he had done on this matter.

MATTERS OF INTEREST TO THE CITY COUNCIL

Mr. George was recognized on a request that a copy of the city code be made available to Dr. Vick, the newly appointed member to the Civil Service Commission and that he be brought up to date on the status of the uniformed departments. Mr. George also requested that the City Attorney study Section 31 of the city charter and chapter 160 of the North Carolina Statutes regarding 100% assessments for street improvements. He requested the City Attorney to make a report at the next meeting of the Council.

Mr. Shaw recognized and stated that some time ago the City Council considered the acquisition of property adjacent to the Cross Creek Park on Green Street (The Rose-Thorp-Rand property). He suggested that possibly Council may want to take action on this matter tonight.

Mr. Shaw then offered motion that the City acquire the entire property for the price indicated at our last Conference. Motion seconded by Mr. Kelly. Mr. Godwin requested and received permission to abstain from any discussion and vote on this matter.

Following brief discussion, Mrs. Beard offered substitute motion to continue this matter. Motion seconded by Mr. George. The substitute motion was lost by the following vote. FOR: Mrs. Beard and Mr. George; AGAINST: Mr. Shaw, Mrs. Finch, and Mr. Kelly. Mr. Godwin abstained.


Mayor Lee then called for vote on the main motion and it carried by the following vote. FOR: Mr. Shaw, Mrs. Finch, and Mr. Kelly; AGAINST: Mr. George and Mrs. Beard, Mr. Godwin abstaining.

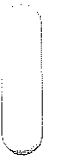
Mayor Lee recognized Mrs. Finch on a request from the City Engineer for information on the Rosehill Road improvements. The City Engineer acknowledged the request.

Mayor Lee informed Council that he would be meeting with the local service station operators association to consider a voluntary gas rationing system similar to the so called Oregon System.

Mr. Shaw then offered motion, seconded by Mr. Kelly that 8:00 P.M., Tuesday, February 19, 1974 in the City Hall Council Chamber be and the same is hereby fixed as a date for public hearings on the bond referendums, and that the City Clerk is directed to publish said orders adopted tonight. Motion carried unanimously.

Councilman George then offered motion at 11:00 P.M., seconded by Mrs. Beard, that this meeting be and the same is hereby adjourned to 8:00 P.M., Tuesday, February 19, 1974 in the City Hall Council Chamber.


Maurice W. Downs
City Clerk



ADJOURNED REGULAR SESSION
CITY HALL COUNCIL CHAMBER
TUESDAY, FEBRUARY 19, 1974
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members Present: Marion George, Harry Shaw, Vardell Godwin, Marie Beard, Glen Kelly

Council Member Absent: Beth Finch

Others Present: Mr. Guy Smith, City Manager
Mr. Rudolph Singleton, City Attorney
Mr. Thurman Williams, PWC
Mr. Ray Muench, PWC

Mayor Lee called this session to order for the purpose of considering the Public Works Commission Water and City Street Improvement Bond Referendums. He called on City Attorney Singleton to present the matters.

Mr. Singleton stated that this session was to consider the \$6.5 million water bond referendum and the \$1.8 million street improvement bond referendum and this date was fixed as a public hearing on these issues at the last regular meeting of the Council.

Mayor Lee then called on PWC Chairman Williams who provided an explanation for the Council and for those citizens present of the water bond issue. Commissioner Williams stated that the purpose of the water bond referendum was for providing funds with any other available funds for extending and enlarging the water works system of the city including the expansion of water supply wells, the construction of additions to the existing treatment plant, the installation of pumping equipment and water main extensions and the acquisition of any necessary land and rights-of-way.

Upon completion of Mr. Williams explanation, Mayor Lee asked if there were proponents or opponents present. There were none.

Thereupon, upon motion of Council Member Shaw, seconded by Council Member Kelly, the order entitled "ORDER AUTHORIZING \$6.5 MILLION WATER BONDS" was placed upon its final passage and the vote upon the final passage of said order was Ayes: Council Members George, Shaw, Godwin, Beard, Kelly. Noes: None.

Mayor Lee then called on City Manager Smith to present the street bond issue. The City Manager displayed maps to the Council and to those present showing the proposed Russell Street Railroad Overpass and explained that this \$1.8 million street improvement bond referendum was for the purpose of providing funds with any other available funds for constructing and improving grade separations including overpasses and underpasses and for constructing or reconstructing the surface of streets in said city including the contemporaneous construction or reconstruction of sidewalks, curbs, gutters, drains, and grading and acquiring any necessary lands and rights-of-way.

Mayor Lee then read into the minutes for record purposes a letter from Mr. J.D. (Luke) Wheeler, President of the Downtown Fayetteville Association, Inc., in which Mr. Wheeler stated that the Board of Directors of this Association in their deliberations this date wholeheartedly express their support of the two proposed city bond issues and that the members of this Association will be organized to produce a favorable voter reaction to the bond proposals. The Directors also expressed their concern about the transportation system serving the city. They consider the retention of a city bus system to be of vital importance to the City of Fayetteville and an increasingly necessary public service.

Council also recognized Mr. George Stewart, President of the Fayetteville Area Chamber of Commerce, who stated that the Chamber endorses the bond issues.

Council then recognized a Mr. Bill Young, owner of a used car lot at 509 West Russell Street, in opposition to the street bond referendum. Mr. Young stated that he was opposed to the street bond referendum for the following reasons: (1) it would raise the city taxes and city debt; (2) what is to be done about the congestion now existing at the Hay Street crossing; (3) the extreme expense which solves little or nothing; (4) twenty to twenty-five firms in the area would be put out of business because access would be severely limited; (5) in his opinion the tie up of traffic on Russell Street at the railroad crossing is insignificant. He suggested instead relocation of the railroad around the city or placing the railroad overhead or underground. He requested careful reconsideration of this matter by the Council before a final decision is reached.

In response to question, City Engineer Bennett stated that there would be some inconvenience to the firms on West Russell Street during construction of the overpass but that traffic would be maintained to serve the firms and thorough traffic would be routed around.

Councilman George pointed out to Mr. Young that the final decision on this matter rested not with the City Council but with the voting public since, if Council approved the measure this evening, it would be submitted to a vote.

Thereupon, upon motion of Council Member Godwin, seconded by Council Member Kelly, the order entitled "ORDER AUTHORIZING \$1,800,000.00 STREET IMPROVEMENT BONDS" was placed upon its final passage and the vote upon the final passage of said order was Ayes: Council Members George, Shaw, Godwin, Beard, and Kelly. Noes: None.

The Mayor then announced that the orders entitled "ORDER AUTHORIZING \$6.5 MILLION WATER BONDS AND \$1.8 MILLION STREET IMPROVEMENT BONDS" had been adopted.

Thereupon, Council Member Shaw introduced the following resolution.

RESOLUTION CALLING A SPECIAL BOND REFERENDUM ON \$6.5 MILLION WATER BONDS AND \$1.8 MILLION STREET IMPROVEMENT BONDS. RES. NO. R-1974-14

Thereupon, upon motion by Council Member Godwin, seconded by Council Member Beard the foregoing resolution was passed by the following vote: Ayes: Council Members George, Shaw, Godwin, Beard, and Kelly. Noes: None.

This concluded the public hearing on the bond referendums.

Mayor Lee informed Council that the Chairman of the Cumberland County Board of Commissioners, a representative of the Military, and a representative of the service station operators and himself had had a meeting this morning to urge voluntary compliance with the Governor's plan on gasoline allocation and that should the gasoline shortage situation become worse, the Board of County Commissioners and the City Council may wish to consider the adoption of a resolution requesting the Federal Government to provide an extra allocation of gasoline to the Fayetteville area because of the growth experienced by this community since the base date of February 1972.

Mayor Lee asked Council if it desired to endorse this action should it become necessary and authorize him in his discretion to write such a letter as an expression of Council's endorsement of the plan and the request for assistance.

Following brief discussion, Mr. Shaw offered motion that we pass a resolution commending the Governor and adopting his asking the citizens to adopt his plan and give him support in the plan. Motion seconded by Mr. Kelly and carried unanimously.

Mr. George then offered motion, seconded by Mr. Shaw, that the Mayor be authorized to write a letter to the Governor informing him of the endorsement of his plan and asking his assistance in the additional gasoline allocation for this area. Motion carried unanimously.

Mayor Lee then called on the City Manager to present the city bus matter. Mr. A.T. (Buddy) Watson, owner of the city bus line was present.

The City Manager stated that the local bus company was in severe financial difficulty and had requested assistance from the city in the form of a subsidy. The City Manager stated that he was of the opinion that such a subsidy would be helpful. The City Manager stated that bus companies in other cities were experiencing the same difficulties and that the following cities were assisting with subsidies as follows: (1) Asheville - \$51,000.00; (2) Durham - \$242,000.00; (3) Greensboro - \$358,000.00; (4) Highpoint - \$34,000.00; (5) Raleigh - \$3600.00; (6) Wilmington - \$3,000.00; (7) Winston-Salem - \$480,000.00 in bonds.

It is estimated that the operating loss to the present local bus company is \$100,000.00. Alternatives, as shown in the study recently completed, could be: subsidizing, provided that Council were to make an agreed on purchase price at the time the need was available; subsidizing in order that the present owner could keep operating; do nothing; a city owned bus system; a public transportation authority or operation of such a bus system as a department of the city. The City Manager stated there were \$5,000-\$6,000 fares per day. In response to question, the City Manager stated that this matter had not been discussed officially with the County Commissioners.

Mr. Watson was recognized and in response to question stated that this matter had been under discussion with the City Manager for some months now and that he must have an answer within 30 days or a cut-back in service will be necessary. Mr. Watson stated that he favored a subsidy and that an amount of \$3500.00 per month would be required. In response to a question from Mr. George as to whether or not city could assist other than with a subsidy, Mr. Watson replied that a route study of the bus system would be helpful. Following some discussion, Mr. Shaw offered suggestion that the City Council needs a recommendation on this question as to what course of action it should take and also as to whether or not the County would be willing to participate. Councilman Shaw suggested that this matter might be put before the Liaison Committee and that City Administration provide a recommendation.

The City Attorney was requested to check the statutes on joint participation by the city and county. Mr. George requested a recommendation at the next regular meeting on the feasibility of a route study. Mr. Godwin offered suggestion that the City Manager secure information from other cities as a guide and finally Mayor Lee suggested that the City-County Liaison Committee discuss the matter and consider joint City-County action. This was agreed upon without objection.

On a final matter, Mr. Shaw brought up the problem of automobiles blocking streets due to the line ups at the service stations to obtain gasoline. Mr. Shaw asked if there was any way that we could control this problem. This is particularly a problem and a hazard during peak traffic hours, he stated. He suggested that possibly traffic control officers could be stationed or called to these various sites at these times in order to keep traffic moving in an orderly manner and to keep the streets from being blocked.

Mr. Kelly suggested the consideration by Council of an ordinance requiring a 3 yard interval between vehicles and the cut off of engines at self-service gasoline service waiting lines in order

to prevent the reoccurrence of the tragedy which occurred several days ago in which a young girl was crushed between two motor vehicles. The City Manager was requested to check with the Chief of Police and Traffic Control Division and bring a recommendation regarding this problem back before Council at the next regular meeting.

Thereafter, all matters of business having been completed, the meeting was adjourned at 9:00 P. M., upon motion made and duly seconded.



Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
FEBRUARY 25, 1974
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly

Others Present: Mr. Guy Smith, City Manager
Mr. Rudolph Singleton, City Manager
Mr. Thurman Williams, PWC
Mr. Ray Muench, PWC

Mayor Lee called the meeting to order and led the assembly in the Lord's Prayer and the Pledge of the Allegiance to the Flag.

✓ Mayor Lee recognized Mr. Richard L. Player and presenting him with a framed copy of the City's Certificate of Appreciation for his loyal and dedicated service as a member of the Fayetteville Airport Commission.

Mayor Lee then recognized the following Fayetteville Youth Council Representatives present to observe Council proceedings: Lisa Freeze, Kathy Webb and Susan Summerell.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, Minutes of the Regular Meeting of February 11, 1974 were approved as submitted by the Clerk.

Upon motion by Mr. Godwin, seconded by Mr. George and carried unanimously, Minutes of a Regular Adjourned Meeting of the City Council of February 19, 1974 were approved as submitted by the Clerk.

A public hearing was held as published for this date and hour on a petition to rezone from R6 Residential District to a C1 Local Business District of an area located at 1804 Ramsey Street between Jones Street and Colonial Street. Planning Board recommended denial. Council recognized the petitioner, Mr. Louis Davis, who stated that he wished the area rezoned in order to build a small commercial building. There was no opposition present.

✓ Following brief discussion, Mr. Shaw offered motion to follow the recommendation of the Planning Board and deny this rezoning. Motion seconded by Mr. Godwin and carried, Mr. Kelly voting no.

A public hearing was held as published for this date and hour on a request for a special use permit for a parking lot in a Residential District. Planning Board recommended approval of this request subject to the applicant providing a detailed site plan to include markings for parking spaces, lighting and access points and preservation of existing trees on the site.

Council recognized the petitioner, Mr. Bob Winters, who explained that the parking lot was to supplement the parking for an office building under construction directly across the street. Mr. Winters stated that the parking requirements under the city ordinance could not be met on the site and that additional parking was needed.

✓ Following brief discussion, Mrs. Finch offered motion to follow the recommendation of the Planning Board and approve the special use permit as requested. Motion seconded by Mr. George and carried unanimously.

A public hearing was held as published for this date and hour on extending the city limits to include three properties located on the northeast quadrant of the intersection of Legion Road and West Hudson Street under the "old law". Planning Board and Annexation Committee recommended approval.

A Mr. Bill Love, representing Mr. A.L. Honeycutt, a property owner, was recognized and stated that they were not opposed to the annexation of the shopping center area but were opposed to the annexation of the Honeycutt property. Mr. and Mrs. Gaddie Honeycutt were also recognized in opposition to the annexation of their property.

✓ Following brief discussion, the City Manager recommended a continuance of this public hearing and Mr. Kelly offered motion, seconded by Mrs. Beard that this public hearing be continued to a later date. Motion carried unanimously.

A public hearing was held as published for this date and hour on extending the city limits to include an area on the northeast quadrant of the intersection of Legion Road (Southern Avenue) and West Hudson Street pursuant to 100% petition from the property owners. Planning Board and Annexation Committee recommended approval.

Council recognized Attorney Charlie Rose, Jr. for the petitioner. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL EXTENDING THE CITY LIMITS TO INCLUDE AN AREA ON THE NORTHEAST QUADRANT OF THE INTERSECTION OF LEGION ROAD (SOUTHERN AVENUE) AND WEST HUDSON STREET.
ANNEXATION #134.

✓ Mr. George introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Annexation Book #1974

A public hearing was held as published for this date and hour on extending the city limits to include an area on either side of McPherson Church Road between Morganton Road and 401 By-Pass. Planning Board and Annexation Committee recommended approval, under "Old Law".

Councilman Godwin requested and received permission to abstain from discussion and voting on this matter. Attorney Herb Thorp was recognized in opposition.

Following brief discussion, City Attorney Singleton suggested to Council in view of Mr. Thorp's objection to this proceeding that public hearing on this matter be continued.

Mr. Kelly then offered motion, seconded by Mr. Shaw that this public hearing be continued to the next regular meeting on March 11. Motion carried, Mr. Godwin abstaining.

A public hearing had been published for this date and hour on extending the city limits to include an area located in the northwest quadrant of the intersection of Owen Drive and Cumberland Road pursuant to 100% petition from the property owners. Planning Board and the Annexation Committee recommended approval.

Mrs. Mary Nelson, one of the petitioners, was recognized. There was no opposition present.

AN ORDINANCE EXTENDING THE CITY LIMITS TO INCLUDE AN AREA IN THE NORTHWEST QUADRANT IN THE INTERSECTION OF OWEN DRIVE AND CUMBERLAND ROAD. ANNEXATION #135.

Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously. A copy of the foregoing ordinance is on file in the City Clerk's office in Annexation Book #1974.

A public hearing was held as published for this date and hour on extending the city limits to include an area located northeast of the city limits and generally bounded by the present city limits on the south and west, the Cape Fear River on the east and a Carolina Power and Light Company easement on the north under the "old law". Planning Board and Annexation Committee recommended approval.

Council recognized Mr. Steve Goforth, Mr. Sibley Law, Mr. Luther Pearsall, and Mr. T.N. Ingram in opposition to this annexation.

Following some discussion, the City Manager recommended that this matter be tabled.

Mr. Shaw offered motion, seconded by Mr. Kelly to continue public hearing on this matter until March 11, 1974. Motion carried unanimously.

A public hearing was held as published for this date and hour on extending the city limits to include an area northeast of the city limits lying between the Cape Fear River and Raleigh Road including Cedar Woods Apartments and the southern part of Methodist College property under the "old law". Planning Board and Annexation Committee recommended approval of this annexation depending upon the continued interest of the owners of Cedar Woods Apartments.

Mr. Sibley Law was recognized and opposed the annexation on the grounds that he wished no sanitary sewer line across his property which would endanger a farm pond located on his property with pollution from such a sanitary sewer line.

Following some discussion, City Attorney Singleton suggested a continuance of this public hearing.

In response to question, PWC Manager Muench stated that he could not say either way about the sewer line except that if a force main was required there would be danger to the pond from pollution if an accident occurred but that with a gravity main, the farm pond water would infuse the main itself.

Following further brief discussion, Mr. Shaw offered motion to continue this public hearing to March 11. Motion seconded by Mrs. Finch and carried unanimously.

Upon motion by Mrs. Finch, seconded by Mr. Godwin and carried unanimously, a public hearing was ordered published for March 25, 1974 on a petition for the rezoning from C1P Shopping Center District and a C3 Heavy Commercial District to R5 Residential District or to a higher classification of an area located at Village Drive on the south side of Saxony Place.

Upon motion by Mr. Shaw, seconded by Mr. Godwin and carried unanimously, preliminary plat approval review was given to Vanstory Hills, Section 7, Part C south of Morganton Road at Cliffdale Road subject to the condition that PWC would provide water and sewer and the City Engineer would approve street construction and drainage as recommended by the Planning Board.

Council then proceeded with the second reading of the ordinance repealing Section 2 of Chapter 2 of the City Code dealing with annexation procedures. Mr. J.W. Pate, representing the Home Builders Association, was recognized in opposition to the Planning Board representation being removed from this procedure. Mr. Herb Thorp was also recognized in opposition to the repeal of this law and urged the retention of same.

Following some discussion, Mr. Shaw offered motion for passage of this ordinance on second reading. Motion seconded by Mrs. Finch. Mayor Lee called for vote and the motion was defeated by the following vote: Ayes: Council Members Finch, Shaw, Noes: Council Members Kelly, Beard, Godwin and George.

Council next reconsidered a request by the Fayetteville Bike Club for the establishment of bicycle routes and the installation of bicycle route signs. In a memorandum to the City Council, the City Manager recommended that Fort Bragg Road (a city-owned street) be declared as a bicycle route and authorize the installation of signs. This would be a test project which Council may enlarge later if desired or if the State decides to take some action.

Mr. Mel Murray was again recognized and stated that this recommendation would be useless and would not nearly accomplish that which needs to be done. Mr. Murray maintained that all of the major arterial routes into the city should be designated as bike routes and signs installed.

Following some discussion, Mrs. Beard offered motion to follow the foregoing recommendation of the City Manager concerning Fort Bragg Road. Motion seconded by Mr. George. Mrs. Finch offered substitute motion that the Council support the project over a two year budget period. Motion seconded by Mr. Kelly. During discussion of the motion, Mr. Godwin suggested the addition of several other city streets to Fort Bragg Road as recommended by the City Manager. Mrs. Finch then withdrew her substitute motion.

Mr. George then moved the question on the main motion to conclude debate, vote was called, and the question was lost by the following vote: Ayes: Council Members Beard and George; Noes: Council Members Kelly, Godwin, Finch, and Shaw.

Mr. Kelly then offered substitute motion to continue this matter to the next meeting. Motion seconded by Mr. Godwin and was lost by the following vote: Ayes: Council Members Kelly and Godwin; Noes: Council Members Beard, George, Finch and Shaw.

Mayor Lee then called for vote on the main motion which was to follow the recommendation of the City Manager concerning Fort Bragg Road and it was lost by the following vote: Ayes: Council Members Beard, Godwin, and George; Noes: Council Members Kelly, Finch, Shaw, and Mayor Lee.

Mayor Lee then suggested to the City Manager that at a near future meeting, the City Manager get together with Mr. Murray and try to decide on several other routes that would be satisfactory.

Council next considered the appointment of an architect to draw up the plans for the new Fire Station on Rosehill Road. In a memorandum to the City Council, the City Manager recommended the appointment of MacMillan and MacMillan to design the new Fire Station. Motion seconded by Mr. Shaw.

Mr. Shaw then offered motion to follow the foregoing recommendation of the City Manager and appoint the firm of MacMillan and MacMillan to design the new Fire Station. Motion seconded by Mr. Godwin and carried unanimously.

Council again considered the request from the Downtown Fayetteville Association for a reduction in the assessment against the property owners for the construction of a sidewalk on the south side of Hay Street between the M.M. Smith Building and the Norfolk-Southern Railroad.

Mr. James D. C. Breckenridge, Chairman of the Downtown Fayetteville Association, was recognized and stated that the assessment was higher than the property owners had been led to believe it would be. The City Manager stated that this was true and was based on an estimate given by the City Engineer but was unavoidable due to the difficulty in obtaining bids to get this work accomplished. In response to question as to whether or not Council could reduce this assessment at this time after the public hearing had been held with no opposition present, the City Attorney replied that he would have to research the statutes before giving an answer.

Council took no action on this matter at this time pending a legal opinion from the City Attorney at the next regular meeting.

Council next reconsidered several promotions within the Police Dept. In a memorandum to the Council, the City Manager stated that examinations for promotion were given by the Civil Service Commission and made recommendations concerning the same.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, the following named policemen were promoted to rank of Sergeant: Paul D. Warner, J.M. Riddle, Charles L. Mims, William E. Heintzleman, Robert E. Shambley, and Frederick M. Boone.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, the following named police officer was promoted to the rank of Lieutenant: Sergeant William T. Brisson.

Upon motion by Mr. Shaw, seconded by Mrs. Finch, and carried unanimously, the following named police officers were promoted to the rank of Captain: Sergeant W. B. Barefoot, Sr. and Sergeant D.K. Dixon.

Council next gave consideration to a request for a Taxi Cab rate increase from the Taxi Cab owners in the city. In a memorandum to the Council, the City Manager recommended that Council review the proposed increase requested and give him guide lines to discuss with the Taxi owners and take any action if desired at a later meeting. Council recognized Mr. E.S. Autry, owner of Safety Taxi, in this request.

Following brief discussion, Mayor Lee suggested to Mr. Autry that he discuss this matter with the City Manager and that the City Manager bring a recommendation back to Council at a later date.

Council next gave reconsideration to the policy governing funding for outside organizations. The

City Manager presented the policy and stated that Council had never officially adopted such a policy and recommended that it do so.

✓ Following brief discussion, Mr. Shaw offered motion for adoption of the policy governing funding for outside organizations as presented. Motion seconded by Mr. Kelly and carried unanimously. (A copy of such policy is on file in the office of the City Manager.)

Council next gave consideration to several ordinances drawn by the Inspector of Sub-standard housing relative to the correction of deficiencies in several sub-standard residential dwellings. The recommendation in each case was for demolition of the structure.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NC REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 204 CAMPBELL AVENUE AND OWNED BY GEORGE R. POTTER AND MRS. BETTY C. SESSOMS. ORD. NO. NS-1974-14.

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

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NC REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 520 COOK STREET AND OWNED BY ABBOT LAND AND DEVELOPMENT CORPORATION. ORD. NO. NS-1974-15

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

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NC REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 522 COOK STREET AND OWNED BY ABBOT LAND AND DEVELOPMENT CORP. ORD. NO. NS-1974-16

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

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NC REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 212 S. KING STREET AND OWNED BY MRS. BETTY B. MAINOR, ORD. NO. NS-1974-17

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

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NC REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDING MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 535 NORTH STREET AND OWNED BY NORTH HILLS HOMES, INC. AND THOMAS WOOD. ORD. NO. NS-1974-18

Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NC REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDING MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 806 ROBESON STREET AND OWNED BY KING MODEL HOMES, INC. AND THOMAS WOOD. ORD. NO. NS-1974-19.

Mr. Kelly introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NC REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDING MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 808 ROBESON STREET AND OWNED BY KING MODEL HOMES, INC. AND THOMAS WOOD. ORD. NO. NS-1974-20

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

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NC REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDING MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 522 ORLANDO STREET AND OWNED BY MRS. ROSSIE WIGGS. ORD. NO. NS-1974-21

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

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NC REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDING MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 412 BLOUNT STREET AND OWNED BY MRS. MAUDE O. SCARBOROUGH HEIRS AND MR. Q. J. SCARBOROUGH. ORD. NO. NS-1974-22

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

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NC REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 426 BLOUNT STREET AND OWNED BY MRS. MAUDE O. SCARBOROUGH HEIRS AND MR. Q.J. SCARBOROUGH, JR. ORD. NO. NS-1974-23

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

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NC REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 428 BLOUNT STREET AND OWNED BY MRS. MAUDE O. SCARBOROUGH HEIRS AND MR. Q.J. SCARBOROUGH, JR. ORD. NO. NS-1974-24

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

Copies of all of these foregoing ordinances are on file in the office of the City Clerk in Ordinance Book #NS-1974.

On a final location at 1508 Murchison Road owned by the Jessie McCallum Heirs, Mayor Lee stated that he was in receipt of a telegram from the Heirs of the estate, Mrs. Artimishia Baker and Mrs. Ethel McCallum Smith requesting a 6 months extension for the correction of deficiencies because the property was being sold and due to the energy crisis. Corrections of deficiencies will be made in 90 days, they stated.

Mr. George offered motion to grant a 30 day extension in this matter, seconded by Mr. Shaw and carried unanimously. The Inspector of sub-standard housing, Mr. Lamar, was present and was requested to make a physical inspection of this location in 30 days and bring the matter back before the Council at that time.

Council next gave consideration to bids for a Fire truck. The City Manager and Fire Chief recommended acceptance of the alternate bid of American LaFrance in the amount of \$48,811.00 and deleting the A&W Computer in the amount of \$147.00 and painting the pumper red instead of lime yellow. This will result in a total bid of \$48,764.00 for the pumper, the City Manager stated.

Following some discussion, Mr. Shaw offered motion to follow the foregoing recommendation of the City Manager and Fire Chief and award the bid for the pumper to American LaFrance for the alternate bid of \$48,811.00 less \$147.00 for the A&W Computer. Motion seconded by Mrs. Beard and carried unanimously. The City Manager requested that the record also reflect the recommendation that \$4,600.00 that was allocated for 2,000 feet of 3-inch replacement fire hose be transferred and added to the \$45,000.00 allocated for the purchase of the pumper to meet the over cost experienced by the increase of the bid proposal. This was so ordered by the Mayor.

Council next gave consideration to the adoption of a resolution approving a request for a subgrant application for the Police Dept. for the funding of a Modern Interrogation Methods system. The amount of the subgrant was \$4,986.00 and was recommended by the City Manager and Chief of Police.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NC AUTHORIZING AND DIRECTING THE CITY MANAGER TO FILE IN BEHALF OF THE CITY AN APPLICATION IN THE FORM PRESCRIBED BY DIVISION OF LAW AND ORDER FOR A SUBGRANT IN THE AMOUNT OF \$4,986.00 TO ASSIST IN DEFRAYING THE COST A MODERN INTERROGATION METHOD SYSTEM FOR THE CITY OF FAYETTEVILLE. RES. NO. R-1974-15

Mr. Godwin introduced the foregoing resolution and moved its adoption, seconded by Mrs. Finch and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book #R-1974.

Council next gave consideration to a drainage problem on the west side of Owen Drive. In a memorandum to the City Council, the City Manager stated that Tract B as shown on the map enclosed has within it a bay or "pocosin" which has received storm water from Tract A in its natural run-off. This water has either evaporated or been absorbed without running off in the areas undeveloped status. The route indicated by arrows on the map is the design route for storm drains which will be necessary for drainage if the area is to be developed.

The City Manager stated that he had insisted in each of the many meetings with the developers that the City of Fayetteville has no responsibility to bear any of the storm drainage cost required to develop the property. Further, no developer will be given a permit to build unless and until the drainage is installed or funding is guaranteed from some source other than the city. The estimated storm drainage cost is \$350,000.00. However, the exact price will not be known until bids are secured.

The City Engineer will approve engineering specifications to be designed by Rose and Purcell Engineers. Much of the engineering has been done by this firm.

There is some urgency by the owners of Tract A and Tract C to begin construction immediately. By refusing to issue building permits, we have been able to get the three developers tentatively to agree to guarantee the storm drainage funding up to \$350,000.00. It is anticipated that the attached contracts will be executed by the developers. The City Manager recommended that the Mayor be authorized to execute the agreements on behalf of the city provided they are first executed by the developers and the City Attorney agrees that the city would be protected from having to pay any part of the cost up to \$350,000.00

The City Manager stated that it would be his intention to expedite receiving bids in order that the city could be assured of the storm drainage costs before issuing any building permit.

✓ Following brief discussion, Mr. Shaw offered motion to follow the foregoing recommendation of the City Manager and that the Mayor is hereby authorized and directed to sign said agreement for the City. Motion seconded by Mrs. Beard and carried unanimously.

The City Manager informed Council that a request had been received from Dr. R. Max Abbott, Supt. of the Fayetteville City Schools, to purchase a lot from the City on Belvedere Avenue at the Margaret Willis Elementary School. The School Board would like to have the lot for additional construction to house the five year old students in the expanded kindergarten program. Two tracts exist at this location both at the eastern edge of the school property, one located on the northern boundary and the other located on the eastern boundary with dimensions of 117' x 183' feet. Either tract of ground would be satisfactory with the school board. The School Board would agree to a trade of a part of their wooded area at this location or to purchase the parcel for its appraised value. The City Manager recommended that Council consider selling the parcel along the northern boundary.

✓ Following some discussion, the City Manager was authorized to negotiate with the School Board for Tract #1 on the northern boundary and to report the results of such negotiation back to the Council.

The City Manager presented for Council approval the Workable Program Recertification Application for 1974 and requested Council's authorization for the filing of same. Following brief discussion, Mrs. Beard offered motion, seconded by Mr. Godwin for approval of filing of the Workable Program Application. Motion carried unanimously.

Council next gave consideration to a proposed ordinance which would establish 12 minute parking meter zones in front of the Wachovia Building on Green Street. This would consist of 5 spaces in the 200 block, on the west side only. Mayor Lee stated that this request had been made to allow persons to make brief visits to the various governmental offices located in this building and to the bank itself.

In response to question, the City Engineer stated that unmetered parking had been and is allowed now in this location for a good number of years prior to the construction of the Wachovia Bank Building. There then followed some discussion of the vehicular parking along Green Street in general.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE NC SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE #11-PARKING PROHIBITED AT ALL TIMES-GREEN STREET-WEST SIDE-200 BLOCK. ORD.NO. NS-1974-25

✓ Councilman Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ord. Book #NS-1974.

✓ Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, Taxi Cab Driver Permits were approved for the following named as recommended by the Taxi Cab Inspector, Chief of Police, and City Manager: RONALD J. HAMMERTON AND CLARENCE PAGE RAEFORD.

Council next gave consideration to an amendment to the 1973-74 Budget to provide for the funding of the purchase of the Rose-Thorpe-Rand property on the northeast corner of Bow Street and Green Street. The City Manager explained that this amendment would provide \$120,000.00 for the purchase of this property although it will be acquired for \$92,500.00

1973-74 BUDGET ORDINANCE AMENDMENT TO THE REVENUE SHARING TRUST FUND PROVIDING FOR THE FUNDING OF \$120,000.00 TO BE USED FOR THE PURCHASE OF PROPERTY ON THE CORNER OF BOW AND GREEN STREETS ADJACENT TO THE CROSS CREEK PARK. ORD. NO. NS 1974-26.

✓ Mrs. Finch introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book #NS-1974.

Council next considered and discussed a local bill proposed by Representative Glenn R. Jernigan provide compensation to Firemen and Policemen injured in the line of duty. Mayor Lee presented this matter for Council's information and stated that the bill is entitled "An act to provide for compensation for deputy sheriffs, police officers, and firemen in Cumberland County and in the same manner as provided for members of the Highway Patrol". In a letter to Mayor Lee, Representative Jernigan stated that he would be most appreciative if he, Mayor Lee, and the Council would share with him their comments regarding this matter as he strongly felt that the present disability provisions are inadequate for those performing a real public service and who are constantly exposed to hazardous beauty.

✓ Following some discussion of this matter, City Attorney Singleton suggested that inasmuch as County Police and Fire personnel are included in the provisions of this act that the County and City Managers and County and City Attorneys get together and discuss it before a decision is made. This was agreeable with the members of the Council and the City Manager was so instructed.

There were no delegations present.

The City Attorney was recognized and stated that he had been requested at last meeting by

Council to investigate or as to whether or not the city may operate a bus system outside the city limits.

He said he had found out that not only did he not know; the Attorney General, the League of Municipalities and the Utilities Commission did not know and the City Attorney's Office in Winston-Salem did not know.

Cape Fear Valley Coaches operates as a private enterprise under the Utilities Commission. Although the general statutes of North Carolina do not specifically set forth the mileage outside the city limits, it allows the Utilities Commission to promulgate through its rules to allow a private company to operate four miles outside the city limits. However, once a municipality takes over the mass transportation or bus system, it no longer comes under the Utilities Commission and is exempt from it. The Utility Commission seems to think that it may well have authority to go one mile outside the city but was not sure. Winston-Salem in 1967 had an act passed authorizing the creation of the Winston-Salem transit authority and in this act it allows it to operate within three miles of the corporate limits as now or hereafter established. Interestingly enough, he continued, because many workers from Winston-Salem go to the Westinghouse Plant which is on the far side of Greensboro, there was introduced and passed last week, an amendment to this establishing thirty miles outside the city limits.

So it would appear to me, Mr. Singleton stated, that Council would do well to consider getting into the Transportation business and prior ^{to} March 1 having some sort of bill introduced before the General Assembly authorizing Council to set up a transportation authority. This would authorize the city to do this, but would not bind it to do so.

Mayor Lee stated that he thought the city would most certainly want to consider serving at least 10 miles outside the corporate limits to serve not only the other municipalities in the county but the various industrial plants and their workers.

In answer to question, the City Attorney stated that the city does not need a local bill to establish a municipal transportation system. The City can do it as it now operates. However, nobody is certain whether City is authorized to go outside the city limits, he stated.

He suggested a discussion with the County Manager and County Attorney this week. He stated that he was of the opinion that the City may want to put some legislation through the General Assembly as a safeguard in the event it would be desired and required at a later date; even though the situation with the local bus company has not as yet been definitely resolved by Council.

Mayor Lee suggested that if the City goes into a subsidy situation that some legislation could be enacted to allow the bus company through the present franchise agreement with the City to cover a wider area.

The City Attorney suggested some legislative guidance from the members who have had experience with those sort of things and this was agreeable with the Council.

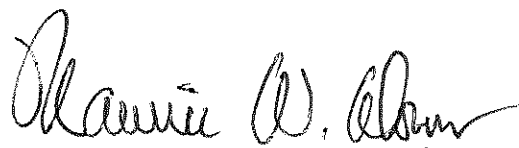
There were no City Manager reports.

MATTERS OF INTEREST TO THE COUNCIL

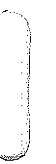
Mr. Godwin asked the City Manager if any suggestions made on the tour of the parks some weeks ago had been implemented. The City Manager replied as yet they have not.

Mayor Lee, in view of the severe gasoline shortage, raised the question of a mandatory odd-even gas allocation system. The City Attorney stated that to his knowledge six municipalities have enacted such a system but he did not know precisely what they consisted of. Mayor Lee stated that he had talked to General Tolson in Raleigh, the State's Energy Chief, regarding an additional gasoline allocation for the city. He requested suggestions from the Council to help secure such an additional allocation for the state. Meanwhile, Mayor Lee suggested that the Council continue to urge people to use the voluntary odd-even system until the crisis is past.

Thereafter, all matter of business having been completed, the meeting was adjourned at 11:15 P.M., upon motion made and duly seconded.



Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MARCH 11, 1974
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly

Others Present: Mr. Guy Smith, City Manager
Mr. Rudolph Singleton, City Attorney
Mr. Monroe Evans, PWC
Mr. Ray Muench, PWC

Mayor Lee called the meeting to order and the Rev. Floyd D. Burney, Disciples of Church Christ, offered the invocation. Fayetteville Youth Council representative Mark Miller led the assembly in the Pledge of the Allegiance to the Flag. Mayor Lee recognized Mark and fellow Youth Council Larry Fleishman and stated that they had each received Morehead Scholarships this year. Mayor Lee also recognized Youth Council Members Wayne Bennett and Curt Haefeli present in the audience to observe Council proceedings.

Upon motion by Mr. Godwin, seconded by Mr. Shaw and carried unanimously, Minutes of the Regular Meeting of February 25, 1974 were approved as submitted by the Clerk,

A public hearing was held as continued from the February 25 meeting on the annexation of an area located along either side of McPherson Church Road between Morganton Road and 401 By-Pass under the "old law". There were neither proponents nor opponents present. The City Manager recommended continuance of this public hearing to March 25.

Mr. Shaw offered motion to continue this public hearing to March 25, seconded by Mr. Kelly and carried unanimously.

A public hearing was held as continued from the meeting of February 25 on the annexation of an area located northeast of the city limits and generally bounded by the present city limits on the south and west, and the Cape Fear River on the east and a Carolina Power and Light Company easement on the north under the "old law". The City Manager recommended continuance of this public hearing to March 25. There were neither proponents nor opponents present.

Mr. Kelly offered motion for continuance of this public hearing to March 25, seconded by Mr. Godwin and carried unanimously.

A public hearing was held as continued from the meeting of February 25 on the annexation of an area northeast of the city limits lying between the Cape Fear River and Raleigh Road and including Cedar Woods Apartments and the southern part of Methodist College property under the "old law". The City Manager recommended continuance of this public hearing to March 25. There were neither proponents nor opponents present.

Mr. Godwin offered motion to continue this public hearing to March 25, seconded by Mrs. Beard and carried unanimously.

A public hearing was held as continued from the meeting of February 25 on the annexation of three properties located on the northeast quadrant of Legion Road and West Hudson Street under the "old law". The City Manager recommended that this matter be tabled. There were neither proponents nor opponents present.

Following brief discussion, Mr. George offered motion to dismiss this annexation matter. Motion seconded by Mr. Shaw and carried unanimously.

A public hearing had been published for this date and hour on the closing of Vann Street, Herring Street, Evans Street, Fontana (formerly Frolic) Street, Frank Street, and Simmons Street all located in urban redevelopment areas as requested by the Fayetteville Redevelopment Commission.

Attorney Richard Lewis, Counsel for the Commission, was present and presented this matter. There was no opposition present.

RESOLUTION AND ORDER CLOSING ALL OR PORTIONS OF VANN STREET, HERRING STREET, EVANS STREET, FONTANA (FORMERLY FROLIC) STREET, FRANK STREET, AND SIMMONS STREET AS PUBLIC THOROUGHFARES.
RES. NO. R-1974-16

Mr. Shaw introduced the foregoing resolution and moved its adoption, seconded by Mrs. Finch and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book #1974.

PUBLIC WORKS COMMISSION MATTERS

Council recognized Commissioner Monroe Evans who presented the PWC matters as follows.

Commissioner Evans requested approval by Council of the award of a bid to D.R. Allen & Son, Inc. for construction (labor and equipment only) of a 16-inch water main along River Road to Cargill, Inc. including authorization for the Mayor and City Clerk to sign contract documents. D.R. Allen was the low bidder in the amount of \$47,068.90 for this work.

Mr. Godwin offered motion, seconded by Mr. Kelly for approval of the foregoing bid and that the Mayor and Clerk be and they hereby are authorized and directed to sign said contract for the city as recommended by PWC. Motion carried unanimously.

Commissioner Evans requested approval of the award of a bid to Northstate Constructors, Inc. (for labor and equipment only) for construction of a water transmission main to the east Fayetteville area including authorization for the Mayor and City Clerk to sign contract documents for same. Northstate Constructors, Inc. was the low bidder in the amount of \$79,204.00 for this work.

Mrs. Finch offered motion, seconded by Mr. Godwin for approval of the foregoing bid of Northstate Constructors and that the Mayor and the Clerk be and they hereby are authorized and directed to sign said contract for the city as recommended by PWC. Motion carried unanimously.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, approval was given to an application by D. Eugene Hester for a 1-inch water connection to an existing water main to serve an existing residence on South View Drive outside the city as recommended by PWC.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, approval was given to an application by a Dr. Jack Hill for one 2-inch water connection to an existing main to serve an existing residence and apartment on Carvers Falls Road outside the city as recommended by PWC.

Upon motion by Mrs. Beard, seconded by Mr. Godwin and carried unanimously, approval was given to an application by Dan W. Gore for one 1-inch water connection to an existing main to serve an existing residence on Clearwater Drive in Hillendale Subdivision outside the city as recommended by PWC.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, approval was given to an application by Mildred Darden for one 1-inch water connection to an existing main to serve a residence at 250 Stacy Weaver Drive in College Lakes outside the city as recommended by PWC.

Item 4 on the agenda, a request for bicycle route designations and signs was deferred until later in the meeting.

Council next reconsidered a request from the Downtown Fayetteville Association for reconsideration of the confirmation of the assessment roll for sidewalk paving costs on a section located on the south side of Hay Street between the M.M. Smith Building and the Norfolk-Southern Railroad in the 300 block.

The City Attorney had been requested at the last meeting to make a study of the City Charter and the General Statutes and come back with a recommendation to Council as to what action they could or could not take in this matter. The City Attorney stated that he had studied the City Charter and the General Statutes, and was of the opinion that at the time the assessment roll was confirmed in January of this year that in the absence of any irregularity and admission of error or lack of jurisdiction that Council is now without power to correct this assessment. He cited the case of *McLester vs. the Town of China Grove* in 1928 as an example.

No one was present representing the Downtown Fayetteville Association. In response to inquiry from Mrs. Beard, the City Manager stated that the city was participating 50% in the cost of this sidewalk assessment with the property owners in accordance with present city policy.

Council took no action on the matter.

Council next gave consideration to a proposed ordinance which would amend sub-section C of Section 57 of Chapter 28 of the Code of Ordinances of the city relative to Taxi Cab rates. The City Manager stated that at the last meeting a request had been received and presented to the Council from the Fayetteville Taxi Cab owners for an increase in taxi cab rates. The City Attorney presented the proposed ordinance which would grant such increase and gave an explanation of same.

Following some discussion of the matter, Mrs. Finch offered motion for adoption of the ordinance to be effective immediately, motion seconded by Mr. Shaw. Mr. George then moved an amendment that the ordinance be effective on March 18. Motion seconded by Mrs. Beard. Mayor Lee called for vote on the amendment and it carried unanimously.

Mayor Lee then called for vote on the motion and it carried unanimously. The ordinance title appears below:

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NC SUB-SECTION C OF SECTION 57 OF CHAPTER 28 OF THE CITY CODE-TAXI METERS AND RATES-ORD. NO. S-1974-4

A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book #S-1974.

The City Manager informed Council that a request had been received from Mr. D.L. Cooper, District Engineer with the Dept. of Transportation in Fayetteville, that the following named streets inside the corporate city limits now on the Dept. of Transportation road system be deleted from their system and added to the city street system for maintenance and included in the Powell Bill Fund Allocation: SR2260 Airport Access Road, SR2269 Airport Access Road, SR2270 Airport Access Road, SR2298 Airport Access Road, SR1480 Kentyre Drive, SR2913 Village Drive, SR1414 Raeford Road and Broadfoot Ave., and US-301A Person Street between the Market House and Eastern Blvd.

Following brief discussion, Mr. Shaw offered motion, seconded by Mr. Godwin for the adoption of a resolution deleting the following named streets from the state system and adding them to the city

street system: SR2269 Airport Access Road, SR2270 Airport Access Road, SR2298 Airport Access Road, SR2913 Village Drive, and SR1480 Kentyre Drive.

The City Manager presented a list of 15 streets that should be resurfaced this budget year. He stated that he and the City Engineer believe these streets should be given priority for resurfacing based on their present condition, traffic volume and future projects. The estimated cost for resurfacing is \$100,000.00. If approved, it is proposed that an immediate contract be executed with a completion date of approximately Mid-June. The streets are Bridger Street, Torrey Drive, Theibert Street, South King Street, Sam Cameron Avenue, Arsenal Avenue, Pecan Drive, Poole Drive, Elvira Street, McPherson Avenue, Pine Valley Loop, West View Drive, Meadow Wood Road, McIver Street, and Cumberland Street.

Following some discussion, Mr. Shaw offered motion to follow the foregoing recommendation of the City Manager and resurface the streets as indicated and as recommended by the City Engineer. Motion seconded by Mr. Kelly and carried by the following vote: FOR: Council Members Shaw, Finch, Godwin and Kelly; AGAINST: Council Members George and Beard.

Council next gave consideration to the paving of an alley off Franklin Street just west of its intersection with Gillespie Street and located immediately to the rear of the businesses on the west side of the 100 block of Gillespie Street. In a memorandum to the City Attorney, the City Manager stated that the city had been asked many times to pave this alley. The alley is not a public alley by dedication, but is a means of ingress and egress by the abutting property owners, he stated. The city uses it for trash pick-up and has from time to time done some maintenance work when conditions were such that deep holes were present. The alley poses some what of a health problem perhaps but is more of a eye sore. The City Manager requested the City Attorney to review Section 7-38 through 7-45 of the City Charter and advise if he thinks the City Council could if it wished declare this area a "public improvement district", order the alley paved, and assess the abutting properties for 2/3 of the cost; and if this is possible to give a brief summary of the formula for assessment on an area basis described in Section 7-41 of the City Charter.

The City Manager informed Council that it was his opinion that the City would have to order this alley paved if it was to be done since a good number of the property owners lived out of the city and out of the state and probably would not join in a petition for such paving.

Following some discussion, Mrs. Beard offered motion for the adoption of a resolution of intent to abate this nuisance and order the proper department heads to proceed accordingly with the plans to pave this alley. Motion seconded by Mr. George and carried unanimously,

PRELIMINARY RESOLUTION REQUIRING THE PAVING WITHOUT A PETITION OF AN ALLEY OFF FRANKLIN STREET IMMEDIATELY WEST OF ITS INTERSECTION WITH GILLESPIE STREET AND SETTING A PUBLIC HEARING DATE FOR THIS ALLEY ON APRIL 8. 1974. RES. NO. R-1974-17

Mr. George introduced the foregoing resolution and moved its adoption, seconded by Mr. Godwin and carried unanimously. A copy of the foregoing resolution is to prepared and placed on file in the office of the City Clerk in Resolution Book #R-1974.

The City Manager reported the receipt of bids for the installation of lighting systems for the ballfields at Rowan Park and Honeycutt Park. The low bidder in each case was F&P Electric with a low bid of \$8,552.06 for Rowan Park and \$9,851.13 for Honeycutt Park. The City Manager recommended the acceptance of F&P Electric low bids in each case. The bids, however, were \$3,200.00 in excess of money budgeted. The Acting Supt. of Parks and the City Manager requested permission to transfer \$3,200.00 from the \$5,000.00 that was budgeted for the Children' Tot lot in Cumberland Heights for this purpose.

Following brief discussion, Mr. Godwin offered motion to approve the foregoing bids of F&P Electric and for the transfer of the funds as recommended by the City Manager and the Acting Parks Supt. Motion seconded by Mrs. Beard and carried unanimously,

Upon motion by Mr. George, seconded by Mrs. Finch and carried unanimously, a Taxi Cab Driver permit was approved for the following named as recommended by the Taxi Cab Inspector, Chief of Police, and the City Manager:
BARBARA A. THOMAS.

Upon motion by Mr. Godwin, seconded by Mrs. Beard, and carried unanimously, the low bid of Castle Uniform Company was approved for Police Summer Uniforms items as follows: blue and white shirts, blue and forest green trousers and caps for Policemen, Sergeants, Captains, Major, and Chief and the low bid of Frank's Uniform Company was approved for Police Dept. belts.

Upon motion by Mr. Shaw, seconded by Mr. Kelly and carried unanimously, the low bid of Castle Uniform Company for Fire Dept. dress trousers was approved and the low bid of Hub Uniform Company for Fire Dept. white and blue shirts and work trousers was approved.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, the low bid of Royal Dodge, Inc. meeting specifications in the amount of \$6,353.00 plus tax for two intermediate size vehicles for the Police Dept. was approved as recommended.

An appointment to the Fayetteville Area Transportation Advisory Committee to replace Mr. Gene Plummer as well as appointments to the Human Relations Advisory Commission and the Building Code Review Committee were deferred until the next meeting.

Council recognized a Mr. Eugene C. England, resident and property owner at 3202 Boone Trail, and owner of a tract located at 1853 Conover Drive, on several complaints regarding Bordeaux Shopping Center.

Mr. England requested an investigation of the use of property located immediately to the rear of the Shopping Center and in the vicinity of his property on Conover Drive as a parking area. It was Mr. England's contention that this area was zoned R10 and that such use was prohibited.

Mr. England also requested Council to have checked a water service which he stated had been run from the shopping center to a point inside the county.

Following brief discussion, Mr. George suggested that the City Manager be requested to make an investigation of these matters and report back to the Council at the next meeting.

Council next gave reconsideration to agenda item #4 on the request by the Fayetteville Cycle Club for the designation of streets within the city as bicycle routes and for the installation of signs thereon.

At the conclusion of discussion of this matter at the last meeting, the City Manager was requested to discuss with Mr. Murray the designation of streets in addition to Ft. Bragg Road for this purpose.

In a memorandum to the Council, the City Manager stated that at the last meeting he recommended Ft. Bragg Road be designated as a bicycle route because it was the only city street recommended in the list by Mr. Murray and that Council had indicated that Ft. Bragg Road was not enough of a token project and that several other streets should be added to the pilot project.

After another meeting with Mr. Murray, the City Manager stated that he agreed that the city would be wasting money to designate only city streets as bicycle routes since few city streets carry traffic anywhere except in local areas and led to arterial streets.

In order to resolve the matter, at least temporarily, the City Manager stated in his memo, it was recommended that the following streets be designated bicycle routes and signs installed: Ft. Bragg Road, Raeford Road, Morganton Road, and Hay Street from Haymount to Robeson Street. Mr. Murray was in agreement with this the City Manager stated.

Following brief discussion of this recommendation, and of the Bike Club's original request, Mrs. Finch offered motion that the Council do the project as originally requested by the Bike Club. Motion seconded by Mr. Kelly.

Following some further discussion, Mr. George offered substitute motion to follow the foregoing recommendation of the City Manager and designate the four streets recommended by him as bike routes and to place signs not closer than 1/2 mile apart on the four streets recommended. Motion seconded by Mr. Shaw and carried by the following vote: FOR: Council Members George, Shaw, Godwin and Beard; AGAINST: Council Members Kelly and Finch.

CITY MANAGER REPORTS

The City Manager reported to Council the resignation of Ronald D. Todd from the Fire Dept. The resignation was noted.

MATTERS OF INTEREST TO THE CITY COUNCIL

Mr. George suggested the placing of Cool Spring Street and Racepath Street on the street paving list. Mr. George also suggested that Council take a look at the sidewalks in the downtown area with a view toward improvement where necessary. He also suggested investigating the acquisition of playground property in Savoy Heights and requested the City Manager to make a recommendation. Mr. George also suggested that the Council give more Police Dept. attention to the downtown area and cited as an example the recent break-in of a jewelry store.

Mayor Lee replied that the sidewalk situation would probably be covered by the L.B.C.&W. study on Downtown Revitalization and that police patrol and police protection was being implemented now by the use of the three wheeled motor scooters.

Mrs. Beard also urged intensification of police protection in the downtown area.

Mayor Lee requested the City Attorney to make a report on his meeting with the County Attorney and County Manager regarding the bill now before the General Assembly drawn by Representative Glenn Jernigan to provide disability compensation for police and firemen and sheriff deputies.


Mr. Singleton reported that there are at present three such bills before the General Assembly. (1) Drawn by Henley and Ray, (2) Drawn by Jernigan, and (3) to be submitted by the Cumberland County Commissioners. Number 1 bill does not apply to the city, he stated; Number 2 does apply to the city and Number 3 to the Sheriff's Dept., but Number 3 could, with modification, be drawn to include the city employees and this was the one recommended by City Manager, the County Attorney, and himself. Regarding the third bill, the County Commissioners have proposed this bill which, with modifications, is recommended to you. It provides that when a deputy sheriff in a hazardous line of duty is assaulted then he should be taken care of. An employee so assaulted and permanently disabled 75% or more of the use of the body then the County Commissioners would be authorized, and this would not be mandatory, to pay the regular salary together with all medical expenses not covered by Workmen's Compensation and reimbursed by a third party and giving them the power to appoint a disability commission and to place the employee on a lesser job and equalizing that with the salary and providing a supplement to Workmen's Compensation and also providing that it can be reduced. This bill could be modified so as to include all city employees be they Firemen, Policemen, Animal Control officers, or employees of the City Tax Collector's office. The City Attorney stated the City and County Managers and the City and County Attorneys recommend that the City Council

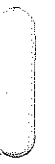
enjoin with the County in this bill for the benefit of all full time city employees for disability compensation against criminal assault.

Following some discussion, Mr. Shaw offered motion that the City Attorney be instructed to collaborate with the County Attorney and incorporate Fayetteville in the county bill as recommended and that a letter of the sense of the Council be sent to the General Assembly as drawn up by the City and County Attorneys and the City and County Managers as suggested by the City Attorney at this meeting. Motion seconded by Mr. Godwin and carried unanimously.

On a final matter, Mayor Lee reported to the Council that today a meeting had been held concerning the promotion of the upcoming bond issue and a group of interested citizens had agreed to underwrite a campaign supporting passage of this bond issue and is getting details together now. He stated that he had made one presentation already and had gotten very favorable response from it. He informed Council Members that this group would be requesting them to make presentations to the various groups in the City and urged an all-out effort to insure passage of this bond referendum.

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


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MARCH 25, 1974
8:00 P.M.

Present: Mayor Jackson F. Lee

Council Members: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly

Others Present: Mr. Guy Smith, City Manager
Mr. Rudolph Singleton, City Attorney
Mr. Monroe Evans, PWC
Mr. Ray Muench, PWC

Mayor Lee called the meeting to order and the invocation was offered by the Rev. Frank I. Lloyd, Associate Pastor, Haymount United Methodist Church. The assembly was led in the Pledge of the Allegiance to the Flag by Scout Mark Pritchard of Boy Scout Troop #704.

Mayor Lee recognized members of Boy Scout Troop #740, Haymount United Methodist Church, with their Scoutmaster H.C. "Bud" Rutherford. These scouts, candidates for their communications merit badge, were present with their Scoutmaster to observe Council proceedings.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, Minutes of the Regular Meeting of March 11, 1974 were approved as submitted by the Clerk.

A public hearing was held as continued from the March 11 meeting on the annexation of an area located along either side of McPherson Church Road between Morganton Road and 401 By-Pass under the "old law". The City Manager recommended continuance of this public hearing to April 8. There were neither proponents nor opponents present.

Mr. Shaw offered motion to continue this public hearing to April 8, seconded by Mrs. Finch and carried unanimously.

A public hearing was held as continued from the meeting of March 11 on the annexation of an area located northeast of the city limits and generally bounded by the present city limits on the south and west, and the Cape Fear River on the east and a Carolina Power & Light Company easement on the north under the "old law". The City Manager recommended continuance of this public hearing to April 8. There were neither proponents nor opponents present.

Mr. George offered motion for continuance of this public hearing to April 8, seconded by Mr. Kelly and carried unanimously.

A public hearing was held as continued from the meeting of March 11 on the annexation of an area northeast of the city limits lying between the Cape Fear River and Raleigh Road and including Cedar Woods Apartments and the southern part of Methodist College property under the "old law". The City Manager recommended continuance of this public hearing to April 8. There were neither proponents nor opponents present.

Mrs. Finch offered motion to continue this public hearing to April 8, seconded by Mr. Godwin and carried unanimously.

A public hearing was held as published for this date and hour on the rezoning, pursuant to petition, of an area located along Village Drive on the south side of Saxony Place from C1 Shopping Center District and C3 Heavy Commercial District to R5 Residential District or to a higher classification. Planning Board recommended approval of R5. There were neither proponents nor opponents present.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NC AMENDING THE ZONING ORDINANCE AS FOLLOWS:
REZONE FROM C1P SHOPPING CENTER DISTRICT AND C3 HEAVY COMMERCIAL DISTRICT TO R5 RESIDENTIAL DISTRICT AN AREA LOCATED ALONG VILLAGE DRIVE ON THE SOUTH SIDE OF SAXONY PLACE. ORD. NO. NS-1974-27

Mr. Shaw introduced the foregoing ordinance and moved its adoption as recommended by the Planning Board. Motion seconded by Mr. Godwin and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book NS-1974.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, public hearings were set for the following items for April 22, 1974, 8:00 P.M., City Hall Council Chamber:

- (1) The initial zoning to a C3 Heavy Commercial District or to a higher classification of an area located at the intersection of Owen Drive and Cumberland Mills Road.
- (2) The initial zoning to C1P Shopping Center District or to a higher classification of an area located between Legion Road and West Hudson Street.
- (3) The rezoning from an R5 Residential District to P2 Professional District or to a higher classification of an area located at 1516-1526 Fort Bragg Road.
- (4) A special use permit for the revision of a tennis and swim club located on Village Drive between Fordham Drive and Marlborough Road.

PLANNING BOARD MATTERS

Council heard recommendation from the Planning Board for preliminary review and plat approval

of Howard Acres Subdivision located adjacent to and southeast of Huntington Park. Mr. Sutton of the Planning Staff explained that a portion was beyond the corporate limits and under county jurisdiction. Under the city subdivision regulations, the maximum block length permitted was 1200 feet and that two blocks being created in this subdivision exceeded 1900 feet. A Cumberland County subdivision ordinance does, however, permit block lengths up to 1200 feet. Mr. Sutton explained that the Planning Staff and City Engineer felt that block lengths longer than 1200 feet would be desirable in this case to prevent through traffic between Bragg Blvd. and Morganton Road in this residential area since the proposed Cain Road extensions would provide for adequate access between the two thoroughfares. The Planning Staff recommended to the Planning Board that the developer be granted a variance of 600 feet for required block length under the city ordinance there by permitting him to develop block length up to 1800 feet in length which would not exceed County subdivision regulation requirements. The Planning Board recommended preliminary approval of this subdivision subject to the following conditions: (1) that a stub be provided to the Evans property to the south, (2) that no block be created that would exceed 1800 feet in length, a 600 foot variance to the city ordinance but no variance to County regulations, (3) that pedestrian walkways be provided and dedicated through any block over 800 feet in length, (4) that drainage and street plans and construction be approved by the City Engineer, (5) that the Public Works Commission approve the water and sewer plans and their construction and (6) the exact alignment being determined of Cain Road extension.

Following brief discussion, Mr. Kelly offered motion to follow the foregoing recommendations of the Planning Board and grant preliminary review and plat approval to Howard Acres Subdivision located adjacent to and southeast of Huntington Park. Motion seconded by Mrs. Beard and carried unanimously.

PUBLIC WORKS COMMISSION MATTERS

Council recognized Commissioner Monroe Evans who presented the following PWC matters.

The approval of a bid and contract with Central Builders, Inc., the low bidder, in the amount of \$149,807.00 for the construction of the Borden Heights sanitary sewer outfall to serve Trissi Manufacturing Company located off I-95 (U.S. 301) south.

Mr. Shaw offered motion, seconded by Mr. Kelly, for approval of the foregoing bid of Central Builders, Inc. for \$149,807.00 and that the Mayor and Clerk be and they hereby are authorized and directed to sign said contract with Central Builders, Inc. as recommended by PWC. Motion carried unanimously.

Upon motion by Mrs. Finch, seconded by Mr. Godwin and carried unanimously, approval was given to an application by Theodore Underwood, Jr. for one 1-inch water connection to an existing water main to serve a residence at 3910 Daytona Road (Lots 19 & 20 F.J. Raynor Subdivision) outside the city.

Council next considered a proposed ordinance amending the city plumbing code. The City Manager stated that the adoption of this ordinance is to qualify the city recertification under the Workable Program.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NC CONCERNING A REVISION TO THE NORTH CAROLINA STATE BUILDING CODE VOLUME II-PLUMBING-CHAPTER 23. ORD. NO. 9S-1974-5

Mr. Godwin introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book S-1974.

Council next gave consideration to the appointment of a Recreation Director. Mr. George was recognized on a request that this matter be continued to the next regular meeting on April 8. A Mr. A.J. McKoy was recognized from the audience and requested that Council give consideration to a local applicant for this position. A Mr. LaHuffman was also recognized from the audience and made the same request.

Following some discussion, Mr. George offered motion to continue this matter to the next regular meeting and during interim the City Manager or Personnel Officer would interview the local applicants. Motion seconded by Mrs. Beard and lost by the following vote: FOR: Council Members Beard and George; AGAINST: Council Members Kelly, Godwin, Finch and Shaw.

The City Manager was then requested to make his recommendation of the applicant for this position and the City Manager recommended Mr. Jimmy H. Tyer, presently the Recreation Director of the City of Washington, North Carolina.

Mr. Shaw offered motion, seconded by Mrs. Finch, to follow the foregoing recommendation of the City Manager.

Following some discussion, Mrs. Beard offered substitute motion for the appointment of Mr. George Crumbley, presently employed by the Recreation Dept., for this position. Motion seconded by Mr. George.

Mayor Lee ruled this substitute motion out of order.

Mrs. Beard then offered substitute motion to not follow the foregoing recommendation of the City Manager and this motion was seconded by Mr. George with the amendment to continue this matter to the April 8 meeting. Mayor Lee called for a vote on this motion and it was lost by the following vote: FOR: Council Members Beard and George; AGAINST: Council Members Kelly, Godwin, Finch and Shaw.

Mayor Lee then called for vote on the original motion which was to follow the recommendation of the City Manager and appoint Mr. Jimmy H. Tyer as City Recreation Director and the motion carried by the following vote: FOR: Council Members Kelly, Godwin, Finch and Shaw; AGAINST: Council Members Beard and George.

Council next gave consideration to the appointment of Police Officers. Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, the following named were appointed to the Police Dept. as recommended by the Civil Service Commission, Chief of Police and the City Manager: CHARLES ALLEN BLITCH, VERNON CARL REDICK, JAMES ROBERT HORNE, JAMES ROBERT LIVELY AND ROBERT THOMAS SHAMBURG.

Council next gave consideration to two applicants for taxi cab driver permits. Applications had been made by Thomas J. Wysong and James Edward Gaylor. The City Taxi Cab Inspector, Chief of Police and the City Manager recommended disapproval of permits for these applicants due to their court records.

Mr. Gaylor was present in the audience and recognized in his own behalf.

Following this, and a review of Mr. Gaylor's court record, Councilman George offered motion to continue consideration of Mr. Gaylor's application to the next regular meeting on April 8. Motion was seconded by Mr. Godwin and carried unanimously.

Mr. Wysong was not present.

Following a review and discussion of Mr. Wysong's record, Councilman George offered motion to continue consideration of the application by Mr. Wysong for a taxi cab operators permit until the next regular meeting on April 8. Motion seconded by Mr. Shaw and carried unanimously,

An appointment to the Fayetteville Area Transportation Advisory Committee to replace Mr. Gene Plummer and several appointments each to the Human Relations Advisory Commission and the Building Code Review Committee were deferred until the next regular meeting on April 8.

There were no delegations present.

CITY MANAGER REPORTS

The City Manager reported the following resignations from the Fire Dept.: WILLIAM JEFFERY JONES AND JIMMY E. COCHRAN. The resignations were noted by the Council.


MATTERS OF INTEREST TO THE CITY COUNCIL

Mrs. Beard requested that the City Engineer check the condition of a street off Middle Road and for the markings on Elm Street at its intersection with Bragg Blvd.

Mayor Lee stated that he needed two volunteer speakers from the Council for the upcoming bond issue. One before the Lions Club and one before the Cape Fear Jaycees; both meetings scheduled for this Thursday, March 28, 1974. Mayor Lee stated that good responses had been received from the various clubs concerning these bond issues.

Mayor Lee informed Council of the resignation of Dr. Thomas McCutchen from the Fayetteville Cumberland County Civil Military Commission on Alcoholism and Drug Abuse.

Thereafter, all matters of business having been completed, the meeting was adjourned at 9:00 P.M.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
APRIL 8, 1974
8:00 P.M.

Present: Mayor Jackson F. Lee

Council Members: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly

Others Present: Mr. Guy Smith, City Manager
Mr. Rudolph Singleton, City Attorney
Mr. Ray Muench, PWC
Mr. Monroe Evans, PWC

Mayor Lee called the meeting to order and the invocation was offered by the Rev. Frank I. Lloyd, Associate Pastor of Haymount United Methodist Church. Following the invocation the Mayor led the assembly in the Pledge of the Allegiance to the Flag.

Mayor Lee then presented service award pins to the following City Employees.

FIVE YEARS

William Allen Davis, Police Dept.
Wilbert Matthews, Street & Sanitation Dept.
Jimmy R. Cooke, Police Dept.
William Holland, Jr., Street & Sanitation Dept.
Walter Todd, Street & Sanitation Dept.

Alva Hopkins, Police Dept.
Leroy McLamb, Police Dept.
Russell Anderson, Fire Dept.
Robert Nobles, Fire Dept.
Charles Morris, Fire Dept.

TEN YEARS

James Blackmon, Street & Sanitation Dept.
Duke Piner, Fire Dept.

TWENTY YEARS

Maurice W. Downs, City Clerk

TWENTY FIVE YEARS

Wilbert Geddie, Fire Dept.
Charles Hughes, Fire Dept.
Sgt. James Wade, Police Dept.

Mayor Lee recognized the following Youth Council Representatives present in the audience to observe Council proceedings: Susan Summerell, Barbara High and Bonnie Wilson.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, Minutes of the Regular Meeting of March 25, 1974 were approved as submitted by the Clerk.

PUBLIC HEARINGS

A public hearing was held as continued from the meeting of March 25 on the annexation of an area located along either side of McPherson Church Road between Morganton Road and 401 By-Pass under the "old law". The City Manager recommended continuance of this public hearing to April 22. There were neither proponents nor opponents present. Mr. Kelly offered motion, seconded by Mrs. Beard that this public hearing be continued to April 22, 1974. Motion carried unanimously.

A public hearing was held as continued from the meeting of March 25 on the annexation of an area located northeast of the city limits and generally bounded by the present city limits on the south and west, and the Cape Fear River on the east and a Carolina Power & Light Company easement to the north under the "old law." The City Manager recommended continuance of this public hearing to April 22. There were neither proponents nor opponents present.

Mr. George offered motion, seconded by Mrs. Finch that this public hearing be continued to April 22. Motion carried unanimously.

A public hearing was held as continued from the meeting of March 25 on the annexation of an area located northeast of the city limits and lying between the Cape Fear River and Raleigh Road including Cedar Woods Apartments and the southern part of Methodist College property under the "old law". The City Manager recommended continuance of this public hearing to April 22. There were neither proponents nor opponents present.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, this public hearing was continued to April 22.

Council next gave consideration to the paving of an alley off Franklin Street under the nuisance abatement provisions of the city charter. The City Manager stated that this was a new procedure not undertaken by Council before. He stated that while charter provisions do not require it, he was of the opinion that this matter should be publicized and individual notices sent to each property owner and a public hearing be set. He recommended that a public hearing be set for the second meeting in May on this matter.

Mr. Godwin offered motion, seconded by Mr. Kelly that a public hearing be set for May 27 on the foregoing matter. Motion carried unanimously.

Upon motion by Mrs. Beard, seconded by Mr. Godwin and carried unanimously, a special meeting was scheduled and a public hearing set for Tuesday, April 30, 1974 at 7:30 P.M. in the Council Chamber in the City Hall to consider an ordinance regulating land uses within the floodway and flood plain of the City of Fayetteville and amendments to the City of Fayetteville Subdivision Regulations.

There were no Planning Board Matters.

PUBLIC WORKS COMMISSION MATTERS

Council recognized Commission Chairman, Monroe Evans, on several requests for PWC as follows.

Upon motion by Mr. Shaw, seconded by Mr. Godwin and carried unanimously, Council approved the release of a sanitary sewer easement from Woodbine Development Corporation on Fordham Drive in Clairway Subdivision, Section 4 as requested by PWC.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, a 1-inch water connection to an existing main to serve a residence at 2503 Camden Road outside the city was approved as requested by PWC.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, a 1-inch water and a 4-inch sanitary sewer connection to serve a second office building owned by Mr. Dan Barker located at 154 McPherson Church Road outside the city was approved as requested by PWC.

Council next gave consideration to an application by G.L. Draughon Wholesale Meats for sanitary sewer facilities as follows: (A) Pre-treatment facilities including sampling facilities for use by PWC (pre-treatment facilities shall be owned and operated by property owner) subject to approvals of PWC and the North Carolina Dept. of Water and Air Resources. (B) Two 4-inch sanitary sewer service laterals (one for a mobile home and one for Draughon Wholesale Meat business establishment).

This application, Commissioner Evans stated, is for sanitary sewer service in the East Fayetteville area where the interceptor sanitary sewer was constructed with Federal and State Funds and the sanitary sewer collection system is being constructed pursuant to an agreement with Cumberland County wherein the county is paying 75% of the total cost and state grant is paying 25%. This area is contiguous to the City and Mr. Draughon will petition for annexation.

Following brief discussion, Mr. Shaw offered motion for approval of the foregoing request for sanitary sewer facilities, but that Council reserve option for itself as to whether or not to annex this area. Motion seconded by Mr. Godwin and carried unanimously.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, an application by American Classic Industries for the construction of a sanitary sewer interceptor along Beaver Creek on Cliffdale Road, a force main and a lift station at McFayden's Lake to serve a proposed subdivision was approved.

Council heard further request from PWC for approval of payment by PWC of an appropriation of \$15,000.00 for the twelve months ending March 1, 1975 to the Electric Power Research Institute (EPRI).

EPRI, Commissioner Evans stated, is a recently organized institute supported by all segments of the electric industries which has completed its initial organizational phase and has launched a multi-million dollar research program. The Federal Government is considering a greatly accelerated research program with more than \$2 billion dollars per year to be expended.

The Federal Program will not duplicate or obviate the need for supporting EPRI. The Federal Program will be directed toward projects of a greater magnitude than those which EPRI will finance.

The principle areas of EPRI's research are nuclear power; fossil fuels and advanced systems; power transmission and distribution; and energy systems; environment; and conservation.

It is important that public power entities such as Fayetteville's PWC participate in this national industry-wide electric research program. The formula for contributions is .05 mill per kilowatt-hour of sales to the consumers (no double charge to PWC, as C.P. & L is contributing only on the basis of sales to retail to consumers).

This formula calls for contributions from Fayetteville of \$29,146.00. PWC has approved a contribution of \$15,000.00 subject to approval by the City Council.

Following brief discussion, Mayor Lee suggested, and it was agreed upon without objection, to refer this matter to the Liaison Committee for study and recommendation.

Council next gave consideration as to whether or not to initiate a proposed amendment to the Zoning Ordinance whereby P1 and P2 districts may include the sales of prosthetic appliances or devices. The City Manager stated that under the present ordinance the sale of such items is questionable under the apothecary definition. The City Attorney stated that the present provision is somewhat ambiguous.

Following brief discussion, Mr. Shaw offered motion, seconded by Mrs. Beard, to refer this

matter to the Planning Board for study and recommendation. Motion carried unanimously.

Council next gave consideration to an amendment to the City Code which would reduce the number of Human Relations Advisory Commission members and the number of members constituting a quorum. In a memorandum to the Council, the City Manager stated that Mr. A.D. Roscoe, Chairman of the Human Relations Commission, had stated for some time a problem in having a quorum of members present at regular monthly meetings. He recommended that the number of members be reduced from 15 to 11 and that the number required for a quorum be reduced ~~from 8 to 6~~ to a majority of those serving. *MLW*

AN ORDINANCE AMENDING THE CITY CODE BY REDUCING THE NUMBER OF ADVISORY COMMISSION MEMBERS FROM 15 to 11 AND BY REDUCING THE NUMBER OF MEMBERS REQUIRED TO CONSTITUTE A QUORUM. ORD. NO. S-1974-6

Mrs. Finch introduced the foregoing ordinance and moved its adoption to be effective April 22. Motion seconded by Mr. Godwin and carried unanimously. A copy of the foregoing ordinance is on file in the City Clerk's office.

Council next gave consideration to a request from the Airport Limousine Service to increase limousine service rates.

In a letter to the City Manager, the Airport Manager stated that in accordance with Section 9 of the airport limousine franchise ordinance the operator of the limousine service has petitioned for an increase in the rates for limousine service as follows: Section 10-A. The City of Fayetteville and a fare for any such trip shall not exceed \$2.50 per passenger, two or more persons \$2.00 per passenger for limousine service. Fares for service must be posted in each such vehicle operated by the franchisee so as to be readily seen by the passenger; (B) the maximum fare from the airport to Ft. Bragg shall be \$7.50 for one passenger; for two or more passengers the maximum fare shall be \$3.75 per passenger for limousine service. (The above is to substitute in lieu of Section 10-A and B in Exhibit A).

The Airport Manager stated that this request was approved by the Airport Commission during its regular meeting on April 3 and requested that the City Council approve the new rates. This will require two readings by the Council for approval.

Council recognized Attorney Gardner Altman, representing Airport Limousine Service, and Airport Limousine Service Manager Johnny R. Godwin was also present.

Following brief discussion, Mr. Godwin offered motion for approval of the foregoing rate increase as requested and recommended on 1st reading. Motion seconded by Mr. Kelly and carried unanimously. Mayor Lee stated that the 2nd reading on this matter would be held on April 22.

Council next gave consideration to a request for the release of a drainage easement off Lakewood Court in Vanstony Hills. The City Manager informed Council that a change had been made in the drainage requirements and this easement was no longer required of the owners Mr. Dennis Williams and wife, Betty S. Williams.

RESOLUTION AND ORDER ABANDONING EASEMENT OFF LAKEWOOD COURT IN VANSTORY HILLS-DENNIS WILLIAMS AND BETTY S. WILLIAMS. RES. NO. R.1974-17.

Mr. Godwin introduced the foregoing resolution and moved its adoption, seconded by Mr. Kelly and carried unanimously. A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book #R-1974.

Council next gave reconsideration to an ordinance requiring the City Building Inspector to correct conditions of property located at 1506 Murchison Road owned by Mr. Jessie McCallum, Heirs. This item was continued from the February 25 meeting at which time a 30 day extension was granted to the owners to correct the conditions. The Inspector of Substandard Housing now reported that the condition still remained uncorrected and the recommendation was that the substandard structure be demolished.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDING MINIMUM STANDARD CODE OF THE CITY LOCATED AT 1506 MURCHISON ROAD AND OWNED BY THE JESSIE MCCALLUM, HEIRS. ORD. NO. NS-1974-28.

Following brief discussion, Mr. George introduced the foregoing ordinance and moved its adoption for demolition of the structure on or after May 1, 1974. Motion seconded by Mr. Shaw and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ord. Book #NS-1974.

Council next gave reconsideration to applications for taxi cab driver permits from Thomas J. Wysong and James Edward Gaylor. This was continued from the meeting of March 25 in order for the Taxi Cab Inspector to further check the court records of these applicants.

Following brief discussion, Mr. George offered motion for approval of the taxi cab driver permit for James Edward Gaylor. Motion seconded by Mr. Shaw and carried unanimously.

Mr. Wysong was not present.

Mr. Godwin offered motion to follow the recommendation of the Taxi Cab Inspector, Chief of Police and City Manager and disapprove the application for taxi cab driver permit for Mr. Wysong. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to an application for a taxi cab driver permit for a Mr. Charles Fuller, Jr. The Taxi Cab Inspector, Chief of Police and City Manager recommended disapproval of this request due to the applicant's court record.

Mr. Shaw offered motion to follow the foregoing recommendation and disapprove the application by Mr. Charles Fuller, Jr. for a taxi cab driver permit. Motion seconded by Mr. Godwin and carried unanimously.

Council next gave consideration to the approval of the proposed purchase of City property by the City School Board. In a memorandum to the Council, the City Manager stated that the City School Board wished to purchase a tract of land on Belvedere Avenue at the east end of the Margaret Willis Elementary School property which is owned by the City and located next to the eastern property line of the Belvedere School and on the northern side of the eastern end of Belvedere Avenue. The property consists of approximately 39,750 square feet, 0.91 acres, and is desired by the school for the site of a kindergarten building. Two appraisals of this tract had been secured; one appraisal for the city at \$6,180.00 and one appraisal by the School Board at \$5,500.00. A road would have to be constructed to replace a one-way outlet road from the police club which is located on the property which the School Board wishes to acquire. In addition, a new road would have to be constructed to replace an existing road running through the property to be acquired to give access to the rubble dump located north of the school property. These costs of construction are not known at this time due to the exact locations of the new roads being determined by routes which would destroy the fewest trees. Consideration was given to the possibility of exchanging property with the school board by the City but this was not feasible. The Public Works Commission was reported by Mr. Muench as having no objections to selling the property to the school board. The City Manager recommended that the property be sold to the school board for \$6,180.00 plus the cost of constructing the access road to the rubble dump and the modification of the police club main entrance outlet. The construction may be accomplished by the school board's contractor or the city forces or the city's contractor whichever the City Engineer approves.

Following some discussion of this matter, Mr. Shaw offered motion to take no action at this time with the stipulation to bring this matter back up at the next regular meeting, if desired, after an opportunity to look at the site. Motion seconded by Mr. Kelly and carried unanimously.

Several appointments to the Human Relations Advisory Commission were deferred until the next meeting of the Council on April 22.

Upon motion by Mr. Shaw, seconded by Mr. Kelly and carried unanimously, Councilman Vardell Godwin was appointed to the Fayetteville Area Transportation Advisory Committee to represent the City Council to replace former Councilman Gene Plummer.

Upon motion by Mr. Shaw, seconded by Mr. Godwin and carried unanimously, the following named were reappointed to the Building Code Review Committee to serve three year terms of office each said terms expiring in March 1977. MR. FLEET RUSS, REPRESENTING THE BOARD OF REALTORS AND MR. A.D. MAXWELL, REPRESENTING THE ARCHITECTS. A third appointment to this committee was deferred until the next regular meeting of the Council on April 22.

There were no delegations present.

CITY MANAGER REPORTS

The City Manager reported the following resignation from the Fire Dept.: GARY BARTON. The resignation was noted by Council.

Mayor Lee informed Council that as a result of the bond elections on Saturday, April 6, Council would need to continue this meeting to receive the results of said bond elections to forward on to the local government commission and to the bond attorneys. He suggested that a special meeting be set at noon time on Wednesday, April 10. This was agreed upon.

MATTERS OF INTEREST TO THE CITY COUNCIL

Mr. George stated that the Savoy Heights Subdivision was in serious need of a playground area and requested Council members to look at property owned by Mr. Lacy Godwin for this purpose when this is proposed to City Council in the near future by the residents of this subdivision.

Mrs. Beard inquired about the road repair on Middle Road and the City Engineer stated that this would be attended to when weather permits.

Mayor Lee informed Council that approximately 3 acres of land had been deeded to the city without charge for park purposes by Mr. John Sandrock, a local citizen. This area is located behind Bordeaux area. Mayor Lee informed Council that a letter of thanks would be written to Mr. Sandrock for this generous gesture.

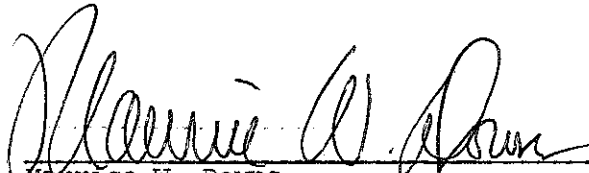
Mayor Lee also informed Council that another area consisting of two lots and located on the Wilmington Road, which was donated to the city for a recreational area, will be developed as such by the Army's civil action team very shortly.

The City Manager reported on the railroad signals on Langdon Street. Mr. Smith stated that there appeared to be some confusion as to who owned the railroad signals; the railroad or the Dept. of Transportation. The City Engineer contacted the Dept. of Transportation and they stated

they would write the railroad and cancel their contract and go ahead and move the signals now, the City Manager reported. Now the city is waiting on the railroad to move. Meanwhile, the city has done all it can at this location.

Mayor Lee informed Council that he had today received a check in the amount of \$314,308.00 as the city's share of the general revenue sharing apportionment for the quarter ending March 31.

Mr. Kelly then offered motion that this meeting be adjourned to 12:00 noon, Wednesday, April 10, 1974 in the Council Chamber in the Kyle House to receive the results of the \$1.8 million street improvement bond issue and \$6.5 million water bond issue. The motion was duly seconded at 9:20 P.M.

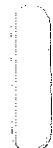
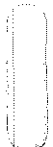


Maurice W. Downs
City Clerk

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be clearly documented and supported by appropriate evidence. This ensures the integrity and reliability of the financial data.

Furthermore, it is noted that regular audits are essential to identify any discrepancies or errors. By conducting thorough reviews, the organization can maintain transparency and accountability. This process also helps in detecting potential fraud or misuse of funds.

In conclusion, the document stresses the need for a robust system of record-keeping. This system should be designed to be secure, accessible, and easy to use. It should also be regularly updated to reflect any changes in the organization's structure or operations.



SPECIAL MEETING
COUNCIL CHAMBER KYLE HOUSE
APRIL 10, 1974
12:00 NOON

Present: Mayor Jackson F. Lee

Council Members: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly

Others Present: Mr. Guy Smith, City Manager
Mr. Rudolph Singleton, City Attorney
Mr. Carter Twine, County Manager
Mr. Herb Thorp
Mr. Arch Purcell
Mr. Sol Rose
Mr. Rich Russi, C. & W. Manhattan Company

Mayor Lee called the meeting to order for the purpose of receiving the returns of the street improvement bond and water bond referendums held on April 6.

The Clerk read the following certificate of the Cumberland County Board of Elections.

SPECIAL ELECTION
CERTIFICATE OF THE BOARD OF ELECTIONS
APRIL 6th, 1974 BOND REFERENDUM
WATER AND STREET BONDS

Fayetteville, North Carolina
April 9, 1974

We, the undersigned Board of Elections of Cumberland County, North Carolina, do hereby certify that we met in the office of the Board on Tuesday, April 9, 1974, at 2:00 P.M. and did canvass the original returns of the Registrars and Judges of Election of the votes cast in the City of Fayetteville special Water and Street Bond Referendum held on April 6, 1974 and we do hereby certify that the following are true and correct totals of votes cast in the Special Water and Street Bond Referendums:

PRECINCT	POLLING PLACE	NUMBER REGISTERED VOTERS	\$6,500,000.00 WATER BONDS		\$1,800,000.00 STREET BONDS	
			YES	NO	YES	NO
CROSS CREEK #1	PAULINE JONES SCHOOL	697	20	14	10	23
CROSS CREEK #2	COURTHOUSE	598	40	7	25	21
CROSS CREEK #3	ALEXANDER GRAHAM JR. HIGH	749	55	16	32	35
CROSS CREEK #4	LION'S CIVIC CENTER	725	133	19	71	80
CROSS CREEK #5	RAMSEY STREET SCHOOL	870	64	34	14	84
CROSS CREEK #6	MARGARET WILLIS SCHOOL	842	117	36	25	129
CROSS CREEK #7	WESTLAWN SCHOOL	919	165	28	76	115
CROSS CREEK #8	FIRE STATION #2-HAYMOUNT	1122	258	30	154	132
CROSS CREEK #9	LUCILLE SOUDERS SCHOOL	625	45	29	10	61
CROSS CREEK #10	MRS. MCLAURIN'S HOME	75	14	2	2	14
CROSS CREEK #11	MASSEY HILL SCHOOL	596	31	32	9	52
CROSS CREEK #12	VANSTORY SCHOOL	1100	244	16	154	107
CROSS CREEK #13	ROSENTHAL BUILDING FSU	1002	43	12	15	40
CROSS CREEK #14	CITY SCHOOL ADMINISTRATION	1145	198	48	82	164
CROSS CREEK #15	GLENDALE SCHOOL	640	83	27	35	75
CROSS CREEK #16	E.E. SMITH HIGH SCHOOL	1192	113	30	66	74
CROSS CREEK #17	WESTAREA ELEMENTARY SCHOOL	890	73	13	30	55
CROSS CREEK #18	FAYETTEVILLE MALL	1225	200	30	83	147
CROSS CREEK #19	NORTH STREET SCHOOL	780	37	21	18	38
CROSS CREEK #20	COUNTY RESCUE STATION	1189	144	36	56	123
CROSS CREEK #21	EUTAW MALL	1044	152	28	55	125
CROSS CREEK #22	REID ROSS HIGH SCHOOL	734	96	38	28	106
TOTALS:		18,759	2325	546	1050	1800

We, therefore, certify that pursuant to such tabulation, that the votes received for the above referendums were;

\$6,500,000.00 WATER BONDS - - - - - Yes: 2325
- - - - - No: 546

\$1,800,000.00 STREET BONDS - - - - - Yes: 1050
- - - - - No: 1800

Given under our hand and seal, this 9th day of April, 1974.

CUMBERLAND COUNTY BOARD OF ELECTIONS

Charles H. Burgardt, Chairman
Mack W. Lancaster, Member
Charles H. Kirkman, Member

The City Council received from the Cumberland County Board of Elections a certified copy of the proceedings of said Board of Elections taken on April 9, 1974, evidencing said Board's determination of the results of the canvass of the returns of the special bond referendum held

in the City of Fayetteville on April 6, 1974.

After said proceedings had been considered and reviewed by the City Council, Council Member Godwin introduced the following resolution which was read:

RESOLUTION DECLARING THE RESULT OF THE SPECIAL BOND REFERENDUM HELD ON APRIL 6, 1974. RES. NO. R-1974-18.

BE IT RESOLVED By the City Council of the City of Fayetteville:

Section 1. The City Council of the City of Fayetteville, having received from the Cumberland County Board of Elections a certified copy of the proceedings of said Board of Elections taken on April 9, 1974, evidencing said Board's determination of the results of the canvass of the returns of the special bond referendum held in the City of Fayetteville on April 6, 1974, does hereby declare and certify the result of said referendum to be the result which is set forth in the following statement of the result of said referendum, which statement has been prepared by said City Council:

STATEMENT OF THE RESULT
of the
SPECIAL BOND REFERENDUM
held in the
CITY OF FAYETTEVILLE, NORTH CAROLINA
on April 6, 1974

At a special bond referendum held in the City of Fayetteville on April 6, 1974, 18,759 voters were registered and qualified to vote.

At said referendum 2,325 votes were cast for the order adopted on February 19, 1974, authorizing the City of Fayetteville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Water Bonds in an aggregate principle amount not exceeding \$6,500,000.00 for the purpose of providing funds, with any other available funds, for extending and enlarging the waterworks system of said City, including the sinking of new wells, the construction of additions to existing treatment plants, the installation of pumping equipment and water main extensions and the acquisition of any necessary land and rights of way, and authorizing the levy of taxes in an amount sufficient to pay the principle of and the interest on said bonds, and 546 votes were cast against said order, and a majority of the qualified voters of said City who voted thereon at said referendum having voted in favor of the approval of said order, said order was thereby approved and is in force and effect.

At said referendum 1,050 votes were cast for the order adopted on February 19, 1974, authorizing the City of Fayetteville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Street Improvement Bonds in an aggregate principal amount not exceeding \$1,800,000.00 for the purpose of providing funds, with any other available funds, for constructing and improving grade separations, including overpasses and underpasses, and for constructing or reconstructing the of streets in said City including the contemporaneous construction or reconstruction of sidewalks, curbs, gutters, drains and grading, and acquiring any necessary land and rights of way, and authorizing the levy of taxes in an amount sufficient to pay the principle of and the interest on said bonds, and 1,800 votes were cast against such order, and a majority of the qualified voters of said City who voted thereon at said referendum having voted in favor of the approval of said order, said order was thereby approved and is in force and effect.

CITY COUNCIL
OF THE
CITY OF FAYETTEVILLE, NORTH CAROLINA

Section 2. The City Clerk shall file a copy of the foregoing statement of the result of said referendum in his office, shall insert such statement in the minutes of the City Council and shall publish such statement once in the Fayetteville Observer. A statement in substantially the following form shall be published with the foregoing statement:

Any action or proceeding challenging the regularity or validity of this bond referendum must be begun within 30 days after (date of publication).

CITY COUNCIL
OF THE
CITY OF FAYETTEVILLE, NORTH CAROLINA

Section 3. This resolution shall take effect upon its passage.

Upon motion of Council Member George, seconded by Council Member Kelly, the foregoing resolution entitled "RESOLUTION DECLARING THE RESULT OF THE SPECIAL BOND REFENDUM HELD ON APRIL 6, 1974" was passed by the following vote: Ayes: Council Members George, Kelly, Godwin, Beard, Shaw and Finch. Noes: None.

Council recognized Attorney Herb Thorp, representing the Erwin Company, on a drainage problem on Owen Drive. He stated that the city had entered into an agreement about six weeks ago with the

company he represents the C. & W. Manhattan Association (K-Mart's parent company) and the Greenfield Company for a drainage project in this area the cost of which was approximately \$350,000.00 to be borne by the three companies.

Now, due to a change in the drainage project, the estimated cost had risen to \$550,000.00. Mr. Thorp requested the city and the county to join the three property owners in the area in this \$550,000.00 drainage project that would permit development of the K-Mart site, a plot owned by the Erwin Company and a plot owned by the Greenfield Company. The three developers proposed to put up \$275,000.00 of the cost, Mr. Thorp stated. He stated that the North Carolina Dept. of Transportation had agreed to pay \$141,000.00 because the project would serve the proposed Owen Drive Expressway leaving \$123,400.00 for the city and county to pay.

Mr. Sol Rose of the firm of Rose and Purcell, Inc. was recognized and gave the following Owen Outfall Estimated Costs.

OWEN OUTFALL
ESTIMATED COSTS

WEST SIDE OWEN EXPRESSWAY TO ROXIE AVENUE		\$185,000.00
ROXIE AVENUE TO BUCKHEAD CREEK		<u>365,000.00</u>
	PROJECT COST	550,000.00
DOT PARTICIPATION OWEN EXPRESSWAY TO ROXIE 34%	\$ 63,000.00	
DOT PARTICIPATION ROXIE TO BUCKHEAD 24%	88,000.00	
GREENFIELD COMPANY	100,000.00	
C.W. MANHATTAN ASSOCIATION	75,000.00	
THE ERWIN COMPANY	<u>100,000.00</u>	
	TOTAL PLEDGED	\$426,600.00
	REMAINDER	<u>123,400.00</u>

Mr. Rose proposed that the city and county join the three companies in constructing over a mile of 5 foot diameter pipe that would drain the three adjacent properties. Mr. Rose stated that the pipe would drain a district of city and county property into Buckhead Creek so that the project was in fact the responsibility of the city, county and state. He added that without it, or some other solution, the three developers would abandon their projects and lose the city \$25,000.00 in tax revenue. He suggested that also the city might declare the area a drainage district under the new state law provisions.


Following considerable discussion, the City Manager in response to a request for a recommendation stated that the city had never agreed to pay anything or participate in the cost of this project, but that the costs were to be borne by the three companies.

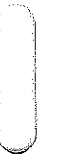
County Manager Carter Twine was recognized and in response to inquiry stated that the county has never participated in such a project before, and would probably not do so at this time.

Following lengthy discussion, Mr. Shaw suggested that the city grant K-Mart a building permit on condition that the \$75,600.00 they were going to contribute to the drainage project be placed in Escrow for drainage and for engineering, and that the Erwin Company understands and agrees to receive K-Mart's drainage water and that hopefully the city will receive commitment from the state regarding assistance in the cost of the drainage due to the construction of Owen Drive.

Following further discussion, Councilman Shaw offered motion that it be the sense of the Council to proceed as suggested in my foregoing outline regarding the agreement between the Manhattan Corporation (K-Mart's parent company) and the Erwin Company; that we agree to the matter of Escrow of the funds and agree, of course, as to the matter of the engineering discussed previously, and that it all culminate in the city giving K-Mart a building permit. Motion seconded by Mr. George and carried unanimously.

Thereafter, all matters of business having been completed, the meeting was adjourned at 1:30 o'clock P.M., upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
APRIL 22, 1974
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly

Others Present: Mr. Guy Smith, City Manager
Mr. Bruce Robinson, Police Dept. Legal Advisor
Mr. Thurman Williams, PWC
Mr. Joe Stowe, PWC

Mayor Lee called the meeting to order and led the assembly in the Lord's Prayer. Fayetteville Youth Council Representative, Mark Miller, led the Pledge of the Allegiance to the Flag.

Mayor Lee stated that Mark will serve as Youth Mayor during Youth Week in May.

Mayor Lee recognized from the audience Leonard Sanders and presented him with a framed copy of the City's Certificate of Appreciation for 32 years of service to the community in the Recreation and Parks Department.

Mayor Lee also recognized from the audience Mr. G.E. Edgerton and presented him with a framed copy of the City's Certificate of Appreciation for 16 years of service to the community as Chairman of the Board of Elections.

Mayor Lee recognized the following Youth Council representatives who will serve during Youth Week with Mark Miller as follows: Rodney Matthews-City Manager; Joe Roseborough-Assistant City Manager; Larry Fleishman, Tony Rummans, Wayne Nixon, Paul Arne, Cindy Garner; and Keith Beasley as Youth Council Members. Mayor Lee invited all those present to attend the Youth Council Meeting which is to be held on Thursday evening, May 9, here in the Council Chamber.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, Minutes of the Regular Meeting of April 8, 1974 were approved as submitted by the Clerk.

Upon motion by Mrs. Finch, seconded by Mr. Godwin and carried unanimously, Minutes of the Adjourned Meeting of April 10, were approved as submitted by the Clerk.

A public hearing was held as continued from the meeting of April 8 on the annexation of an area located along either side of McPherson Church Road between Morganton Road and 401 By-Pass under the "old law". There were neither proponents nor opponents present.

Mrs. Finch offered motion, seconded by Mr. Kelly to continue this public hearing to the next regular meeting on May 13. Motion carried unanimously.

A public hearing was held on the annexation of an area located northeast of the city limits and generally bounded by the present city limits on the south and west, and the Cape Fear River on the east and a Carolina Power and Light Company easement on the north. This matter was continued from the April 8 meeting. Planning Board recommended disapproval of this annexation.

Mr. Sibley Law and Luther Pearsall were recognized in opposition to this annexation.

Following some discussion, Councilman Shaw offered motion for the adoption of an ordinance annexing the foregoing tract, but only that part on the east side of the Norfolk-Southern Railroad between the railroad and the Cape Fear River and running south to the city limit line and excluding Mr. Law's property and the residences in the area of Longview Drive. Motion seconded by Mr. Kelly and carried Mrs. Beard voting no. The ordinance title appears below:

AN ORDINANCE OF THE CITY COUNCIL ANNEXING AN AREA LOCATED NORTHEAST OF THE CITY LIMITS AND GENERALLY BOUNDED BY THE PRESENT CITY LIMITS ON THE SOUTH AND WEST, AND THE CAPE FEAR RIVER ON THE EAST AND A CAROLINA POWER & LIGHT COMPANY EASEMENT ON THE NORTH. ANNEX. #136.

A copy of the foregoing ordinance is on file in the City Clerk's office in Annexation Book #1974.

A public hearing was held as continued from the April 8 meeting on the annexation of an area northeast of the city limits and lying between the Cape Fear River and Raleigh Road, including Cedar Woods Apartments and the southern part of Methodist College property under the "old law." The Planning Board recommended conditional approval of this annexation contingent upon the continued interest of the owners of the Cedar Woods Apartments.

Mr. Sibley Law was again recognized in opposition.

Following some discussion, Mr. Shaw offered motion to annex the foregoing area as outlined by the adoption of an ordinance, but excluding that property lying east of that intersection with the city limits line and the stream shown on the map. Motion seconded by Mr. Kelly and carried unanimously. The ordinance title appears below:

AN ORDINANCE OF THE CITY COUNCIL EXTENDING THE CORPORATE LIMITS OF THE CITY TO INCLUDE AN AREA NORTHEAST OF THE CITY LIMITS AND LYING BETWEEN THE CAPE FEAR RIVER AND RALEIGH ROAD INCLUDING CEDAR WOODS APARTMENTS AND THE SOUTHERN PART OF METHODIST COLLEGE PROPERTY. ANNEX. # 137

A copy of the foregoing ordinance is on file in the City Clerk's office in Annexation Book #1974.

A public hearing was held as published for this date and hour on the initial zoning to C3 Heavy Commercial District or to a higher classification, of an area located at the intersection of Owen Drive and Cumberland Mills Road pursuant to petition. Planning Board recommended initial zoning C1P Shopping Center District.

Mr. and Mrs. Julius Nelson were recognized in behalf of their petition for initial zoning C3 Heavy Commercial District. There was no opposition present.

Following some discussion, Mr. Godwin offered motion for the adoption of an ordinance amending the zoning ordinance to initially zone to C3 Heavy Commercial District the foregoing area. Motion seconded by Mr. Kelly and carried Mrs. Finch voting no. The ordinance title appears below:

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO INITIALLY ZONE TO C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED AT THE INTERSECTION OF OWEN DRIVE AND CUMBERLAND MILLS ROAD. ORD. NO. NS-1974-29

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book #NS-1974.

A public hearing had been published for this date and hour on the initial zoning to C1P Shopping Center District, or to a higher classification, of an area located between Legion Road and West Hudson Street. Planning Board recommended C1P Shopping Center District. There was no opposition present.

Mr. Shaw offered motion, seconded by Mr. George and carried unanimously for the adoption amending the zoning ordinance zoning initially C1P Shopping Center District the foregoing area as petitioned. The ordinance title appears below:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE ZONING INITIALLY TO C1P SHOPPING CENTER DISTRICT AN AREA LOCATED BETWEEN LEGION ROAD AND WEST HUDSON STREET. ORD. NO. NS-1974-30

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book #NS-1974.

A public hearing was held as published for this date and hour on a petition for the rezoning from R5 Residential District to a P2 Professional District, or to a higher classification, of an area located at 1516-1526 Ft. Bragg Road consisting of five lots. Planning Board recommended denial. The City Manager informed Council that the owner had withdrawn his petition for rezoning.

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

A public hearing was held as published for this date and hour on a petition for a special use permit for the plan revision of a tennis and swim club located on Village Drive between Fordham Drive and Marlborough Road. Planning Board recommended conditional approval as follows: (1) that all conditions in the zoning ordinance be met and complied with including the requirement of this operation by non-profit; (2) that a 10 foot planting strip be maintained around the northwest and southwest boundaries of the tract where existing trees exceeding five feet in height be preserved; (3) that the project be constructed in accordance with the plans presented and as approved; (4) that sidewalks be constructed along Village Drive and Fordham Drive; (5) that a turn-around should be provided at the end of the parking lot; (6) that a pedestrian crosswalk 10 feet wide be provided near the center of the block from Village Drive to the northwest property line in conformance with the design standards of the city. This walk should be constructed to City Engineer specifications from property line to property line.

Mr. Billy Clark was recognized representing the petitioner. Mr. Clark stated that the purpose of this request was to allow for expansion of the tennis swim club for additional tennis courts and parking areas. Mr. Clark objected to the placement of a crosswalk in the center of the property, but stated that he had no objection to the placement of same on the southeast line and would dedicate this crosswalk when the project is completed. Mr. Clark stated that the sidewalks along Village Drive and Fordham Drive would not serve a useful purpose at this time since the property to the immediate north and south were undeveloped. He indicated that once the property to the rear of this area is developed then there might be a need for the crosswalks. Mr. Clark also objected to the 10 foot pedestrian crosswalk. He stated that since the use of the property in the rear had not been decided upon, this crosswalk could not be determined at this time.

Following brief discussion, Mr. Shaw offered motion to follow the recommendation of the Planning Board and approve this plan revision on condition that the crosswalk will be provided when needed and brought before the City Council and that a notation of such be placed upon the plat. Motion seconded by Mr. Kelly and carried unanimously. The ordinance title appears below:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE CONDITIONALLY AS FOLLOWS: A REQUEST FOR A SPECIAL USE PERMIT FOR A TENNIS AND SWIM CLUB LOCATED BETWEEN FORDHAM DRIVE AND MARLBOROUGH ROAD. ORD. NO. NS-1974-31.

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book #NS-1974.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, public hearings were set on the following listed items for May 27, 1974

PUBLIC HEARINGS

- A. RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR THE LAYING OF A SIDEWALK AND OTHER IMPROVEMENTS ON NORTH STREET. RES. NO. R-1974-19
- B. A request for a special use permit for the operation of a home for mentally retarded citizens at 815 Branson Street under provisions of the City of Fayetteville Zoning Ordinance, Section 32-24(5) (Orphanage and Charitable Institutions may be permitted upon and after obtaining a special use permit.)
- C. An amendment to the Fayetteville Zoning Ordinance.
 - (1) Amend Article 32-24, R6 Residential District to provide for Radio Towers and the operation thereof as a special use or;
 - (2) Amend Article 32-22, R15 Residential District to provide for Radio Towers and the operation thereof as a special use.
- D. A request for a special use permit under proposed Section 32-24(8) of the Fayetteville Zoning Ordinance for the erection of a Radio Tower and attendant facilities of an area located at Little Cross Creek and northwest of Stuart Drive.
- E. The rezoning from an R10 Residential District to a R5A Residential District or to a higher classification an area located between Rosehill Road and Country Club Drive.
- F. A request for a special use permit to construct parking facilities in an R10 Residential District located on the rear of lots number 36 and 37 (1845 and 1849) Conover Drive.
- G. The rezoning from an R5 Residential District to a P2 Professional District or to a higher classification an area located at 118 Highland Avenue.
- H. The rezoning from an R10 Residential District to an R6 Residential District or to a higher classification of an area located at 2801 Ramsey Street.

PLANNING BOARD MATTERS

Council next considered preliminary group development condominium review of Three Colonies Subdivision located on Lox Drive south of Cliffdale Road. Planning Board recommended approval subject to the following conditions: (1) the street and drainage plans being approved by the City Engineer; (2) the water and sewer plans being approved by the Public Works Commission; (3) a variance to the 300 foot requirements to public access points base on the following: (a) that the plan was previously approved for private streets under the county ordinance; (b) the provisions of G.S. 160A, Section 360, (I) providing for vested rights granted by a governmental authority.

Following brief discussion, Mrs. Finch offered motion to follow the foregoing recommendation of the Planning Board and grant approval to Three Colonies group development condominium review. Motion seconded by Mr. Shaw and carried unanimously.

Council next gave consideration to a group development review of Pamalee Square East Townhouse Apartments located on Pamalee Drive southwest of Murchison Road. Planning Board recommended approval subject to the following conditions: (1) approval of street and drainage plans by the City Engineer; (2) approval of water and sewer systems by PWC; (3) that a two to one slope be provided adjacent to 401 By-Pass, such slope to begin at the right-of-way line where elevation may not be more than one foot above elevation of the existing pavement.

Following brief discussion, Mr. Kelly offered motion to approve the foregoing group development review of Pamalee Square East Townhouse Apartments as recommended by the Planning Board. Motion seconded by Mrs. Beard and carried unanimously.

PUBLIC WORKS COMMISSION MATTERS

Commissioner Williams was recognized.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, an application by Mrs. Clara P. Trumble for one 4-inch sanitary sewer connection to an existing interceptor sanitary sewer to serve a residence at 3264 Sandhill Drive outside the city was approved as recommended by PWC.

Upon motion by Mr. Shaw, seconded by Mrs. Finch and carried unanimously, an application by Mr. James V. Scott for one 1-inch water and one 4-inch sanitary sewer connections to an existing main to serve a residence at Lot 168 on Stacy Weaver Drive in College Lake Subdivision outside the city was approved as recommended by PWC.

Council heard request from PWC for an amendment of their 1973-74 budget for (1) to provide for incumbrances for all contracts awarded for all purchase orders issued, (2) to correct and adjust total amounts due for federal and state grant awards and (3) to adjust budget accounts so that no appropriation will be over expended at the end of the fiscal year.

Mr. Godwin offered motion, seconded by Mr. Kelly to approve the foregoing amendments to the PWC budget as requested. Motion carried unanimously.

Council next considered on second reading approval of an amendment to the Airport Limousine Service franchise to increase fares. (This provision passed on first reading at the April 8, 1974 meeting).

Following brief discussion, Mrs. Beard offered motion, seconded by Mr. Godwin and carried unanimously, that the amendment to increase fares on the Airport Limousine Service franchise be approved. The amendment appears below: The following is to be substituted in lieu of Section 10) a and b.

- Section 10) a. "The City of Fayetteville and the fare for any such trip shall not exceed \$2.50 per passenger; two or more persons \$2.00 per passenger for limousine service. Fares for service must be posted and each vehicle operated by the franchisee so as to be readily seen by the passenger.
- b. The maximum fare from the airport to Ft. Bragg shall be \$7.50 for one passenger; for two or more passengers the maximum fares shall be \$3.75 per passenger for limousine service."

Council again considered a request from the Fayetteville City School Board to purchase a tract of land on the eastern end of Belvedere Avenue adjacent to the Margaret Willis Elementary School. The City Manager recommended at the last meeting that if Council wished to consider the sale of this tract that it be sold to the school board for \$6,180.00 the appraised cost plus the cost of constructing an access road to the rubble dump behind the school and the modification of the police club main entrance.

Following some discussion, Mr. Shaw offered motion that we do not sell the property as outlined in this request. Motion seconded by Mrs. Finch and carried unanimously.

Council next considered the approval of releasing a drainage easement in the Edenroc Subdivision. The City Engineer in a memorandum stated that Mr. Ralph D. Richardson of 6201 Maude Street owns lots 6 and 7 and has asked the city to formally withdraw any claim to this easement. Due to a change in utilities several years ago, this easement is not in use and has no foreseeable use. The City Engineer recommended approval of this request and that the city give up any claim to said easement described running across lots 5, 6, 7, and 8 between Edenwood Drive and Lydon Road.

Following brief discussion, Mr. Godwin offered motion, seconded by Mrs. Finch for the adoption of a resolution abandoning the foregoing easement as requested. Motion carried unanimously.

Council next considered the matter of the acquisition of a playground site at the eastern end of Davis Court. In a memorandum to the Council, the City Manager stated that this tract known as Booker Court is owned by Mr. Lacy Godwin who has offered it for sale to the city for \$12,500.00. The City Engineer indicates that the property has a sand-clay soil which could be used for the sub-base on Turnpike Road. The estimated cubic yard value to the city for this soil is approximately \$3,000.00. The excavation will not damage the property for use as a park because of the grading that needs to be done to develop the park.

Following brief discussion, Mr. George offered motion to purchase the foregoing property for \$12,500.00 for use as a playground for the people in the area. Motion seconded by Mr. Shaw and carried unanimously.

Council then recognized Chief of Police, Hervey Keator, who gave a report on the use of motorized patrols in the city. Chief Keator stated that he wished to make a report on the overall patrol program and to answer criticism of protection of shoppers and merchants in the downtown area. Chief Keator stated that foot patrols in the downtown area were an ever increasing expensive proposition and were recommended against by the International Association of Chiefs of Police in their study made of the city some months ago. The Chief stated that the newly instituted motorized patrols could cover more area with much more efficiency. The Chief stated that the use of profane language in the area and similar behavior was the result of such things as X-rated movies, adult book stores with peep shows, and other stores selling suggestive items. Chief Keator stated that there had been eight robberies in the area since January of 1973; that there had been three in the past two months during daylight hours. He argued that his 125 men force was doing a good job. He said that it had made more arrests for prostitutions in the past 10 months than in many years, was carrying out youth programs and using civilian officers to "stake out" citizens who complained of threats. He stated in conclusion that the Police Dept. should not pull officers off motorized patrols of out lying areas and put them on any inefficient expensive foot beats in the central business district, but if this was the Council's desire it would be done.

Following Chief Keator's report, Council recognized a number of citizens and merchants present in the audience.

Mr. Maurice Fleishman, owner of Ed Fleishman's Men Store, presented a resolution signed by 700 persons requesting Council to properly secure the necessary visible police protection by means of uniformed armed police officers on regular foot patrol of the downtown business district of Fayetteville.

Mr. Luke Wheeler, president of the downtown Fayetteville Association, read a resolution of the Association which stated it is most important and urgent that the city governing body take whatever action possible to expand the police budget in order to provide adequate foot patrolmen in the downtown area. Mr. Wheeler also stated that the Association feels that the "man in blue" would not only deter serious crime like armed robberies but would discourage jay walking, U-turns and the use of profane language in the area.

Mr. Weaver Hatcher, a local jeweler, was also recognized and stated that the foot patrolman would offer a psychological deterrent to potential wrong doers.

A number of other merchants from the downtown area were recognized and voiced their support of foot patrols. Among them were: Mr. Alex McBryde, McBryde's Opticians; Mr. Ray Kline, Manager of Tyler's News and Camera Shop; Mr. Rufus Hadley, Ed Fleishman's Men Store; Mr. Ed Carter, Hoffer's Jewelry Store; Mr. Joe Knowles, Trailways Bus Company, who cited incidents of mugging, pick-pockets and purse snatching at the bus station; Mrs. Rose Bsheer, operator of a sundry store and Mrs. Edna Conniff, owner of the Mill End Store.

Following this, Mrs. Finch stated that it was the responsibility of the Council to respond to the request of the citizens, and to make whatever provisions are necessary for the efficient law enforcement program in the city and she expressed her appreciation for the appearance of this number of citizens present tonight to make their wishes and desires known. She stated that "the whole burden of police protection in this city falls on our shoulders and with the city's population as expanding as it is and the crime rate as high as it is we need to respond to the request of the citizens and make provisions."

Council Members Beard and George stated that the departments use of three-wheeled covered scooters to patrol the area were apparently not sufficient to cope with a growing crime problem that had forced merchants to keep their doors locked during store hours and opening them only for customers they recognized.

Chief Keator was recognized again and stated to Council that the motor officers on the scooters had orders to get off the scooters and walk up and down the sidewalks and speak to the citizens and determine for themselves what was going on. Chief Keator stated that he had five men presently in training who will be out on May 15. He reminded Council that the new training act of North Carolina requires 160 hours of training before a policeman can be put out on the street.

Mayor Lee then expressed his thanks to all who had appeared this evening to give Council their suggestions and stated that Council will accept them for consideration at budget time.

Council next considered the adoption of ordinances imposing tax liens for costs incurred by the City for demolishing substandard buildings.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A TAX LIEN IN THE AMOUNT OF \$100.00 AGAINST PROPERTY LOCATED AT 522 COOK STREET AND OWNED BY ABBOTT LAND DEVELOPMENT CORPORATION. ORD. NO. NS-1974-32

Mr. Kelly introduced the foregoing ordinance and moved its adoption, seconded by Mr. Shaw and carried unanimously at 10:16 P.M.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A TAX LIEN IN THE AMOUNT OF \$100.00 AGAINST PROPERTY LOCATED AT 520 COOK STREET AND OWNED BY ABBOTT LAND DEVELOPMENT CORP. ORD. NO. NS-1974-33.

Mr. Godwin introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Finch and carried unanimously at 10:17 P.M.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A TAX LIEN IN THE AMOUNT OF \$150.00 AGAINST PROPERTY LOCATED AT 428 BLOUNT STREET AND OWNED BY MR. QUINCY J. SCARBOROUGH, JR. ORD. NO. NS-1974-34

Mr. Kelly introduced the foregoing ordinance and moved its adoption, seconded by Mr. Shaw and carried unanimously at 10:18 P.M.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A TAX LIEN IN THE AMOUNT OF \$150.00 AGAINST PROPERTY LOCATED AT 426 BLOUNT STREET AND OWNED BY MR. QUINCY J. SCARBOROUGH, JR. ORD. NO. NS-1974-35

Mr. Kelly introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously at 10:19 P.M.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A TAX LIEN IN THE AMOUNT OF \$150.00 AGAINST PROPERTY LOCATED AT 412 BLOUNT STREET AND OWNED BY MR. QUINCY J. SCARBOROUGH, JR. ORD. NO. NS-1974-36

Mr. Godwin introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Finch and carried unanimously at 10:20 P.M.

Council next gave consideration to a proposed ordinance which would require the City Building Inspector to correct conditions of property found deficient under the substandards housing provisions of the code located at 1311 Levy Drive and owned by Mrs. Vernesta B. Lilly and Mr. James W. Lilly.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 1311 LEVY DRIVE AND OWNED BY MRS. VERNESTA B. LILLY AND MR. JAMES W. LILLY. ORD. NO. NS-1974-37

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

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book #NS-1974.

Council next gave consideration to several appointments to the Human Relations Advisory Commission.

Upon motion by Mr. Shaw, seconded by Mr. Kelly and carried unanimously, the following named were reappointed to the Human Relations Advisory Commission to two years terms of office each, said term to expire in March 1976: MRS. STEVE (ELEANOR) SAFRAN, MRS. WILLIAM (ESTHER) DEPT, MR. DARIUS JOHNSON, JR. AND MR. A.D. ROSCOE, JR.

An appointment to the Building Code Review Committee was deferred until the next meeting.

CITY MANAGER REPORTS

The City Manager reported that eight appointees had been certified for appointment to the Fire Dept.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, the following named were appointed to the Fire Dept.: WILLIAM D. ARNOLD, LEONARD C. EDGE, JR., JOHNNY K. FRAZEE, DAVID L. HORNE, ROBERT H. TEW, BRUCE W. WOOD, CHARLES B. WILLIAMS, AND JAMES W. HORNER, JR.

The City Manager reported that bids had been reviewed for the construction of the airport fire station. The low bidders were as follows and are recommended: General Contractor-Apollo Builders-\$38,777.00; Plumbing-Haire Plumbing Company-\$5,189.68; Mechanical-Bass Air Conditioning Company-\$4,666.00; Electrical-Watson Electrical Company-\$14,138.00.

Upon motion by Mr. Kelly, seconded by Mr. Shaw and carried unanimously, bids of the foregoing for construction of the airport fire station were accepted as recommended by the Airport Commission.

MATTERS OF INTEREST TO THE CITY COUNCIL

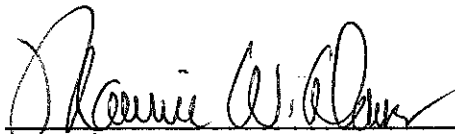
Mrs. Finch expressed thanks to the Planning Board for their comprehensive reports which they had submitted.

Mr. George stated that he was glad to hear Chief Keator state earlier in the evening that the scooter operators are to be patrolling on foot part of the time and that this is how it should be.

Mayor Lee informed Council that recently City Manager Guy Smith had been elected the new president of the North Carolina City Manager's Association and he extended congratulations to him for this singular honor.

Mr. Shaw then offered motion that the Council definitely hear and act upon the MCPerson Church Road annexation matter which Council continued this evening to the next regular meeting on May 13, 1974. Motion seconded by Mr. Kelly and carried unanimously.

Thereafter, all matters of business having been completed, the meeting was adjourned at 10:30 P.M., upon motion made and duly seconded.



Maurice W. Downs
City Clerk

SPECIAL MEETING
CITY HALL COUNCIL CHAMBER
APRIL 30, 1974
7:30 P. M.

Present: Mayor Jackson F. Lee

Council Members: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard

Council Member Absent: Glen Kelly

Others Present: Mr. Guy Smith, City Manager
Mr. Rudolph Singleton, City Attorney

Mayor Lee called the meeting to order and announced the purpose of this meeting was to conduct a public hearing on a proposed ordinance regulating land uses within the floodway and flood plain of the city and amendments to the city subdivision regulations. To provide some background information, Mayor Lee stated that the City Council had signified its intention approximately one year ago to adopt such an ordinance for the purpose of making flood insurance available to the citizens of this community. This public hearing tonight is a furtherance of those plans and to complete whatever further action is necessary. Mayor Lee introduced Mr. J.C. Baumgardner, Assistant Chief of the Water Resources Program Division of the North Carolina Dept. of Natural Resources, and Mr. Bernard Ingram, Chief of Flood Plain Management of the Wilmington District Corps of Engineers. Mayor Lee stated that Mr. George Vaughn of the Joint Planning Board and Mr. Robert Bennett, City Engineer, also were present. Mayor Lee stated that this public hearing had been advertised and maps and information made available to the general public on Wednesday and Thursday, April 25 and 26 in the City Hall Lobby and that afterward maps and information would be available at the office of the City Engineer.

Mr. Baumgardner was then recognized and presented brief details about the flood plain insurance program and regulations. He stated that the city would have 90 days from the date of a notice to adopt an ordinance to make flood plain insurance available.

Following Mr. Baumgardner's presentation, Mr. Godwin asked how much time the city would have to act on the proposed ordinance. City Attorney Singleton stated that it was his interpretation of the letter, that the city had six months or by May 1974 or the 31st of May, 1974.

Mr. Ingram was then recognized and offered an explanation of the F.I.A. (Federal Insurance Administration) maps.

Following Mr. Ingram's presentation, Mayor Lee recognized citizens from the audience.

A Mr. Gene Williford, owner of Williford's Seafood Market, was recognized on a question on the use of his property and its location.

Attorney N.H. (Buck) Person was recognized with the same general question.

Mr. Denny Shaffer, representing the Sierra Club, was recognized and stated that his club wholeheartedly endorsed Council's adoption of this proposed ordinance.

Mr. J.W. Pate was recognized as a private citizen and endorsed the passage of this proposed ordinance.

Mr. Earl Bandy, a local citizen, was recognized and stated that he owned four lots in a flood plain area and asked if he would be permitted to build residential structures on said lots if Council adopted this ordinance. The City Engineer replied that in accordance with the provisions of the ordinance, he could not, but that he had two alternatives: (1) to construct what was permitted under the provisions of the ordinance or to improve the channel of the stream so as to lower the flood plain elevation to permit such construction.

Mr. Ritchie Smith, another private citizen, was recognized and stated that he was the owner of property on Ray Avenue along Cross Creek and stated that he was in the same situation as Mr. Bandy. He stated he wished to develop this property for commercial purposes and ask what action he could take or would be permitted under the proposed ordinance.

Mr. Ron Hickman and Mr. Al Rumbough were recognized with questions of the same general nature. Mr. Walter Moorman, of Moorman & Little, was recognized and stated that certainly some controls are needed but raised the same questions regarding restrictions as the previous persons. There then followed a very lengthy discussion of the provisions of the proposed ordinance with particular emphases being placed upon the restrictions imposed on construction in the floodways and flood plain zones.

Mr. Walter Moorman was again recognized and suggested an amendment to the ordinance which would permit construction in the floodway zone above the flood level which would not impede stream flow.

Following some further discussion, Mr. Shaw offered suggestion that a provision be incorporated in the proposed ordinance that a person could build a structure in the floodway zone if it conformed to certain principles and standards such as pillars or pilings that would not impede the flow of water and that the arbitrary 80 foot restrictive extension from the center of a stream, as proposed by the Corps of Engineers for hydraulic purposes, would not be a standard in areas that are not prone to flooding.

Mayor Lee also suggested that a citizen who believes he has a legitimate use for his property and is turned down by the Board of Adjustment, the appeal board in this ordinance, should be able to come before the City Council. Mayor Lee then thanked those persons who had appeared at this public hearing this evening for their expressions and signified to them that he was of the opinion that Council had received the guidance that it needed in this matter.

Council recognized Mr. Quincy Scarborough on a request for an extension of time to rehabilitate a building owned by him and located at 2331 Lake Avenue which Council had ordered demolished under the provision of the substandard housing ordinance on May 1, 1974.

The City Attorney stated that a legal problem existed. A temporary injunction had been filed by Mr. Scarborough and his attorney in the Court on April 29 to preclude the demolition of this structure and a complaint filed with him today. A hearing had been set on this matter in the Court for May 15. Mr. Singleton then proceeded to review actions taken by City Building Inspector and the Council over a two year period and stated that on November 21, 1972, a building permit had been issued to Mr. Scarborough to correct the deficiencies and on November 23, 1973, one year later, the building permit expired without the corrective actions being taken. Mr. Singleton then recommended that under these circumstances that Mr. Scarborough's request be conditionally granted with him to come back before the Council prior to the date of the hearing on May 15, on Monday, May 13, to show what he has done toward taking the necessary corrective action and at that time he has acted in good faith.

Following brief discussion of Mr. Scarborough's request, Councilman Godwin offered motion that the building permit issued to Mr. Scarborough for a structure at 2331 Lake Avenue be extended to May 13, 1974 for the purpose of correcting deficiencies as heretofore served upon him by the City Building Inspector. Motion seconded by Mrs. Beard and carried unanimously.

Thereafter, all matters of business having been completed, this public hearing was adjourned at 10:30 o'clock P.M., upon motion made and duly seconded.



Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MAY 13, 1974
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly

Others Present: Mr. Guy Smith, City Manager
Mr. Rudolph Singleton, City Attorney
Mr. Robert H. Butler, PWC
Mr. Ray Muench, PWC

Mayor Lee called the meeting to order and the Rev. Melvin Brown, Pastor of Arran Lakes Baptist Church, offered the invocation. L.C. Barbour, newly elected president of the Fayetteville Youth Council, led the assembly in the Pledge of the Allegiance to the Flag.

Mayor Lee then presented five year service pins to Councilmen Marion George and Vardell Godwin.

Mayor Lee again recognized L.C. Barbour of the Fayetteville Youth Council, who read the following proclamation.

PROCLAMATION

WHEREAS, our city officials have expressed a deep concern for the young people of Fayetteville and;

WHEREAS, their contribution of time and effort has enabled the youth of this city to achieve a greater working knowledge of municipal activities and;

WHEREAS, the learning experience the adults provided will serve as an invaluable tool to the future adult leaders of Fayetteville and;

WHEREAS, the efforts of the city officials of Fayetteville help to insure a successful youth week in Fayetteville and Cumberland County for 1974;

NOW THEREFORE, be it resolved that we the members of the Youth Fayetteville City Council do hereby express our deep appreciation to the participating adults for their concern and co-operation in the Fayetteville Cumberland County Youth Councils 1974 Youth Week.

Mark Miller, Mayor	Tony Rummans, Councilman
Larry Fleishman, Councilman	Paul Arne, Councilman
Wayne Nixon, Councilman	Keith Beasley, Councilman
Cindy Gardner, Councilwoman	

Upon motion by Mr. Godwin, seconded by Mr. George and carried unanimously, Minutes of the Regular Meeting of April 22, 1974 were approved as submitted by the Clerk.

Upon motion by Mrs. Finch, seconded by Mr. Godwin and carried unanimously, Minutes of the Special Meeting of April 30, 1974 were approved as submitted by the Clerk.

Council again gave consideration to extending the corporate limits of the city to include an property located along either side of McPherson Church Road between Morganton Road and U.S. 401 By-Pass under the provisions of the "old law". This hearing was continued from the meeting of April 22. Planning Board recommended denial to this annexation which contains a total of 116 acres of which 86 acres are vacant land.

Attorney Herb Thorp, representing J.P. Riddle and Thomas Wood and the W-R Company, was recognized. Mr. Thorp stated that his clients were the owners of a majority of the 116 acres under consideration for annexation. Mr. Thorp stated that he appeared neither as a proponent nor opponent to this annexation but rather to request consideration of a compromise. Mr. Thorp displayed a map on which the proposed annexation was drawn. He stated that the eastern portion of McPherson Church Road had been developed commercially, but that a good portion of the land on the western side was vacant land. He requested for his clients the exclusion from annexation of this vacant land and that the other area, if annexed, be effective after July 1, 1974 for tax purposes.

There was no opposition present.

In response to inquiry, the City Manager recommended that annexation be effective December 31, 1974.

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE TO INCLUDE AN AREA LOCATED ALONG EITHER SIDE OF MCPHERSON CHURCH ROAD BETWEEN MORGANTON ROAD AND U.S. 401 BY-PASS ANNEXATION # 138. A copy of

Mr. Shaw introduced the foregoing ordinance and moved its adoption, following the suggestion of Mr. Thorp and annexing the area outlined on the map effective December 31, 1974. Motion seconded by Mr. Kelly and carried; Council Member Beard voting no. A copy of the foregoing ordinance is on file in the City Clerk's office in Annexation Book #1974.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, public hearings were set for June 10, 1974 on the following items:

- A. The annexation of property located on both sides of Boone Trail between Owen Drive and Fargo Drive.
- B. The annexation of a portion of the Pleasant Valley area including properties adjacent to Sandhill Drive, Carlos Street, Dillon Street, Redstone Drive and a portion of Boone Trail.

- C. The satellite annexation of Dr. Jack Hill's property located at the intersection of U.S. 401 north, Raleigh Road, and Carvers Fall Road.
- D. The annexation of G.L. Draughon Abbattior property on Cedar Creek Road and Sapona Road.
- E. The annexation of property located off Johnson Street in Bonnie Doone.
- F. The annexation of the southern portion of the Howard Acres Subdivision and land adjacent to Huntington Park.

PLANNING BOARD MATTERS

Upon motion by Mr. Kelly, seconded by Mrs. Finch and carried unanimously, an application for extension of an 8' sanitary sewer main along U.S. 401 south to serve the former Truck-O-Tel property for proposed Treetop Apartments, outside the city, was approved.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, an application for an extension of water and sanitary sewer utilities to serve remainder of Tiffany Pines Subdivision, outside the city, was approved.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, applications for the extension of an 8' water main along the west side of U.S. 401, outside the city, to serve Olive H. Matthews and Lee R. Fields were approved.

PUBLIC WORKS COMMISSION MATTERS

Council recognized Commissioner Robert Butler on a request for reconsideration for approval of a \$15,000 contribution to electric research and development through Electric Power and Research Institute (EPRI).

Following lengthy discussion of this matter, Mr. Shaw stated that it is the Liaison Committee's recommendation to defer action on this request until the 1974-75 PWC Budget is presented to City Council. This recommendation was accepted.

Upon motion by Mr. George, seconded by Mr. Shaw and carried unanimously, an application for a 4' inch sanitary sewer connection to serve an existing residence at 2821 Coronada Parkway in Holiday Park Subdivision, outside the city, was approved.

Upon motion by Mrs. Finch, seconded by Mr. Kelly and carried unanimously, an application for a water main extension and connection to serve an existing residence at 217 Grace Street, outside the city, was approved.

This concluded the PWC business and their representatives were excused from the meeting.

Council then recognized Dr. Max Abbott, Supt. of City Schools, representing the City School Board on a request that Council reconsider School Board's request to purchase from the city a tract owned by the city and located adjacent to the Margaret Willis Elementary School on the eastern end of Belvedere Avenue. (Council had considered this matter at two previous meetings and at the meeting on April 22 voted not to sell this property to the School Board). Dr. Abbott stated that the School Board desired to acquire this property in order to construct a kindergarten building on it and that it was the most favorable location for such construction. Council explained to Dr. Abbott that if the city were to dispose of this particular tract of land, it would seriously hamper access to the proposed development of property adjacent to it for recreational use. Mr. Shaw asked Dr. Abbott if the School Board would consider negotiating a swap of school property at the western end of Belvedere Avenue to serve as excess to this property and Dr. Abbott stated that he thought the School Board would entertain such a proposition.

Following a lengthy discussion on this matter with no agreement being reached, Mayor Lee suggested that the City Manager, himself, City Engineer and any of the Council revisit the site and take another look at this property and see what agreement could be reached with the School Board. This suggestion was acceptable to the Council.

Council then recognized Mrs. Rose Bsheer who appealed to Council for assistance with a problem which prevents the issuance of a building permit for property which does not abut a street and which is located on the west side of Worth Street and east of William Street on an undedicated alley known as Rankin Street. Mrs. Bsheer stated that she wished to build a new warehouse on this property but the Building Inspector had to refuse a permit because the property does not abut a public street for at least 35 feet in accordance with the provisions of the code. Mrs. Bsheer requested relief in some form so that she may be issued a permit. In a memorandum to the Council, the City Manager stated that the property known as the Sam Zahran property has located on it an old burned out warehouse and Mrs. Bsheer apparently owns the lot or is agent for the owners and desires to build a new warehouse but the code prohibits it. An explanation of the ordinance and the city's inability to open up a standard street to serve this property had been made to Mrs. Bsheer by the City Engineer, Building Inspector, and the City Manager at different times. The City Manager stated that the only ways he could think of to accommodate Mrs. Bsheer under the circumstances were to amend the zoning ordinance or the acquisition of right-of-way by purchasing the necessary property or condemning it and he stated that neither remedy would be desirable.

Following some discussion of the matter, Mrs. Bsheer was requested to have her Attorney contact the City Attorney and provide him with some background on the use of Rankin Street over the past 60 years in order that the City Attorney could research this matter further and provide additional

information to the Council at the next meeting.

Council heard request from the City Manager for the adoption of a resolution authorizing him to purchase for the City the C.C. Duell property on the western side of Ray Avenue to provide for extension of Mason Street westwardly.. for \$34,500.00

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE THE C.C. DUELL PROPERTY FOR A STREET RIGHT-OF-WAY TO PROVIDE FOR THE EXTENSION OF MASON STREET WESTWARDLY. RES. NO. R-1974-20.

Mr. Shaw introduced the foregoing resolution and moved its adoption and that the Mayor and City Clerk be and they hereby are authorized and directed to sign said resolution for the city. Motion seconded by Mr. Kelly and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book #1974.

Council heard further request from the City Manager for the adoption of a resolution authorizing him to purchase the Worth Building property on Gillespie Street for a street right-of-way to provide for the extension of Franklin Street eastwardly. for \$60,000.00

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE THE WORTH BUILDING PROPERTY FOR A STREET RIGHT-OF-WAY TO PROVIDE FOR THE EXTENSION OF FRANKLIN STREET EASTWARDLY. RES. NO. R-1974-21

Mrs. Finch introduced the foregoing resolution and moved its adoption and that the Mayor and City Clerk be and they hereby are authorized and directed to sign said resolution for the city. Motion seconded by Mr. Godwin and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book #1974.

Council heard request from the City Manager for the adoption of ordinances assessing tax liens against property for the cost of demolition of the substandard dwelling units thereon.

ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL IMPOSING A TAX LIEN IN THE AMOUNT OF \$150.00 AGAINST PROPERTY LOCATED AT 1506 MURCHISON ROAD AND OWNED BY THE JESSIE MCCALLUM HEIRS. ORD. NO. NS-1974-38.

Mr. Godwin introduced the foregoing ordinance and moved its adoption at 9:35 P.M. o'clock, seconded by Mrs. Beard and carried unanimously.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL IMPOSING A TAX LIEN IN THE AMOUNT OF \$350.00 AGAINST PROPERTY LOCATED AT 1311 LEVY DRIVE AND OWNED BY MRS. VERNESTA B. LILLY AND JAMES W. LILLY. ORD. NO. NS-1974-39

Mr. Shaw introduced the foregoing ordinance and moved its adoption at 9:36 P.M. o'clock, seconded Mrs. Finch and carried unanimously.

Copies of the foregoing ordinances are on file in the office of the City Clerk in Ordinance Book #NS-1974.

Council next gave consideration to a proposed ordinance amending Chapter 16-9 of the Fayetteville Code of Ordinances with respect to the Board of Appeals - Dwellings and Buildings. The substance of this ordinance, the City Manager stated, would be to eliminate two alternate type members to this board and create five permanent type appointments. Upon motion by Mr. George, seconded by Mr. Shaw this matter was continued to the next regular meeting on May 27, 1974. Motion carried unanimously.

The City Manager gave a report of the progress of repairs made to a substandard dwelling owned by Mr. Quincy Scarborough and located at 2331 Lake Street in Eccles Park Subdivision. (Council granted Mr. Scarborough an extension to his building permit to effect such repairs at the last regular meeting and requested a report of progress on such repairs be made at this meeting). The City Manager stated that such repairs were being effected by Mr. Scarborough and that progress was being made and recommended an additional 30 day extension to the building permit. Mr. Scarborough was recognized and requested an additional 60 days to effect such repairs. The City Attorney reported that the hearing before the court on this matter could be continued if Council consented to grant the additional time.

Following brief discussion, Mr. Kelly offered motion to grant the 30 day extension as recommended and that a report for the progress made be made at the June 10 meeting and then an additional 30 day extension could be granted provided sufficient progress had been made. Motion seconded by Mr. Godwin and carried unanimously.

Council heard recommendation from the City Manager for the adoption of a resolution approving an LEAA application for an Organized Crime Control Unit for the Police Department. The resolution if adopted the City Manager stated, would authorize him to file in behalf of the city an application for a federal subgrant in the amount of \$86,498.00 for this purpose and if the subgrant is approved, the city would provide a local cash matching contribution in the amount of \$4,804.00.

A RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE CITY MANAGER TO FILE IN BEHALF OF THE CITY AN APPLICATION IN THE FORM PRESCRIBED BY THE DIVISION OF LAW AND ORDER FOR A SUBGRANT IN THE AMOUNT OF \$4,804.00 TO ASSIST IN DEFRAYING THE COST OF AN ORGANIZED CRIME CONTROL UNIT (OCCU) FOR THE CITY OF FAYETTEVILLE. RES. NO. R-1974-22.

Mrs. Finch introduced the foregoing resolution and moved its adoption and that the Mayor and City Clerk be and they hereby are authorized to sign said resolution for the City. Motion seconded by Mr. Kelly and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book #1974.

Upon motion by Mrs. Beard, seconded by Mr. Shaw and carried unanimously, Taxi Driver Permits were approved for the following named as recommended by the City Taxi Cab Inspector, Chief of Police, and City Manager: JOHN LEE, FULTON STARLING, MELTON JORDAN, EUGENE GARDNER.

An application for a taxi cab driver permit by a Mr. Gilbert Shook was not approved as recommended. Mr. Shook had been advised to appear in his own behalf if he wished, but he was not present.

An appointment to the Building Code Review Committee was deferred until the next regular meeting of the Council.

Upon motion by Mr. George, seconded by Mr. Godwin and carried unanimously, Mrs. Sarah Shaw was appointed to the Joint Alcohol and Drug Abuse Commission to replace Dr. Tom McCutcheon.

Three appointments to the Board of Appeals - Dwellings and Buildings were deferred until the next regular meeting of the Council.

There were no delegations present; however, Mayor Lee recognized in the audience Mr. George W. Breece, newly nominated to the North Carolina House of Representatives in the May 7 primary.

CITY MANAGER REPORTS

The City Manager reported the following resignations from the Fire Dept.: CHARLES ROBINSON, JAMES W. HORNER, JR. The resignations were noted.

Upon motion by Mrs. Finch, seconded by Mr. Godwin and carried unanimously, the following named were appointed to the Fire Dept. as recommended by the Civil Service Commission, Fire Chief, and City Manager: ORA L. BURCHETT AND DONALD L. MATTHEWS.

The City Manager stated that several years ago the State had enacted a bond issue to provide allocations to cities for permanent street improvements. There is at this time he stated, the sum of \$189,000.00 left to the City of Fayetteville for such use. The City Manager requested that he be authorized to negotiate with the State for the balance of these funds to be used for the Downtown Circulation Plan.

Following brief discussion of this matter, Mr. George offered motion, seconded by Mr. Shaw that the City Manager be and he hereby is authorized to negotiate with the Dept. of Transportation for this allocation and inform them that the City Council intends that the balance of this money be used for capital improvements on system streets. Motion carried unanimously.

MATTERS OF INTEREST TO THE CITY COUNCIL

Mr. Shaw asked the City Manager if progress was being made on the new Fire Station on Rosehill Road. The City Manager replied that it was.

Mrs. Finch asked about the audit on the bus system books. The City Manager stated that he would secure such audit, if desired.

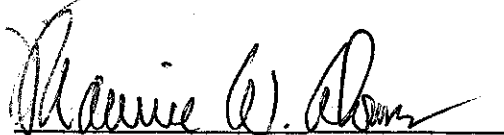
Mayor Lee asked the City Manager about conference meetings to discuss the new budget. The City Manager replied that the budget would be completed to the state that such meetings could be held in early June.

Mayor Lee suggested and it was agreed that Tuesday, June 4 and Thursday, June 6 at 7:30 P.M. in the Kyle House for conference meetings on the budget.

Mayor Lee suggested and it was agreed that a conference meeting be held on Monday, May 20, 1974 in the Kyle House at 7:30 P.M. to discuss the City's School Board's request to purchase the property on Belvedere Avenue.

Mayor Lee informed Council that the Chief of Police and Police Dept. were honored today by receiving the J. Edgar Hoover Award.

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


Maurice W. Downs
City Clerk

SPECIAL MEETING
COUNCIL CHAMBER KYLE HOUSE
MONDAY, MAY 20, 1974
7:30 P. M.

Present: Mayor Jackson F, Lee

Council Members: Marie Beard, Glen Kelly, Harry Shaw, Beth Finch

Council Members Absent: Vardell Godwin, Marion George

Others Present: Mr. Guy Smith, City Manager
Mr. Zolly Bowden, City Schools
Dr. Max Abbott, Supt. of City Schools
Mr. H.B. Stein, City Schools Attorney
Mr. Dan McMillian, Architect for City School Board

Mayor Lee called this special meeting to order and announced its purpose was to hear and reconsider School Board's request to purchase city property located on the east end of Belvedere Avenue and adjacent to the Margaret Willis Elementary School.

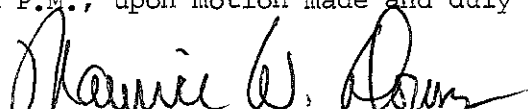
Council recognized Dr. Abbott, representing the City School Board, who requested Council's reconsideration of School's Board request to purchase the property on Belvedere Avenue. Dr. Abbott displayed a map which outlined the tract which the School Board wished to purchase. Dr. Abbott pointed out that their compromise request differed from the original request in that the lines of the city owned property which School Board wished to purchase were now relocated closer to the eastern end of the Belvedere school building and now extended approximately 90 feet eastwardly from the present city school property line. This compromise request, Dr. Abbott pointed out, would leave more property at this location for the city's use for an access to the proposed park property on the Glenville Lake watershed. Dr. Abbott also proposed to the Council, the purchase by the School Board, of a portion of the city owned tract located behind and north of the school building to be included in this same proposal. Dr. Abbott stated that the board's proposal is to fill in this property to the rear of the school where it drops off sharply in order to utilize it.

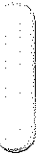
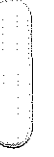
Following brief discussion, Mr. Kelly offered motion to sell the property to the City School Board as described by Council for the sum of \$6,180.00 as outlined on the map this date and as described below and that the City School Board assist with the roads construction for access to the rear property. Motion seconded by Mr. Shaw and carried unanimously.

The above property to be sold by the City of Fayetteville to the City School Board is generally and briefly described as follows:

BEGINNING, at the southeast common corner of the Margaret Willis Elementary School and the City of Fayetteville and running thence southwesterly to an existing fence; thence with a new line parallel with the southern property line of school to approximately 235 feet to a point on the new western property line being 90 feet parallel to the old western property line extended southwardly; thence with the new western property line in a northerly direction to a new point; thence in a northeasterly direction to the right-of-way of Belvedere Avenue; thence along Belvedere Avenue right-of-way to the existing northwest corner of the City School property; thence along the existing western property line to the southern property line; thence along the existing southern property line to the point of beginning and containing 1.1 acres more or less.

Thereafter, the meeting was adjourned at 8:10 o'clock P.M., upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MAY 27, 1974
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly

Others Present: Mr. Guy Smith, City Manager
Mr. O.C. Murray, Acting City Attorney
Mr. Ray Muench, PWC
Mr. Monroe Evans, PWC

Mayor Lee called the meeting to order and asked those assembled in the Council Chamber to join him in the recitation of the "Lord's Prayer". The Pledge of the Allegiance to the Flag was led by Specialist 4th Class, James A. Robards, Jr., 82nd Air Borne Division Trooper of the year.

Following the Pledge of the Allegiance, Mayor Lee presented to Trooper Robards a framed copy of the City's Certificate of Appreciation in recognition of the distinction of being named Trooper of the year.

Mayor Lee also presented a framed copy of the City's Certificate of Appreciation to James L. Coons, a private citizen, for an act of courage approximately 1 month ago in coming to the defense of a woman being assaulted and aiding in the apprehension of her assailant.

Mayor Lee then recognized Youth Council Representatives Rob Shaffer, L.C. Barbour, and Larry Fleishman present in the audience to observe Council proceedings.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, Minutes of the Regular Meeting of May 13, 1974 were approved as submitted by the Clerk.

Upon motion by Mr. Kelly, seconded by Mr. George and carried unanimously, Minutes of a Special Meeting of May 20, 1974 were approved as submitted by the Clerk.

A public hearing had been published for this date and hour on confirming the assessment roll for the laying of a sidewalk and other improvements on North Street. The Mayor read a certificate from the Clerk that all property owners had received due and proper notice on this public hearing. The City Manager stated that there was only one property owner involved in this assessment proceeding, that being the Fayetteville City School Board whose property - The Teresa C. Berrien School - abutted the sidewalk. There was no opposition present.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE LAYING OF A SIDEWALK AND OTHER IMPROVEMENTS ON NORTH STREET, THE EAST SIDE THEREOF, FROM MCARTHUR STREET NORTHWARDLY DISTANCE OF 315 FEET ALONG PROPERTY ABUTTING THE FAYETTEVILLE CITY SCHOOL BOARD - TERESA C. BERRIEN SCHOOL. ORD. NO. NS-1974-40.

Mr. Godwin introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Finch and carried unanimously at 8:05 o'clock P.M. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book #NS-1974.

A public hearing had been published for this date and hour on a request for a special use permit for the operation of a home for mentally retarded citizens at 815 Branson Street under the provisions of the City of Fayetteville Zoning Ordinance Section 32-24(5). The Planning Board recommended approval of this special use permit subject to a revised plan being submitted indicating that the front parking lot be abandoned and that parking be provided to the side or rear of the building and that it be located at 15 feet from any property line so as to prevent parking that would back directly on to Branson Street. Planner Mitchell stated that this revised plan had been submitted by the petitioner.

The petitioner, Mrs. Florence C. Cain, was recognized and stated that the home would provide for the care of seven male retarded residents under constant supervision. There was no opposition present. AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO GRANT A SPECIAL USE PERMIT FOR THE OPERATION OF A HOME FOR MENTALLY RETARDED CITIZENS AT 815 BRANSON STREET. ORD. NO. NS-1974-41

Mr. Kelly introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Beard and carried unanimously. A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book #NS-1974.

A public hearing had been published for this date and hour on a proposed amendment to the zoning ordinance to provide for the construction of radio towers and the operation thereof as a special use in the R6 Residential District and R15 Residential District or to a higher classification. The Planning Board recommended approval of the R15 Residential District to provide for radio towers and the operation thereof as a special use subject to the following conditions: (1) that the tower base be set back from all property lines 1 foot for every 2 feet of height, (2) that the tower base be enclosed in a chain-linked fence with a minimum height of 10 feet and such fence to be a minimum of 10 feet from the base of the tower, (3) that a buffer area 25 feet wide be provided around the entire tract which no structures including the guy wires or anchors may be constructed. Such buffer areas shall be planted with evergreen trees that will attain a minimum height of 25 feet. Such trees to be on a maximum 20 foot spacing. The inner fringe of such buffer area shall be

planted with an evergreen hedge that will attain a minimum height of 6 feet. Such hedge shall be opaque in affect and completely shield any object behind it from view.

Attorney Herb Thorp was recognized for the petitioner and stated that the tower was proposed as a remote FM radio transmitting facility and the only traffic involved would be a bi-weekly visit by an engineer to the site.

Attorney Mitchell Gadston was recognized, representing opposition by residents and property owners in the area, to the proposed tower construction and ordinance amendment. Mr. Gadston stated that if this tower was constructed, it would result in a lowering of property values in the area and would constitute a nuisance and a hazard.

Following lengthy discussion, Mr. George offered motion that the foregoing request for amendment to the zoning ordinance to permit this construction be denied. Motion seconded by Mrs. Beard. The motion was lost by the following vote: FOR: Council Members Beard and George; AGAINST: Council Members Godwin, Shaw, Kelly and Finch.

Following further brief discussion, Mr. Shaw offered motion for the adoption of the amending ordinance as submitted with the R6 classification instead of the R15 classification. Motion seconded by Mr. Godwin and carried by the following vote: FOR: Kelly, Godwin, Finch and Shaw; AGAINST: Council Members George and Beard. Mayor Lee declared the ordinance passed on 1st reading and declared that the 2nd reading would be held at the next regular meeting of the Council on June 10, 1974.

The next matter coming before Council was a request for a special use permit under the proposed Section 32-24(8) of the Fayetteville Zoning Ordinance for the erection of a Radio Tower and attendant facilities in an area located at Little Cross Creek and northwest of Stuart Drive. Mayor Lee stated that inasmuch as this request was dependant upon Council's action on the former matter that hearing on this matter be continued until the next regular meeting on June 10.

Mr. Kelly offered motion, seconded by Mr. Godwin that public hearing on this matter be continued to the next regular meeting on June 10. Motion carried unanimously.

A public hearing had been published for this date and hour on a petition for the rezoning from R10 Residential to R5A Residential District or to a higher classification of an area located between Rosehill Road and Country Club Drive. The Planning Board recommended denial.

Attorney Richard M. Lewis, was recognized for the petitioners and stated that it was planned to develop this property with an apartment complex.

Attorney Mitchell Gadston was again recognized representing residents and property owners in opposition to this rezoning. A Mr. McBert Higginbotham, a resident and property owner of 700 Chadwick Road, was also recognized in opposition. Following brief discussion after the presentations, Mr. George offered motion to follow the foregoing recommendation of the Planning Board and deny this petition for rezoning, seconded by Mrs. Finch and carried unanimously.

A public hearing had been published for this date and hour on a request for a special use permit to construct parking facilities in an R10 Residential District located on the rear of lots #36 and 37 (1845 and 1849) Conover Drive. Councilman Kelly requested and received permission to abstain from debate and voting on this matter. Planning Board recommended denial of this petition.

Attorney Ervin Baer was recognized on behalf of Bordeaux Center, the petitioner, and stated that the petitioner desired to use this property for expanded parking facilities for the shopping center. Mr. Eugene England, a resident property owner in the area, was recognized in opposition to the granting of this special use permit. Mr. England stated that cars are parking in this area now at nights and over week-ends and create a disturbance in the neighborhood with their engine noise, profanity, raucous behavior, and litter. Mr. England presented the board photographs of the area and indicated that his property was located adjacent to the property for the proposed parking lot. Mr. England stated that a restrictive covenant existed in the deed on his property in this area and he presented to the board his deed indicating this covenant.

Planner Mitchell stated that although the Planning Board recommended denial the Planning Staff had originally recommended approval subject to the following conditions: (1) that no parking exist within 15 feet within any property line; (2) that a continuous hedge landscape buffer be provided on all sides of the residential property including those residences owned by Bordeaux Shopping Center; (3) that no vehicular access be permitted except from the shopping center as shown on the approved shopping center plan.

Following some discussion, Mr. Godwin suggested that if Council were to consider approval, it should also impose restrictive hours and days on parking in this area, that is from the hours of 9 a.m. to 6 p.m. on Monday thru Saturday only.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: APPROVAL OF A REQUEST FOR A SPECIAL USE PERMIT TO CONSTRUCT PARKING FACILITIES IN AN R10 RESIDENTIAL LOCATED ON THE REAR OF LOTS #36 and 37 (1845 and 1849) CONOVER DRIVE. ORD. NO. NS-1974-43.

Mr. Shaw introduced the foregoing ordinance and moved its adoption allowing the special use permit in the R10 Residential District on lots 36 and 37 and that the special use permit be issued if conditions, as outlined by Planner Mitchell as aforementioned concerning parking within 15 feet of any property line, the hedge landscape buffer and no vehicular access except from the shopping

center, and including Mr. Godwin's recommendation concerning the hours of from 9 a.m. to 6 p.m. Monday thru Saturday only be fulfilled and that the permit be issued at the time that those conditions have been met and only at that time. Motion seconded by Mr. Godwin and carried unanimously, Councilman Kelly abstaining.

A public hearing had been published for this date and hour on a petition for the rezoning from R5 Residential District to P2 Professional District or to a higher classification of an area located at 118 Highland Avenue. Planning Board recommended approval subject to the following conditions: (1) that the request would be an extension of an existing P2 Professional District; (2) that the office use would be suitable to the other uses in the area; (3) that the office uses would act as a buffer between the residential and commercial areas.

Mr. Larry Thompson, Attorney, was recognized for the petitioner and stated that through the years most of the property in the area had changed either to commercial or professional use.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R5 RESIDENTIAL DISTRICT TO P2 PROFESSIONAL DISTRICT AN AREA LOCATED AT 118 HIGHLAND AVENUE. ORD. NO. NS-1974-44.

Mr. Kelly introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously. A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book #NS-1974.

A public hearing had been published for this date and hour on a petition for the rezoning from R10 Residential District to R6 Residential District or to a higher classification of an area located at 2801 Ramsey Street. Planning Board recommended conditional approval. A Mr. Gene Mitchell was recognized for the petitioner. There was no opposition present.

Following brief discussion of this matter, Mr. Shaw offered motion that the petition for rezoning be denied, seconded by Mrs. Finch and carried by the following vote: FOR: COUNCIL MEMBERS Godwin, Finch, Shaw and George; AGAINST: Council Members Beard and Kelly.

A public hearing had been published for this date and hour on the paving, without a petition, of an alley off Franklin Street opposite the north entrance of the Courthouse under the provisions of Chapter 7 of the City Charter which regulates the occurrence of standing water and the power to abate such as a nuisance. Mayor Lee read into the minutes a certificate from the Clerk that all property owners in the area had received due and proper notice of this public hearing.

The City Manager stated that this alley ran northwardly from Franklin Street to behind the stores on Hay Street. There are 17 or 18 parcels involved. The alley is now unpaved and drainage has emptied into it from the various building rain downspouts and over the years it has become rutted and worn. Truck and auto traffic in and out of the alley have contributed to the problem. The City Charter provides Council regulatory measures on private property or in alleys to alleviate such a problem if a health condition exist. The formula for assessment is on an area basis rather than a front foot basis as calculated by an engineer and the assessment of cost is 2/3 to the property owner and 1/3 to the City. Attempts at securing a petition from the property owners for this problem, have not been successful in the past.

Council recognized several business men in favor of paving this alley. Among them were: Mr. Maurice Fleishman, Fleishman's Big Store, Mr. Cade Books, Fayetteville Drug Company, Attorney Lester Carter, representing the Knights of Pythias Fraternal Order, and Mr. Kenneth Swayze, Trust Officer, of Branch Bank and Trust Company for the McArthur Estate. There was no opposition present.

The City Manager stated that the total cost of the project is estimated at \$5,300.00. Of this cost, \$3,533.00 is to be assessed against the property. The City Manager emphasized that these cost figures are estimates.

FINAL RESOLUTION REQUIRING THE PAVING WITHOUT A PETITION OF THE FRANKLIN STREET ALLEY RUNNING NORTHWARDLY FROM THE NORTHERN MARGIN OF FRANKLIN STREET AND LOCATED ABOUT 90 FEET WEST OF GILLESPIE STREET, THE ENTRANCE BEING BETWEEN HESTER'S TELEVISION AND APPLICANCE COMPANY AT 120 GILLESPIE STREET AND GUITON'S SANDWICH SHOP AT 112 FRANKLIN STREET. RES. NO. R-1974-23.

Mrs. Finch introduced the foregoing resolution and moved its adoption and that the Council finds as fact that a health hazard exists due to standing water in the Franklin Street Alley and orders the work done at the estimated cost presented tonight. Motion seconded by Mr. Shaw and carried unanimously.

Upon motion by Mr. Kelly, seconded by Mrs. Beard and carried unanimously, public hearings were set on the following items for 8:00 P.M., Monday, June 24, 1974 in the Council Chamber in the City Hall.

- (A). The rezoning from an R10 Residential District to a C1P Shopping Center District or to a higher classification of an area located at 3008 Raeford Road.
- (B). The rezoning from an R5 Residential District to a P2 Professional District or to a higher classification of an area located at 1310, 1314, 1318, and 1320 Fort Bragg Road.
- (C). The rezoning from an R6 Residential District to an M2 Industrial District or to a higher classification of an area located at Fairview Subdivision east of Fourth Street and adjacent to the Seaboard Coastline Railroad property.

- (D). An amendment to the Fayetteville Zoning Ordinance amending Section 32-26, P1 Professional District to include the following permitted use as specified; (8) Orthotics and Prosthetics Clinics on a prescription basis only.
- (E). The rezoning from an R5 Residential District to a C3 Heavy Commercial District or to a higher classification of an area located at 640 Hillsboro Street.
- (F). The initial zoning to R5A Residential District, R6 Residential District and M2 Industrial District or to a higher classification of an area located in the northernmost part of the City and bounded by the Cape Fear River on the east and a C.P.&L easement to the north.
- (G). The initial zoning to R5A Residential District, PND Planned Neighborhood District, C1P Shopping Center District and P2 Professional District or to a higher classification of an area located in the northernmost part of the City lying between Cape Fear River and Raleigh Road, including Cedar Woods Apartments and the southern part of the Methodist College property.

The City Manager informed Council of the receipt of a petition from William V. Hickman and others to close Water Street and South River (Walnut) street as public thoroughfares. He suggested a public hearing be held.

RESOLUTION TO CLOSE PUBLIC STREETS AND NOTICE OF PUBLIC HEARINGS-WATER STREET AND SOUTH RIVER (WALNUT) STREET. RES. NO. R-1974-23A.

Mr. Kelly introduced the foregoing resolution and moved its adoption, and that a public hearing be set on this matter on June 24, 1974. Motion seconded by Mrs. Beard and carried unanimously.

PLANNING BOARD MATTERS

A request for preliminary subdivision review of Fayetteville Mall Property located directly behind Fayetteville Mall Shopping Center off Executive Place was withdrawn by the petitioner according to the City Manager. No action was taken on this matter.

Councilman Godwin then offered a suggestion that Council consider a change in the zoning ordinance to eliminate trailers from the R6 zone and possibly create an R6A zone district. The suggestion was received with favor and Planner Mitchell was requested to bring back a recommendation from the Planning Staff on this matter.

PUBLIC WORKS COMMISSION MATTERS

Council recognized Commissioner Monroe Evans who presented the following PWC matters for Council's consideration.

Upon motion by Mr. Godwin, seconded by Mrs. Finch and carried unanimously, an application by Mr. J.V. Dallas for a 1-inch water connection to an existing main to serve a residence at 2601 Camden Road (southeast corner at intersection of Camden Road and West Hudson Street) outside the city was approved.

Upon motion by Mr. Shaw, seconded by Mrs. Beard and carried unanimously, an application for water and sanitary sewer utilities to serve Mr. Dennis Drake's lot off East Raynor Drive outside the city in accordance with the usual inside city extension policies were approved. (Mr. Drake has petitioned for annexation into the city of this lot off East Raynor Drive and City Engineer Bennett has advised that utilities easement has been granted for extension of water and sanitary sewer facilities and Mr. Drake has completed a new home on said lot).

Upon motion by Mrs. Finch, seconded by Mr. Shaw and carried unanimously, an application by Mr. Lawrence Hair for a 1-inch water connection to an existing main to serve a residence at 1663 Wilmington Highway outside the city was approved.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, an application by Mr. James Edward Poole for a 1-inch water connection to an existing main to serve a residence on the east side of Raleigh Road (last house before Kelly-Springfield Tire Company) outside the city was approved.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, a contract with Northstate Constructors, Inc. for construction of part of interceptor sanitary sewer around the western fork of McFadyens Lake (with addition to serve Waters Edge Subdivision) and revised to include 620 feet of interceptor sewer and relocation of several sections of the interceptor in the amount of \$231,509.00 was approved as recommended by PWC and the Mayor and Clerk authorize and directed to sign said contract for the City for this work.

Commissioner Evans reported the receipt of a petition in the City Manager's Office for water and sanitary sewer utilities to serve Luther Street, along Aberdeen and Rockfish Railroad south of Raeford Road. Utilities services for this area have previously been before several City Councils. Easements for extensions of water and sanitary sewer mains have been a problem in the past, as well as costs. The City Engineer stated that Luther Street is an undedicated public travel-way but not in the city street system.

Council recognized Mr. George Hobgood, the petitioner, and a resident property owner in the area. Council also recognized a Mrs. Luther, another resident and property owner in the area.

Commissioner Evans stated the extension of water mains would be either from Forsyth Street or Cheselka Street. The extension of sanitary sewer utilities would be from the interceptor along

the tributary of Blount's Creek. The estimated cost of such water and sanitary sewer extensions would be between \$38 and \$40,000.00. An easement must be secured first for the location of the sanitary sewer approach main from the interceptor sanitary sewer to Luther Street. Also easements must be secured from Aberdeen and Railroad Company to extend the water main within their property since their railroad runs along this area. Commissioner Evans stated that this petition had not been before the PWC.

Following a lengthy discussion of this petition and request of the easement problems and service problems involved, Mayor Lee suggested that the Council have a report from the City Manager, City Engineer and PWC at the next regular meeting.

Council next gave consideration to an ordinance amending Chapter 16-9 of the Code of Ordinances with respect to the Board of Appeals on Buildings and Dwellings. The substance of the ordinance would be to create five permanent type appointments to this commission and establish a quorum. The Commission as it is now constituted has three permanent appointments and two alternate appointments.

AN ORDINANCE AMENDING CHAPTER 16-9 OF THE FAYETTEVILLE CODE OF ORDINANCES WITH RESPECT TO THE BOARD OF APPEALS-DWELLINGS AND BUILDINGS. ORD. NO. S-1974-7.

Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously. A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book #S1974.

Council took no action on Item 7 on the agenda, reconsideration of a request from Mrs. Rose Bsbeer for a building permit for property on Rankin Street, pending a report from the City Attorney.

Council took no action on Item 8 on the agenda inasmuch as this had already been considered and acted upon earlier as item 2C on the agenda.

Council next gave consideration to awarding a contract on an emergency basis for repairs to Middle Road. In a memorandum to the City Manager, the City Engineer stated that he had estimated the construction cost on Middle Road at \$19,000.00. The side ditches have been allowed to fill up and the results being that the base under the pavement has become saturated and weak. An outfall drainage ditch between 612 and 619 Middle Road is filled up so that it provides no drainage for the road. In front of 619 Middle Road, the base has become weak due to saturation causing the pavement to settle. The property owner is opposed to a shallow drainage ditch being opened up along the front of his property even though the work would be done within Middle Road right-of-way. The City Engineer stated that if these property owners would co-operate by allowing the city to clean out the ditch, the conditions could be greatly improved. Our proposed expenditures of \$19,000.00, the City Engineer stated, includes regrading of side ditch to provide drainage, grading shoulder, correcting the areas of weak base under the pavement and repaving the locations of pavement failure. We would recommend that this work be approved on an emergency basis thereby eliminating the necessity to advertise for bids. Prices are being obtained on a unit cost basis from local contractors and the work will be performed as economically as possible.

Following some discussion of this matter, Mr. George offered motion, seconded by Mr. Shaw and carried unanimously that this matter be continued to the next regular meeting of the Council.

Council next gave consideration to the approval of a resolution and contract authorizing improvements in Buxton Blvd. and Elementary Drive at no cost to the adjacent property owners. The City Manager stated that Buxton Blvd. and Elementary Drive were at present little more than cartways and that the school system had been anxious for a long time to improve the road situation at this location. The school has agreed to pay \$70 to \$75,000.00 for drainage and the city to pay the other half provided the State will accept these streets as system streets and strip pave them. The State would require the City to install the drainage. Under the proposed contract, Mr. and Mrs. Tildon Walker, Mr. and Mrs. J.W. Pate and John Pate, the owners at this location, have offered to grant an easement to the city for same provided the city will enter into an agreement that it will perform certain work and construction on and about said lands at no cost either in the present or the future to the owners or their successors. The City Manager emphasized that a condition of approval of this resolution and contract is that the easement granted to the city by owners will not be recorded until the State approves the project.

The City Manager stated that if this was agreeable with the Council they would adopt the resolution and authorize the Mayor and Clerk to sign in behalf of the City.

RESOLUTION AUTHORIZING IMPROVEMENTS IN BUXTON BLVD. AND ELEMENTARY DRIVE AT NO COST TO THE ADJACENT PROPERTY OWNERS. RES. NO. R-1974-24.

Mr. Shaw introduced the foregoing resolution and moved its adoption and that the Mayor and Clerk be and they hereby are authorized and directed to sign said resolution and attached contract agreement with the property owners for this improvement subject to the acceptance by the Dept. of Transportation as a system street and strip pave it. Motion seconded by Mr. Kelly and carried unanimously. A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book #1974.

Council next gave consideration to Taxi Cab Driver permits applications. Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, a taxi cab driver permit was approved for ELISE RUSS BUNTING as recommended by the Taxi Cab Inspector, Chief of Police and City Manager.

Upon motion by Mr. Shaw, seconded by Mr. Kelly and carried unanimously, an application by Jonah Lee Loftin was disapproved as recommended by Taxi Cab Inspector, Chief of Police and City Manager.

Council next gave consideration to the adoption of ordinances requiring the City Building Inspector to correct conditions as to substandard structures.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 452 ROBESON STREET AND OWNED BY MR. Q.J. SCARBOROUGH, JR. ORD. NO. NS -1974-45.

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

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDING MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 416 BLOUNT STREET AND OWNED BY MR. Q.J. SCARBOROUGH, JR. ORD. NO. NS-1974-46.

Mr. Kelly introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDING MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 426 VANSTORY STREET AND OWNED BY MR. JOHN H. SMITH AND MR. JESSIE LEE COUNCIL. ORD. NO. NS-1974-47.

Mr. Godwin introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDING MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 428 VANSTORY STREET AND OWNED BY MR. JOHN H. SMITH AND MR. JESSIE LEE COUNCIL. ORD. NO. NS-1974-48.

Mr. Kelly introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDING MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 707 ASHLEY STREET. AND OWNED BY Mr. JOE DAWSON. ORD. NO. NS-1974-49.

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

Copies of all the foregoing ordinances are on file in the office of the City Clerk in Ordinance Book #NS-1974.

Council next gave consideration to a request for the installation of four short-term parking meters in the parking lot back of the Anderson Street Library, next to the First Baptist Church kindergarten entrance. The City Manager stated that the First Baptist Church, which operates a kindergarten on Anderson Street, says that there is a problem with parents parking in the alley to pick-up children and requests the installation of four one cent 12 minute parking meters at this location.

Mr. Shaw offered motion to deny this request, seconded by Mr. Kelly and carried unanimously.

Due to the lateness of the hour, appointments to the Human Relations Advisory Commission, the Building Code Review Committee and the Board of Appeals on Buildings and Dwellings were deferred until the next regular meeting of the Council.

There were no delegations present.

CITY MANAGER REPORTS

The City Manager reported that the city has before the Dept. of Housing and Urban Development and the Dept. of Outdoor Recreation, a request for an open space grant for the beautification of the southeast corner of the Market Square and the Dept. of Outdoor Recreation requests the city execute a restrictive covenant that the city can not and will not sell this site and will use it for a park site.

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE EXECUTION OF A DEED RESTRICTION FOR THE SOUTHEAST CORNER OF THE MARKET SQUARE. RES. NO. R-1974-25.

Mr. Shaw introduced the foregoing resolution and moved its adoption and that the Mayor and Clerk be and they hereby are authorized and directed to sign said resolution and deed restriction for the city. Motion seconded by Mr. Kelly and carried unanimously. A copy of the foregoing resolution is on file in the City Clerk's office in Resolution Book #R-1974.

The City Manager informed Council that the Dept. of Transportation of the State of North Carolina had written a letter to the Airport Manager indicating approval of a grant in the amount of \$84,950.00 for aviations improvements at the Fayetteville Municipal Airport. The Airport Commission requests that Council approve the entering into a contract agreement and application

with the Dept. of Transportation in order for the city to be eligible to receive these funds.

Following brief discussion of the matter, Mr. Shaw introduced and moved the motion for approval of the submission by Council of an application for this grant from the Dept. of Transportation for \$84,950.00 for aviation improvements (fire station, fencing, removal of old terminal building and so forth) and that the Mayor and Clerk be and they hereby are authorized and directed to sign said application and agreement with the Dept. of Transportation for the City of Fayetteville. Motion seconded by Mr. Godwin and carried unanimously.

The City Manager reminded Council of the Dept. of Transportation meeting at 1:30 tomorrow in the State Highway Patrol Auditorium on I-95 South and that local government officials are invited to appear and present proposed projects not already scheduled on the Dept. of Transportation's 7 year program.

Mayor Lee asked the Council if they wished to make any sense of Council resolution before the Dept. of Transportation regarding the interstate 40 segment from Raleigh to the Benson -Dunn area to connect to Interstate 95.

Mr. Shaw offered motion that the Council reiterate its endorsement of Interstate 40 and of the southern route and that the Mayor present this indication to the Dept. of Transportation at the meeting tomorrow. Motion seconded by Mr. Godwin and carried unanimously.


At the suggestion of Mayor Lee, a council conference was scheduled for Wednesday, May 29th, in the Council Chamber in the Kyle House to meet with the architects for the new fire station to review the preliminary plans.

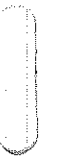
MATTERS OF INTEREST TO THE CITY COUNCIL

Mrs. Finch requested that Wednesday curbside newspaper pick-up be discontinued immediately if it had not already been done so inasmuch as containers for the deposit of such newspapers are now located in various places throughout the city for this purpose.

Mayor Lee stated that the preliminary budget will be in the Council Members hands at the end of this week and reminded Council of the 1st budget sessions on June 4, Tuesday, and June 6 Thursday at 7:30 o'clock P.M. in the Council Chamber in the Kyle House.

Thereafter, all matters of business having been completed, the meeting was adjourned at 11:30 o'clock P.M., upon motion made and duly seconded.


Maurice W. Downs
City Clerk



SPECIAL MEETING
12:00 NOON
WEDNESDAY, MAY 29th, 1974
COUNCIL CHAMBER
KYLE HOUSE

Present: Mayor Jackson F. Lee

Council Members: Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly

Council Member Absent: Marion George

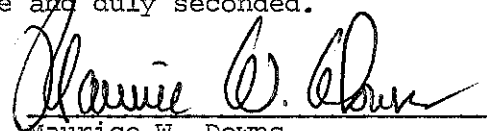
Others Present: Mr. J. Guy Smith, City Manager
Mr. William Thomas, III, Assistant City Manager
Mr. Dan MacMillan, MacMillan & MacMillan, Architects

Mayor Lee called this meeting to order and stated its purpose was to receive and review preliminary drawings for the new fire station on Rosehill Road from Mr. MacMillan.

Mr. MacMillan presented the drawings and reviewed them for Council's benefit.

Following discussion, Mrs. Finch offered motion for approval of the drawings as presented. Motion seconded by Mr. Godwin and carried unanimously.

The meeting was then adjourned upon motion made and duly seconded.



Maurice W. Downs
City Clerk



SPECIAL MEETING
9:30 P.M. O'CLOCK
TUESDAY, JUNE 4, 1974
COUNCIL CHAMBER
KYLE HOUSE

Present: Mayor Jackson F. Lee

Council Members: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly

Others Present: Mr. Guy Smith, City Manager
Mr. W.G. Thomas III, Assistant City Manager

Mayor Lee called this special session to order following a conference discussion of the preliminary budget for fiscal year 1974-75 for the express purpose of considering another request from Mr. Herb Thorp, Attorney representing the Ervin Company, that the City Council agree to participation by the City in the cost of the drainage project along Owen Drive at the site where the Ervin Company, the C&W Manhattan Company and the Greenfield Company propose to construct a discount store and other business enterprises on the south side of Owen Drive.

The Council reiterated its policy of non-participation in drainage costs to Mr. Thorp, and it was suggested that the North Carolina Department of Transportation might agree to put up additional funds for this work.

Councilman Shaw offered motion that the City Manager be authorized to write a letter to the Department of Transportation and request additional funds participation. Motion was seconded by Councilman Kelly and carried unanimously.

This special session was then adjourned upon motion made and duly seconded.

SPECIAL MEETING
9:00 P.M. O'CLOCK
THURSDAY, JUNE 6, 1974
COUNCIL CHAMBER
KYLE HOUSE

Present: Mayor Jackson F. Lee

Council Members: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly

Also present: Mr. Guy Smith, City Manager
Mr. W.G. Thomas III, Assistant City Manager

Mayor Lee called this special session to order following a discussion of the preliminary budget for the fiscal year 1974-75 for the purpose of advertising a public hearing on same as required by state law.

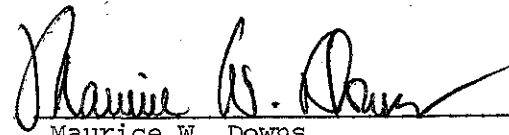
Councilman George offered motion that a budget conference be held at 7:30 p.m. o'clock, Tuesday, June 11, 1974 in the Council Chamber in the Kyle House;

that a public hearing be advertised on the preliminary budget for fiscal year 74-75 for 7:30 p.m. o'clock in the Council Chamber in the City Hall Courtroom, on Thursday, June 13, 1974 in accordance with statutory requirements, and;

that a further budget conference be held at 7:30 p.m. o'clock on Monday, June 17, 1974 in the Council Chamber in the Kyle House.

Motion seconded by Councilman Godwin and carried unanimously.

Thereafter, the meeting was adjourned upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
June 10, 1974
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly

Others Present: Mr. Guy Smith, City Manager
Mr. Rudolph Singleton, City Attorney
Mr. Robert Butler, PWC
Mr. Ray Muench, PWC

Mayor Lee called the meeting to order and the Rev. B.E. Barbour, Calvary Holiness Church, offered the invocation. Scout Ricky McLaurin, Boy Scout Troop #75, led the Pledge of the Allegiance to the Flag.

Council recognized Mr. J. Ed Williams of the Woodmen of the World Fraternal Order, representing all of the local lodges, who presented to the Mayor for the City of Fayetteville 40 American Flags. In a short speech, Mr. Williams stated that his order had presented more than 100,000 such flags and it was a continuing project with their organization. Mr. Williams stated that these flags presented to the City of Fayetteville tonight were a memorial to a former Woodmen of the World Member, Barry Scott, now deceased. Mayor Lee accepted the generous gift in behalf of the City and informed Mr. Williams and those Woodmen present that the flags would be flown on this coming Flag Day, June 14, 1974.

Mayor Lee recognized Youth Council Representatives Julia Kennedy, Caren Streetman and Bruce Baer present in the audience to observe Council proceedings. Mayor Lee also recognized Boy Scout Troop #724 present to observe Council proceedings.

Mayor Lee informed the Council and others present that he had also received a note from Mr. Tim Newton of the Chamber of Commerce who stated that their organization will present 50 flags to the City.

Mr. Godwin moved that the Minutes of the Regular Meeting of May 27, 1974 be amended to reflect that the petition requesting a public hearing for the closing of Water Street as a public thoroughfare and the public hearing set on this matter for June 24, 1974 be changed to July 8, 1974 in order to allow time for publication as requested by the petitioner. Motion seconded by Mrs. Beard; then;

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, Minutes of the Regular Meeting of May 27, 1974 were approved as amended.

Upon motion by Mr. Godwin, seconded by Mr. George and carried unanimously, Minutes of a Special Meeting of the Council of May 29, 1974 were approved as submitted by the Clerk.

Upon motion by Mr. Kelly, seconded by Mrs. Finch and carried unanimously, Minutes of a Special Meeting of the Council on June 4, 1974 were approved as submitted by the Clerk.

Upon motion by Mr. Godwin, seconded by Mrs. Finch and carried unanimously, Minutes of a Special Meeting of the Council on June 6, 1974 were approved as submitted by the Clerk.

The first order of business was the reconsideration of the ordinance amending the zoning ordinance to allow radio towers and the operation thereof in the R6 Residential District. This item was continued from the meeting of May 27, 1974. Mayor Lee stated that due to an error on his part, he had declared this ordinance passed on first reading at May 27th meeting and had set the second reading for passage for this date; however, the ordinance did receive the required 2/3 vote on May 27th and as such was ratified by Council that date and did not require a second reading this evening. The ordinance title appears below:

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 24 OF CHAPTER 32 OF THE CITY CODE-ALLOWING RADIO TOWERS AND THE OPERATION THEREOF IN THE R6 RESIDENTIAL DISTRICT. ORD. NO. S-1974-8

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book #S-1974.

A public hearing was held as continued from May 27th on a request for a special use permit under Section 32-24(8) of the Fayetteville Zoning Ordinance (ratified on May 27th the title of which appears in the preceding paragraph) for the erection of a radio tower and attendant facilities in an area located at Little Cross Creek and northwest of Stuart Drive. Planning Board recommended approval subject to conditions.

Attorney Herb Thorp, representing Cape Fear Broadcasting Company, was recognized for the petitioner. Mr. Thorp reiterated that there would be no traffic to and from this facility inasmuch as it would be a remote control transmitter.

Attorney Mitchell Gadsden, representing opposition in the area, was recognized and stated that the structure represented an attractive nuisance to small children.

A Mr. Joseph Pillow was recognized and presented a 300 signature petition of opposition to this special use permit and displayed a map.

Following these presentations, Mr. George offered motion for reconsideration of the ordinance just ratified which would allow this special use permit. Motion seconded by Mrs. Beard but failed by the following vote: For: Council Members Kelly Beard, George; Against: Council Members Godwin, Finch, Shaw and Mayor Lee casting the deciding vote.

Council then returned to discussion of the special use permit request.

Following lengthy discussion, Mr. Godwin offered motion to grant the special use permit as requested and for the adoption of an ordinance amending the zoning ordinance for such use. Motion seconded by Mr. Shaw and carried by the following vote: For: Council Members Kelly Godwin, Finch and Shaw; Against: Council Members Beard and George. The ordinance title appears below:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS:
GRANT A SPECIAL USE PERMIT UNDER SECTION 32-24(8) OF THE FAYETTEVILLE ZONING ORDINANCE FOR THE ERECTION OF A RADIO TOWER AND ATTENDANT FACILITIES IN AN AREA LOCATED AT LITTLE CROSS CREEK AND NORTHWEST OF STUART DRIVE. ORD. NO. NS-1974-50.

A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book #NS-1974.

A public hearing had been published for this date and hour on the annexation of property located on both sides of Boone Trail between Owen Drive and Fargo Drive. Planning Board recommended approval. A Mr. Louis Morgan was recognized, representing the petitioners for annexation, and stated that they desired annexation in order to obtain water and sanitary sewer services as soon as possible.

Mr. William Cain was recognized, representing property owners in opposition to annexation, and represented an opposition petition which he stated contained the signatures of 15 persons opposed.

Following brief discussion, Mr. Shaw offered motion for annexation of the area as petitioned. Motion seconded by Mrs. Beard and carried unanimously.

Mr. Cain was again recognized and raised the question to the Council concerning the petition of opposition just submitted.

Mr. Godwin offered motion that Council reconsider its last action, seconded by Mrs. Beard.

Mr. George then offered substitute motion that this matter be investigated by City Administration and a further report made at the next meeting. Motion received no second. Mayor Lee then called for vote on Mr. Godwin's original motion for reconsideration and it carried by the following vote: For: Council Members Kelly, Beard, Godwin Finch, and George; Against: Shaw.

Following further discussion, Mr. Godwin offered motion that the public hearing on this matter be continued to the next regular meeting of the Council on June 24, 1974, seconded by Mrs. Beard and carried unanimously.

The city clerk was then directed to check the petition of opposition for validity and report findings back to the Council at the next regular meeting.

A public hearing had been published for this date and hour on the annexation of a portion of the Pleasant Valley area including properties adjacent to Sandhill Drive, Carlos Street, Dillon Street, Redstone Drive and a portion of Boone Trail under the "old law". Planning Board recommended approval.

A Mr. Chris Mack was recognized, representing himself and property owners, in favor of annexation. A Mrs. Julia Canipe was recognized with questions concerning services to be provided by the City if the area is annexed. A Mrs. Eddie Long and Mr. William Long were recognized in favor of annexation. There was no opposition present.

AN ORDINANCE EXTENDING THE CITY LIMITS TO INCLUDE A PORTION OF THE PLEASANT VALLEY AREA INCLUDING PROPERTIES ADJACENT TO SANDHILL DRIVE, CARLOS STREET, DILLON STREET, REDSTONE DRIVE AND A PORTION OF BOONE TRAIL. ANNEX. #139.

Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Annex. Book #1974.

A public hearing had been published for this date and hour on the satellite annexation of Dr. Jack Hill's property located at the intersection of U.S. 401 north, Raleigh Road and Carvers Falls Road under the provisions of Chapter 715, Session Laws of 1969. Planning Board recommended

denial.

Attorney Stacy Weaver, Jr. was recognized for the petitioner, Dr. Hill. A Mr. Bob Myers was also recognized in favor of the annexation. There was no opposition present.

A lengthy discussion followed.

AN ORDINANCE EXTENDING THE CITY LIMITS TO INCLUDE DR. JACK HILL'S PROPERTY LOCATED AT THE INTERSECTION OF U.S. 401 NORTH, RALEIGH ROAD AND CARVERS FALLS ROAD UNDER THE SATELLITE ANNEXATION PROVISIONS OF CHAPTER 715, SESSION LAWS OF 1969. ANNEX. #140.

Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Beard and carried by the following vote: For: Council Members George, Shaw, Godwin and Beard and Kelly; Against: Council Member Finch.

A public hearing had been published for this date and hour on the annexation of the G.L. Draughon Abbattior property on Cedar Creek Road and Sapona Road under the "old law" provisions. Planning Board recommended approval. There was no opposition present.

Public Works Commission Manager, Ray Muench, reminded Council that a contract had been negotiated with the county for the installation of utilities in this area.

Following brief discussion, Mr. Shaw offered motion that this annexation be continued up to 12 months. Motion seconded by Mr. Godwin and carried unanimously.

A public hearing had been published for this date and hour on the annexation of property located off Johnson Street in Bonnie Doone pursuant to 100% petition. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE EXTENDING THE CITY LIMITS TO INCLUDE AN AREA LOCATED OFF JOHNSON STREET IN BONNIE DOONE. ANNEX. #141.

Mrs. Beard introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Annexation Book #1974.

A public hearing had been published for this date and hour on the annexation of the southern portion of the Howard Acres Subdivision and land adjacent to Huntington Park under the provisions of "old law". Planning Board recommended approval. There was no opposition present.

AN ORDINANCE EXTENDING THE CITY LIMITS TO INCLUDE THE SOUTHERN PORTION OF THE HOWARD ACRES SUBDIVISION AND LAND ADJACENT TO HUNTINGTON PARK. ANNEX. # 142.

Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Finch and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Annex. Book #1974.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, a public hearing was ordered published for July 8, 1974 on the annexation of the Dennis Drake property off east Raynor Drive, pursuant to petition.

Upon motion by Mr. George, seconded by Mr. Shaw and carried unanimously, a public hearing was ordered published for July 8, 1974 on a request for a special use permit for a parking lot facility in an R10 Residential District and P2 Professional District to serve for additional parking at the Joe Stout property located off Boone Trail extension between Owen Drive and Village Drive.

PUBLIC WORKS COMMISSION MATTERS

Commissioner Butler stated that a petition had been received for extending water and sanitary sewer utilities to serve Luther Street, an undedicated thoroughfare, along the Aberdeen and Rockfish railroad south of Raeford Road. Commissioner Butler displayed a map showing the proposed routes to be used to serve this area with water and sanitary sewer and stated that the cost would be approximately \$44,000.00. This matter had first been considered at the last regular meeting of the Council on May 27th, 1974.

Mr. George Hobgood, a resident property owner in the area, was again recognized requesting the extension of the utilities.

Following a brief discussion of the matter, Mr. Shaw offered motion that if right-of-way can be acquired on this proposed street that we order water extended to the property-only lots that have requested it on Luther Street at this time. Motion seconded by Mr. Godwin and carried unanimously.

Commissioner Butler requested Council's approval and execution of an agreement with Cumberland County for the extension of water and sanitary sewer mains for service in the areas of Borden Heights Subdivision, Black and Decker Road, including Trissi, Inc., and for the extension of a 16-inch water main to serve River Road area and to serve Cargill Inc. Commissioner Butler stated that the above agreements are in accordance with the long standing policy between Cumberland County and the City of Fayetteville and previous approvals of above utilities extensions by each governing board. The agreements basically provide (a) utilities extensions as described in agreements; (b) 50% of total cost to be paid by Cumberland County North Carolina over a three year period and (c)

retention of tapping fees by PWC.

Following brief discussion, Mr. Shaw offered motion for approval of both of the foregoing agreements and that the Mayor and Clerk be and they hereby are authorized and directed to sign said agreements for the city. Motion seconded by Mr. Godwin and carried unanimously.

Upon motion by Mr. George, seconded by Mrs. Beard and carried unanimously, approval was given to Booker T. Smith, Jr., for a 1-inch water connection to serve an existing residence at 627 Monroe Drive outside the city.

Upon motion by Mr. Kelly, seconded by Mrs. Finch and carried unanimously, an application by Billy C. Hamblen for a 4-inch sanitary sewer service for residence at Lot 3, Block A, Shaw Road outside the city was approved. (Commissioner Butler stated that this was one of a number of connections required to "wet" interceptor line constructed around Roses Lake with federal and state grants).

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, an application by Craftsman Builders for a 1-inch water connection to serve Lots 8 and 9 in Raynor Subdivision was approved.

Commissioner Butler then relayed the following information item to the City Council:

Mr. Mayor and Members of Council: As you probably know, a recent North Carolina Supreme Court decision, in the case of Domestic Electric Service Company and the City of Rocky Mount, has raised the very serious question of the PWC being able to legally provide electric service in some areas - not all areas - outside the City of Fayetteville which have previously been assigned to other electric suppliers by the North Carolina Utilities Commission. Each instance of PWC service in such areas must be decided on a case by case basis. The first such case resulted from a demand by South River Electric Membership Corporation regarding PWC's electric lines along Andrews Road and within College Downs Subdivision and PWC felt compelled to accept the offer by South River EMC to purchase the utilities previously constructed by PWC along Andrews Road and within said subdivision, for the total cost of such construction. PWC will submit the actual documents for the sale of these facilities to you at a later date for consideration for execution by the Council.

This latest development regarding electric service by PWC outside the city should perhaps be discussed fully by the City-County Liaison Committee, especially in respect to the City of Fayetteville, through its PWC, continuing with the Rockfish Interceptor sanitary sewer system even though it has already received a Certificate of Eligibility for Federal and State Grants and other extensions of water and sanitary sewer utilities outside the city in areas where it seems unlikely that the city can provide electric service, even if requested to do so by developers.

Following the presentation by Commissioner Butler, the City-County Liaison Committee was requested to meet with PWC.

Council next reconsidered the awarding of a contract on an emergency basis for repairs to Middle Road. (This item was continued from the May 27th meeting). The City Manager reiterated the City Engineer's recommendation that this work be approved on an emergency basis eliminating the necessity to advertise for bids. The cost would be approximately \$19,000.00. He pointed out again that side ditches have been allowed to fill up with the results being that the base under the pavement has become saturated and weak and the roadway contain pot holes. It was pointed out that heavy trucks are using this segment of road to haul dirt from a barrow pit for the construction of the new bridge across Cape Fear River. This heavy traffic is causing a deterioration of the road along with the drainage problem.

Following brief discussion, Mrs. Beard offered motion to do the work as outlined by the City Engineer. Motion received no second.

Council then moved on to the next agenda item without any action.

The City Manager requested approval by Council of an application for a subgrant in the amount of \$20,812.00 as authorized by Law Enforcement Assistant Administration through to North Carolina Division of Law and Order to assist local governments in the improvement of the Criminal Justice System for a Police Explorer Post. The resolution stated that if the subgrant is made the application shall provide a local cash matching contribution in the amount of \$1,157.00.

There was a brief discussion on the matter and an explanation by the City Manager regarding the function of a Police Explorer Post.

A RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE CITY MANAGER TO FILE IN BEHALF OF THE CITY FOR A SUBGRANT IN THE AMOUNT OF \$20,812.00 TO ASSIST IN DEFRAYING THE COST OF A POLICE EXPLORER POST FOR THE CITY OF FAYETTEVILLE. RES. NO. R-1974-26.

Mrs. Finch introduced the foregoing resolution and moved its adoption, seconded by Mr. Kelly and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book #1974.

The City Manager informed Council that bids had been received recently for Life Insurance for City Employees and that life insurance premiums for coverage of \$2,000.00 with double indemnity is carried by the city on all its full-time employees. Additional coverage for dependants is paid for by employees. At the present time, Kemper Group Insurance is the carrier and the city premium rate of 75 cents per \$1,000.00 per month. Bids were received recently using the same specifications for the existing policy and Boston Mutual Life Insurance Company bid 44 cents per

\$1,000.00 per month being low bidder of the companies which submitted proposals. He recommended approval of the bid award to Boston Mutual Life Insurance Company. The local agency designated by the aforementioned company is the Wachovia Insurance Company, Wachovia Building, Green Street, Fayetteville, North Carolina.

Following brief discussion, Mr. Godwin offered motion, seconded by Mr. Kelly for acceptance of the Life Insurance bid of Boston Mutual Life Insurance Company as recommended by the City Manager. Motion carried unanimously.

At this point, Mr. Shaw requested a return to and reopening of the discussion of the Middle Road matter and offered motion that this work be done on Middle Road but that it be done through ordinary channels that we normally go through and be put in the order that we would normally put it in order that this work be done like any other paving project. Motion seconded by Mr. George and carried unanimously.

Council recognized Mr. Charles Fairley, Executive Director of the Fayetteville Redevelopment Commission, on a request for the execution of a contract for the sale of several parcels of land by the commission. Mr. Fairley stated that one tract on Ames Street would be sold to the new Bethel Pentecostal Holiness Church and two tracts on Monaghan Street would be sold to the John Wesley United Methodist Church and sixteen tracts would be sold to King Model Homes Inc. and the total value of such sells would be \$47,222.00

Mr. Shaw offered motion, seconded by Mrs. Finch for approval of the foregoing contracts in the amount of the various bids as requested by the Fayetteville Redevelopment Commission. Motion carried unanimously.

Mayor Lee informed Council that he had received a request from Mr. Quincy Scarborough that he, Mr. Scarborough, be allowed to demolish two substandard dwellings which Council had ordered demolished some weeks ago. They are located at 416 Blount Street and 452 Robeson Street respectively.

On a related matter, Mr. Shaw asked about the status of the Lake Avenue dwelling owned by Mr. Scarborough which Council had granted in extension of time on for the correction of deficiencies. Mr. Scarborough replied that there only remained the connection of utilities. This was corroborated by the Inspector of Substandard Housing who was also present.

Mr. Shaw then offered motion to continue the Lake Avenue permit for Mr. Scarborough for an additional two weeks, seconded by Mr. Godwin and carried unanimously.

Mr. Godwin then offered motion, seconded by Mr. Kelly that Mr. Scarborough be allowed an additional two weeks to clear the 416 Blount Street location. Motion carried unanimously.

Councilman George then offered motion that the demolition crew refrain from demolishing the 452 Robeson Street location for two weeks, motion seconded by Mrs. Finch and carried unanimously.

Council next considered several appointments.

Upon motion by Mr. Godwin, seconded by Mr. George and carried unanimously, Mr. William G, Martin was appointed to the Human Relations Advisory Commission for a term of two years said term expiring in March 1976.

Upon motion by Mr. Kelly, seconded by Mr. Shaw and carried unanimously, Mr. Dohn Broadwall was appointed as Home Builders Representative to the Building Code Review Commission for a term of three years said term expiring in March 1977.

Upon motion by Mr. Shaw, seconded by Mr. Godwin and carried unanimously, the following named were appointed to the Board of Appeals on Buildings and Dwellings: Samuel S. Drake for two year term of office; said term expiring in May 1976, Mrs. Nita Miller for a two year term of office said term expiring in May 1976; Mr. Bill Sherman for a three year term of office said term expiring in May 1977.

Several appointments to the Airport Commission, Public Works Commission, Public Works Commission Retirement Plan and Joint Planning Board which expire this month were deferred until the next meeting.

The City Manager informed Council that bids had been received for the construction of the Langdon Street retaining wall. Bids were received for a concrete block type wall and a reinforced concrete wall. The low bid of Pleasant Inc. in the amount of \$14,945.42 for the reinforced concrete was recommended.

Mr. George offered motion to accept the foregoing recommendation of the city manager and award the contract to Pleasant Inc. for their bid of \$14,945.42 for the reinforced concrete wall. Motion seconded by Mr. Kelly and carried unanimously.

The City Manager informed Council that bids had been received for the resurfacing contract for a number of city streets. The city's past resurfacing has been a sand-asphalt overlay approximately 1-inch thick. As an alternate on this project, it was requested that bidders for the sand-asphalt as well as a bituminous seal coat, which has been widely used in recent years by the State Highway Dept. The City Engineer recommended using the bituminous seal coat which Cumberland Paving Company bid in the amount of \$92,695.00.

Following brief discussion, Mr. George offered motion for approval of the foregoing bid as recommended on all streets for paving except South King street and that that be continued to the next regular meeting. Motion seconded by Mr. Kelly and carried unanimously.

Upon motion by Mr. Shaw, seconded by Mrs. Beard and carried unanimously, Taxi Cab Driver Permits were approved for the following named: WRILDGES J. KING, CHARLIE COLLINS, AND ARTHUR JONES as recommended by the Taxi Cab Inspector, Chief of Police and City Manager.

Mr. Gilbert Shook was again not present on his application for a permit which Council disapproved at the last regular meeting. No further action was taken on this matter.

There were no delegations present.

Council then recognized City Attorney Rudolph Singleton, who signified his intention to resign his position as City Attorney effective July 1, 1974. Mr. Singleton prefaced his notice of resignation by quoting excerpts from the resignation submitted by former City Attorney Joe Tally, Jr. some 8 years ago. His recommendations at that time were that the city retain a full time Attorney for its legal work. Mr. Singleton stated that Fayetteville is the largest municipality in the State of North Carolina which does not retain an Attorney on a full time basis nor have its own legal dept. Mr. Singleton stated that the City of Fayetteville was doing itself an injustice by not having its own legal dept. an full time legal staff. Mr. Singleton stated that the various departments within the City require the services of a full time Attorney. He encouraged Council to follow the recommendation of the City Manager in this years budget for the hiring of such full time Attorney for the City. Mr. Singleton stated that his past two years as City Attorney had been not only an education, but a challenge and that it had been a distinct pleasure to serve with such dedicated people. He concluded his remarks by making the following recommendations to Council: (1) the hiring of a young and capable full time Attorney with at least some experience of a year or two in the municipal related law; (2) the utilization on a non-retained basis of a senior private Attorney for the more complicated legal matters which might come before Council and ultimately he recommended the establishment of a legal dept. to handle all legal matters for the City.

The Mayor, speaking for himself and the Council, expressed regret to Mr. Singleton for his resignation.

CITY MANAGER REPORTS

The City Manager informed Council that Larry Neal Godbold had been certified by the Civil Service Commission for appointment to the Police Dept.

Mr. Kelly offered motion, seconded by Mr. Godwin that Mr. Godbold be appointed to the Police Dept. as recommended.

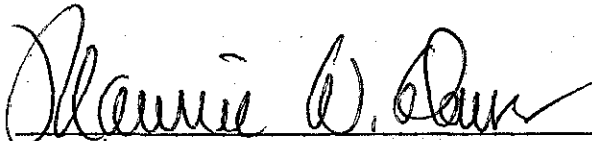
Mr. George offered substitute motion to continue this matter to the next regular meeting, seconded by Mrs. Finch. Mayor Lee called for vote on the substitute motion and it failed by the following vote: For: Council Members Finch, George, Shaw; Against: Council Members Kelly, Beard, Godwin and Mayor Lee casting the deciding vote. Mayor Lee called for vote on the original motion and it carried by the following Vote: For: Council Members Kelly, Beard, Godwin Finch and Shaw; Against: Council Member George.

MATTERS OF INTEREST TO THE CITY COUNCIL

Mr. Shaw and the other members of the Council expressed their individual regrets to Mr. Singleton for his resignation and expressed their pleasure and gratitude for his services as City Attorney over the past two years.

Mayor Lee reminded Council of the budget conference at 7:30 P.M. tomorrow evening and of the public hearing on the budget on Thursday evening and of the budget conference on Monday, June 17, 1974.

Thereafter, all matters of business having been completed, the meeting was adjourned at 11:45 P.M., upon motion made and duly seconded.



Maurice W. Downs
City Clerk

SPECIAL MEETING
CITY HALL COUNCIL CHAMBER
THURSDAY, JUNE 13, 1974
7:30 P. M.

Present: Mayor Jackson F. Lee

Council Members: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly

Others Present: Mr. Guy Smith, City Manager
Mr. W.G. Thomas, Assistant City Manager
Mr. George McCarthy, City Finance Director
Mr. Ray Muench, PWC Manager

Mayor Lee called the meeting to order and announced its purpose was to hold a public hearing on the 1974-75 budget and to review information on Federal Revenue Sharing Funds in accordance with State and Federal Laws.

Mayor Lee asked if there were any persons in the audience who wished to be recognized,

Mr. Monroe Evans was recognized in behalf of the Fayetteville Museum of Arts. He commented on the Museums activities and touched upon the recent "Sunday on the Square" activity and of its apparent success and popularity. Mr. Evans commented on the Museum's plan to erect their own building in the future on a site which had been donated to them but stated that the Museum would like to continue to show art in the Market House. He requested permission to continue Museum activities in the Market House and of the Council's continued financial support in the coming year.


Mrs. Beth Geimer was next recognized representing the Fayetteville Chapter of the Sierra Club. Mrs. Geimer requested that Council appropriate funds for park development and greenways throughout the City. She stated that a representative from Raleigh would be in the City shortly and would like to make a presentation to Council as to what Raleigh is doing on greenways. She concluded by urging Council to also develop the Glenville Lake recreation area.

Mr. John Raper, of the Historic and Scenic Sights Committee, was next recognized in behalf of their budget request. Mr. Raper informed Council as to what progress had been made in the development of the Confederate Arsenal Site and house. He also provided information on the development of the Cross Creek Park from Ann Street to Cool Spring Street.

Mr. Neill Fleishman was recognized for the Friendship House. Mr. Fleishman informed Council of the activities of the Friendship House and requested an appropriation for the coming year for salaries. Mayor Lee informed Mr. Fleishman that budget request had not been received from him. Mr. Fleishman made a verbal request for the sum of \$9,500.00 for salaries for the coming year and stated that he would get a written request to the City Manager.

A Mr. Joseph Pillow was recognized. He requested that Council give consideration to citizen input into the budget next year. He mentioned the work that needed to be done on Langdon Street and Jasper Street. He also requested citizen participation in the Revenue Sharing Funds. The City Manager stated that the work on Langdon Street and Jasper Street is completed, near completion, and/or funded in this year's budget.

This public hearing was then adjourned at 8:25 o'clock P.M., upon motion made and duly seconded.


Maurice W. Downs
City Clerk

SPECIAL MEETING
CITY HALL COUNCIL CHAMBER
THURSDAY, JUNE 13, 1974
8:30 P. M.

Present: Mayor Jackson F. Lee

Council Members: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly


Mayor Lee called this special session to order immediately after the conclusion of the public hearing on the budget to hear a Public Works Commission matter. Council recognized Mr. Muench, Manager of PWC, who stated that the city-county Liaison Committee had met with PWC as directed by Council on May 27 concerning the sale of electric lines to the South River Electric Membership Corporation, said lines being located in College Downs Subdivision. The recommendation of the Liaison Committee and PWC is that the City approve the sale of these electric lines to South River Electric Membership Corporation.

Following brief discussion, Mr. Shaw offered motion to approve PWC accepting the offer of the South River Electric Membership Corporation to purchase the electric lines that PWC Manager Muench

mentioned along Andrews Road and within College Downs subdivision. Motion seconded by Mr. Godwin and carried unanimously.

Mr. George stated that there were only 17 days left in this month before the resignation of Mr. Singleton, the present City Attorney takes effect, and suggested that City Administration announce the vacancy of the City Attorney's position and start recruiting to fill such vacancy. The City Manager stated that two persons had indicated an interest in this position since the resignation of Mr. Singleton.

The meeting was then adjourned at 8:35 o'clock P.M., upon motion made and duly seconded.


Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JUNE 24, 1974
8:00 P. M.

Present: Mayor Pro Tem Beth Finch

Council Members: Harry Shaw, Vardell Godwin, Marie Beard, Glen Kelly

Council Members Absent: Mayor Lee and Councilman George

Others Present: Mr. Guy Smith, City Manager
Mr. R.G. Singleton, City Attorney
Mr. Monroe Evans, PWC
Mr. Ray Muench, PWC

Mayor Pro Tem Beth Finch, presiding in the absence of Mayor Lee, called the meeting to order. The invocation was offered by the Rev. Charles E. Kirkpatrick, McPherson Presbyterian Church, and the Pledge of the Allegiance to the Flag was led by Miss Carrie Marguglio, Senior Girl Scout Troop #279.

The first order of business was the presentation by Mayor Finch of a framed copy of the City's Certification of Appreciation to Specialist Abraham Reichman, U.S. Army, for an unselfish act of heroism in saving the life of Paul Hill in a swimming pool accident on June 9. Following the presentation, Specialist Reichman was accorded a vigorous round of applause from those assembled in the Council Chamber. Also present were Specialist Reichman's Commanding Officer from Ft. Bragg and a number of his Comrads-in-Arms.

Fayetteville Youth Council Representatives Pat Autry, Paul Arne, and Barbara High were recognized in the audience present to observe Council proceedings.

Upon motion by Mr. Shaw, seconded by Mr. Godwin and carried unanimously, Minutes of the Regular Meeting of June 10 were approved as submitted by the Clerk.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, A special meeting of June 13 was approved as submitted by the Clerk.

Upon motion by Mrs. Beard, seconded by Mr. Godwin and carried unanimously, A second special meeting of June 13 was approved as submitted by the Clerk.

A public hearing was held as continued from the meeting of June 10 on the annexation of property located on both sides of Boone Trail between Owen Drive and Fargo Drive pursuant to petition. Planning Board recommended approval.

Mr. Eugene England, a petitioner, was recognized for the annexation.

Mr. William Cain, a resident property owner in the area, was recognized against annexation.

The Clerk reported that the petition of opposition to annexation submitted at the meeting of June 10 was valid in that 14 of the 28 registered voters resident in the area had signed. Mr. Cain also presented an additional petition signed by 16 persons calling for a referendum on the question of annexation of this area.

Following lengthy discussion of this matter, Mr. Shaw offered motion that a referendum be called, seconded by Mr. Godwin and carried unanimously, Mayor Finch stated that the date for such referendum would be set at the next regular meeting.

A public hearing had been published for this date and hour on the rezoning from R10 Residential District to C1P Shopping Center District or to a higher classification of an area located at 3008 Raeford Road. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R10 RESIDENTIAL DISTRICT TO C1P SHOPPING CENTER DISTRICT AN AREA LOCATED AT 3008 RAEFORD ROAD. ORD NO. NS-1974-51.

Mr. Godwin introduced the foregoing ordinance and moved its adoption, seconded by Mr. Shaw and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book #NS-1974.

A public hearing had been published for this date and hour on the rezoning from R5 Residential District to P2 Professional District or to a higher classification of an area located at 1310, 1314, 1318 and 1320 Ft. Bragg Road pursuant to petition. Planning Board recommended denial.

Attorney John Blackwell was recognized for the petitioners. The Clerk reported the receipt of a petition of opposition filed this date but not filed in time to be validated. The petition bore three signatures of property owners resident in the area.

Council recognized Mr. Gary R. Peoples, resident propertyowner in the area, in opposition. Twenty persons also stood in opposition.

A Mr. Earl Bandy, Mr. Mason Hicks, Jr., Dr. K.H. Suggs and Dr. M.S. Suggs resident property owners were also recognized individually in opposition to this rezoning.

Following brief discussion, Councilman Godwin offered motion that the area be rezoned as petitioned, seconded by Mr. Kelly.

Mr. Shaw offered substitute motion to deny the petition for rezoning but the motion failed for lack of a second.

Councilman Shaw then offered motion further substitute motion to continue this public hearing to the next regular meeting. Motion seconded by Mr. Kelly and carried by the following vote; For: Council Members Shaw, Kelly, and Finch; Against: Council Members Godwin and Beard.

A public hearing was held as published on the rezoning from R6 to M2 or to a higher classification of an area located at Fairview Subdivision east of Fourth Street and adjacent to the Seaboard Coastline Railroad property. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R6 RESIDENTIAL DISTRICT TO M2 INDUSTRIAL DISTRICT AN AREA LOCATED AT FAIRVIEW SUBDIVISION EAST OF FOURTH STREET AND ADJACENT TO THE SEABOARD COASTLINE RAILROAD PROPERTY. ORD. NO. NS-1974-52.

Mr. Godwin introduced the foregoing ordinance and moved its adoption, seconded by Mr. Shaw and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book #NS-1974.

A public hearing had been published for this date and hour on an amendment to the Fayetteville Zoning Ordinance amending Section 32-26, P1 Professional District to include the following permitted use as specified (8) Orthotics and Prosthetics Clinics. Planning Board recommended approval. There was no opposition present.

Following some discussion, Mrs. Beard offered motion to continue this matter to the next regular meeting. The motion received no second.

AN ORDINANCE AMENDING SUB-SECTION 5 OF SECTION 26 OF CHAPTER 32 OF THE FAYETTEVILLE CODE OF ORDINANCES-ADDING ORTHOTICS AND PROSTHETICS CLINICS AS PERMITTED USES IN THE P1 PROFESSIONAL DISTRICT. ORDINANCE NO. S-1974-9.

Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried by the following vote: For: Council Members Kelly, Godwin and Shaw; Against: Council Members Beard. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ord. Book #S-1974.

A public hearing had been published for this date and hour on the rezoning from R5 Residential District to C3 Heavy Commercial District or to a higher classification of an area located at 640 Hillsboro Street. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R5 RESIDENTIAL DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED AT 640 HILLSBORO STREET. ORD. NO. NS-1974-53.

Mr. Godwin introduced the foregoing ordinance and moved its adoption, seconded by Mr. Shaw and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ord. Book #NS-1974.

A public hearing had been published for this date and hour on the initial zoning to R5A, R6, and M2 or to higher classifications of an area located in the northernmost part of the City bounded by the Cape Fear River on the east and a C.P.&L. easement to the north. Planning Board recommended R6 Residential District zoning for Tract 1, R10 Residential District zoning for Tract 2 and PND Planned Neighborhood District zoning for Tract 3.

The Clerk informed Council that although this is an initial zoning matter and not subject to the 3/4 vote provision of Council, a petition in opposition to the M2 zoning had been submitted and signed by 78 persons resident in the area.

Mr. Monroe Evans, a resident in the area, was recognized and requested R10 Residential District zoning for the entire area. Thirteen persons stood opposed to M2 and in favor of R10. Mr. Evans also submitted petitions of opposition to M2 and favoring R10 signed by 186 persons in the area.

There was considerable discussion of this matter.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY R6 RESIDENTIAL DISTRICT FOR TRACT 1, R10 RESIDENTIAL DISTRICT FOR TRACT 2, AND PND PLANNED NEIGHBORHOOD DISTRICT FOR TRACT 3 OF THE AREA LOCATED IN THE NORTHERNMOST PART OF THE CITY AND BOUNDED BY THE CAPE FEAR RIVER ON THE EAST AND A C.P.&L. EASEMENT TO THE NORTH. ORDINANCE NO. NS-1974-54.

Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried by the following vote: For: Council Members Shaw, Godwin and Kelly; against: Council Member Beard. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book #NS-1974.

A public hearing had been published for this date and hour on the initial zoning to R5A Residential District, PND Planned Neighborhood District, C1P Shopping Center District and P2 Professional District or to higher classifications of an area located in the northernmost part of the City lying between Cape Fear River and Raleigh Road, including Cedar Woods Apartments and the southern part to the Methodist College property. Planning Board recommended approval of the initial zoning as advertised.

Mr. Sibley Law, a resident property owner in the area, was recognized with a question on the PND zoning but not in opposition. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY TO C1P SHOPPING CENTER DISTRICT OF TRACT #1, R5A RESIDENTIAL DISTRICT OF TRACT #2, P2 PROFESSIONAL DISTRICT OF TRACT #3 AND 4 AND PLANNED NEIGHBORHOOD DISTRICT OF TRACT #5 OF THE AREA LOCATED IN THE NORTHERNMOST PART OF THE CITY LYING BETWEEN CAPE FEAR RIVER AND RALEIGH ROAD, INCLUDING CEDAR WOODS APARTMENTS AND THE SOUTHERN PART OF THE METHODIST COLLEGE PROPERTY. ORD. NO. NS-1974-55.

Mr. Godwin introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book #NS-1974.

This concluded the public hearings.

Upon motion by Mr. Kelly, seconded by Mr. Shaw and carried unanimously, a public hearing was ordered published for July 22, 1974 on a petition for the rezoning from R5 Residential District to C3 Heavy Commercial District or to a higher classification of an area located at 324 Cumberland Street.

PLANNING BOARD MATTERS

Council next gave consideration to preliminary subdivision review of the Murchison Road Redevelopment area, project located on Murchison Road and Cumberland Street, Project Number N.C.R. 90, Section II-B and I Division. Planning Board recommended approval.

Council recognized Mr. Charles Fairley, Executive Director of the Fayetteville Redevelopment Commission, who requested Council's approval of this preliminary subdivision review.

Following brief discussion, Mr. Godwin offered motion, seconded by Mr. Kelly for preliminary subdivision review approval of the foregoing as requested by the Fayetteville Redevelopment Commission and as recommended by the Planning Board. Motion carried unanimously.

PUBLIC WORKS COMMISSION

Upon motion by Mr. Shaw, seconded by Mr. Kelly and carried unanimously, an application by Mr. Dewey K. Strother for a 1-inch water connection in Vineland Drive for service to a proposed apartment building outside the city was approved.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, an application by a Mr. Jadie Atkins for a 1-inch water connection in River Road for service to a residence outside the city was approved.

Upon motion by Mrs. Beard, seconded by Mr. Godwin and carried unanimously, the low bid by the R.W. Moore Company in the amount of \$13,391.58 for the purchase by PWC of a tractor-backhoe and loader was approved.

Council next heard a report from the City Attorney and a review of the status of Council's action taken at the June 10, 1974 meeting regarding a satellite annexation of property located at the intersection of U.S. 401 north, Raleigh Road and Carvers Falls Road as petitioned for by a Dr. Jack Hill. Attorney Singleton stated that after Council's action at the last meeting, he had been contacted by Dr. Hill's Attorney, Mr. Stacy Weaver, who stated that under the present law, two readings of a proposed satellite annexation are required by Council. Attorney Singleton stated that he had also been contacted by Mr. Norwood Bryan of the State Legislature, who also stated that two readings were required. Attorney Singleton stated that his investigation of the matter had revealed that only one hearing had been held by Council and that this hearing had been improperly advertised as to the statutory reference in the newspaper advertisement, the dates of public hearings and the fact that only one public hearing had been held. In view of these circumstances, he recommended that Council null and invalid its annexation of this tract under the satellite annexation provisions on June 10.

Mayor Finch then polled the Council and there being no opposition, she declared the action of the Council on June 10 pertaining to the foregoing satellite annexation and numbered Annexation #140 to be nulled and invalid.

Council next gave consideration to the acquisition of a site for a future fire station. In a memorandum to the Council, the City Manager stated that Lots 12 and 13 located at the intersection of McPherson Church Road and Cliffdale Road are owned by a Mr. Joe McArthur. Mr. Lacy Godwin has appraised the lots and has received a verbal indication from the owner that he might sell them to the City for \$15,000.00. The owner may not sell the property for this price.

Fire Chief Bishop has examined the property and studied this location in regard to fire zone coverage and recommends the acquisition of the site for a future fire station.

Without publically revealing the proposed acquisition price at this time, it is recommended that the City Manager on behalf of the city be authorized to purchase this property for the amount of \$15,000.00

Following brief discussion, Mr. Shaw offered motion, seconded by Mr. Godwin that the City Manager be and he hereby is authorized to negotiate for the purchase of the aforementioned property for the amount of \$15,000.00 as recommended. Motion carried unanimously.

Council next gave consideration to the approval of the assessment of a lien to cover costs of demolition of a substandard building at 212 S. King Street. Mr. M.G. LaMar, Chief Housing Inspector for the City, stated that the dwelling was ordered demolished by Council on February 25, 1974. The dwelling was demolished by Mr. Rufus Washington on May 15, 1974 at a cost of \$175.00. Approval of the proposed ordinance presented will effect a lien against the real property for the demolition cost incurred.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL ASSESSING A LIEN IN THE AMOUNT OF \$175.00 AGAINST PROPERTY LOCATED AT 212 SOUTH KING STREET AND OWNED BY MRS. BETTY B. MAINOR. ORD. NO. NS-1974-56.

Mr. Kelly introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously at 9:50 o'clock P.M. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ord. Book #NS-1974.

Upon motion by Mr. Kelly, seconded by Mrs. Beard and carried unanimously, applications for Taxi Cab Driver Permits were approved as recommended by the Taxi Cab Inspector, Chief of Police, and City Manager for the following named: JAMES E. BUIE AND JAMES A. HERRING

Council next gave consideration to appointments to several Board and Commissions.

By the casting of ballots, the following named were appointed or reappointed to the Airport Commission for two year terms of office each-said terms expiring in June 1976; MR. JOHN PATE-NEW APPOINTEE: MR. J.A. HOLLINGSWORTH AND MR. JULIAN HUTAFF-REAPPOINTED.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, the following named was appointed to the Public Works Commission for a three year term of office said term expiring in June 1977. MR. JAMES WARNER

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, the following named to the Board of Trustees Public Works Commission Retirement Plan for a term of five years said term expiring in June 1979. MR. HAROLD LINDER, ACCOUNTANT

Upon motion by Mr. Shaw, seconded by Mrs. Beard and carried unanimously, the following named was reappointed to the Cumberland County Joint Planning Board for a four year term of office said term expiring in June 1978. MR. STERLING WRAY.

Council next gave consideration to two ordinances relating to prohibition of right turns on red traffic lights. The City Manager stated that the General Assembly had passed a law effective July 1, that any vehicle may make a right turn on red traffic light unless a city adopts an ordinance prohibiting such. He presented an ordinance which would establish traffic schedule #16 entitled "Prohibiting Right Turn on Red Signal" and a proposed ordinance establishing certain intersections within the city at which right turn on red signals are prohibited as requested by the City Engineer following a study of such intersections. A brief discussion followed.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NC RESCINDING SECTION 20-106 AND ESTABLISHING ANEW SECTION 20-106 TRAFFIC SCHEDULE ADOPTED-ADDING TRAFFIC SCHEDULE #16. ORD. NO. NS-1974-10

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

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE-TRAFFIC SCHEDULE #16-PROHIBITION OF RIGHT TURN ON RED SIGNAL AT CERTAIN SPECIFIED INTERSECTIONS. ORDINANCE NO. NS-1974-57.

Mr. Godwin introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously. Copies of both of these foregoing ordinances are on file in the office of the City Clerk.

The former in Ordinance Book #S-1974 and the latter in Ord. Book #NS-1974.

There were no delegations present.

CITY MANAGER REPORTS

The City Manager made a report to the Council on the status of substandard structures owned by Mr. Quincy Scarborough for which demolition orders by the city were deferred. The City Manager reported that Mr. Scarborough's property located at 2331 Lake Avenue was now in full compliance with code requirements. The City Manager reported that Mr. Scarborough's property at 416 Blount Street had been demolished but the lot had not been cleared as yet. He reported that Mr. Scarborough's property at 452 Robeson Street was now being demolished. He recommended that Mr. Scarborough be granted an additional two weeks extension to complete this work. Mr. Scarborough was present and stated that he could complete it within this time.

Mr. Shaw offered motion, seconded by Mr. Kelly to follow the foregoing recommendation of the City Manager and grant Mr. Scarborough an additional two weeks extension until the next regular meeting of the Council. Motion carried unanimously.

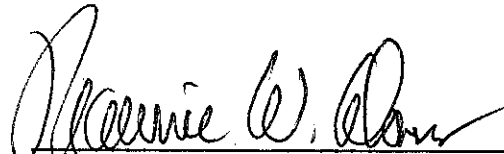
The City Manager reported the resignation of Mr. Robert J. Pare from the Fire Department. Council noted the resignation.

MATTERS OF INTEREST TO THE CITY COUNCIL

Mayor Finch stated that vehicles, and especially large trucks, were still parking in front of the Wachovia Building on Green Street. She requested that the no parking ordinance at this location be enforced as it was creating a hazard generally, and particularly for persons using the drive-in window, as it was obstructing the view of traffic moving southwardly along Green Street in front of the Bank.

Mayor Finch then expressed her personal appreciation to City Attorney Singleton for his work during the past two years as City Attorney.

Thereafter, all matters of business having been completed, the meeting was adjourned at 10:10 o'clock p.m., upon motion made and duly seconded.



Maurice W. Downs
City Clerk



SPECIAL MEETING
COUNCIL CHAMBER KYLE HOUSE
MONDAY, JULY 1, 1974
12: 00 NOON

Mayor Jackson F. Lee

Council Members: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard

Council Member Absent: Glen Kelly

Others Present: Mr. Guy Smith, City Manager
Mr. William Thomas, Assistant City Manager
Mr. George McCarthy, Finance Director

Mayor Lee called the meeting to order and announced its purpose was to give consideration to final approval to the budget for the fiscal year 1974-1975.

Following a general discussion of the various aspects of the budget of approximately one hour's duration, Mr. George offered motion that the funds for the public relations employee, the personnel technician and the full-time Attorney be deleted from the budget, motion seconded by Mrs. Beard but failed to carry by the following vote: For: Council Members Beard and George; Against: Council Members Godwin, Shaw, and Finch.

Mr. George then offered motion that any adoption or consideration of this budget be restricted to the allocation of funds for the purpose indicated that have nothing to do with change of organization of city government. The motion received no second.

Mr. Shaw then offered for adoption of the 1974-1975 budget appropriation ordinance, seconded by Mr. Godwin.

Mr. George then offered substitute motion that that part of the city budget necessary to pay the Debt Service be adopted first and then the other part considered, motion seconded by Mrs. Beard and carried unanimously. (Debt Service Fund-For the payment of interest and principle on outstanding debt-\$0.070 cents)

Mr. Shaw then offered motion for the adoption of the General Fund Budget, seconded by Mr. Godwin and carried by the following vote: For: Mr. Shaw, Mrs. Finch and Mr. Godwin; Against: Mr. George and Mrs. Beard. (General Fund-For the general expenses incident to the proper government of the city-\$0.550 cents)

The ordinance title appears below:

1974-1975 BUDGET APPROPRIATION ORDINANCE NO. NS-1974-58.

Mr. Shaw then offered motion, seconded by Mr. Godwin for the adoption of the entire budget ordinance. Motion carried by the following vote: For: Mr. Shaw, Mr. Godwin, and Mrs. Finch; Against: Mr. George and Mrs. Beard.

1974-1975 BUDGET ORDINANCE - CITY OF FAYETTEVILLE PARKING FACILITY OPERATING BUDGET ORDINANCE. ORD. NO. NS-1974-59.

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

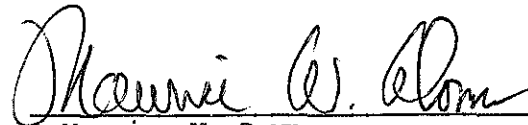
AN ORDINANCE LEVING, ASSESSING AND IMPOSING THE LICENSE AND PRIVILEGE TAXES FOR THE CITY OF FAYETTEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1974 AND ENDING JUNE 30, 1975. ORD. NO. NS-1974-60.

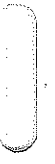
Mrs. Finch introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously.

Copies of all of the foregoing ordinances are on file in the City Clerk's Office in Ordinance Book #NS-1974.

Mr. George then offered motion that the Budget Salary Data be considered a part of the City Budget and be declared a public document the same as the City Budget, motion seconded by Mrs. Beard and carried unanimously.

Thereafter, all matters of business having been completed, the meeting was adjourned at 1:20 o'clock P.M., upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JULY 8, 1974
8:00 P.M.

Present: Mayor Jackson F. Lee

Council Members: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly

Others Present: Mr. Guy Smith, City Manager
Mr. Rudolph Singleton, Attorney
Mr. Robert Butler, PWC
Mr. Ray Muench, PWC

Mayor Lee called the meeting to order and led the assembly in the recitation of the "Lord's Prayer". Larry Fleishman, Fayetteville Youth Council led the assembly in the Pledge of the Allegiance to the Flag.

Mayor Lee then presented service pins to the following City Employees.

FIVE YEARS

Carl McKoy, Cemetery Department

TEN YEARS

Auburn Autry, Recreation & Parks Department
Joe D. McCall, City Tax Collector

TWENTY YEARS

Ava Sutton, Tax Department

Mayor Lee recognized the following Youth Council Representatives: Larry Fleishman, Susie Summerell, and Tracy Roberts.

Mayor Lee also recognized newly appointed Public Works Commissioner James R. Warner.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, Minutes of the Regular Meeting of June 24, 1974 were approved as submitted by the Clerk.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, Minutes of a Special Meeting of July 1, 1974 were approved as submitted by the Clerk.

Mayor Lee again recognized Larry Fleishman, representing the Fayetteville Cumberland County Youth Council, who made a contribution to the city in the amount of \$271.78 to purchase Bicycle Route Signs. Larry stated that this money was raised by the Youth Council through their activities. Mayor Lee expressed thanks for himself, for the Council and for the City for this generous act on the part of the Youth Council. Mayor Lee also commented on the Youth Council 4th of July holiday activities in the park.

A public hearing was held as continued from the last regular meeting of the Council on the rezoning pursuant to petition of an area located at 1310, 1314, 1318 and 1320 Ft. Bragg Road from R5 Residential District to P2 Professional District or to a higher classification. Planning Board recommended denial. Planner Sutton stated. Planner Sutton stated that a petition of consent signed by 11 persons had been submitted and also a petition of opposition signed by 61 persons had been submitted. The Mayor stated that the Clerk had received a further petition of opposition signed by 3 persons owning property adjacent to the area petitioned for rezoning. The Mayor stated that the Clerk had checked this petition of opposition and that it was valid; thus requiring a 3/4 vote of the Council before rezoning could be given to the area petitioned.

Attorney John Blackwell was recognized for the petitioner.

Mr. Mason Hicks, Dr. M.S. Suggs and approximately 30 persons present in the audience were recognized in opposition to this rezoning.

Following some discussion of this matter, Mr. Godwin offered motion to grant the rezoning request to P2 Professional District. The motion received no second and was lost.

Mrs. Finch then offered motion to follow the recommendation of the Planning Board and deny this petition for rezoning, seconded by Mrs. Beard and carried: FOR: MR. George, Mr. Shaw, Mrs. Finch and Mr. Kelly; AGAINST: Mr. Godwin and Mrs. Beard.

A public hearing was held as published on the annexation, pursuant to petition, of the Dennis Drake property off east Raynor Drive. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE EXTENDING THE CITY LIMITS TO INCLUDE THE DENNIS DRAKE PROPERTY LOCATED OFF EAST RAYNOR DRIVE. ANNEXATION #143.

Mr. George introduced the foregoing ordinance and moved its adoption, seconded by Mr. Shaw and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Annexation Book #1974.

A public hearing was held as published on a petition from William D. Hickman and others to release from dedication a portion of South Water Street and a portion of River (Walnut) Street located on the south side of Person Street at the Cape Fear River.

Attorney John Blackwell was recognized for the petitioners who stated they wished to develop the area. There was no opposition present. The City Manager and City Engineer recommended approval of the request except the Bullard and Capps property unless easements are granted by them for a force-main, water line and storm sewer line and an area in the flood-plain be filled in to the proper elevation to get it out of high water and restricted to 300 feet from the center line of the river and that the owners Hickman and Snow grant the city a flood way easement.

Following brief discussion, Mrs. Beard offered motion for the adoption of a resolution releasing the foregoing streets or portions thereof from dedication subject to the foregoing conditions recommended by the City Manager and the City Engineer, motion seconded by Mr. George and carried unanimously. The resolution title appears below.

RESOLUTION AND ORDER CLOSING ALL OF PORTIONS OF SOUTH WATER STREET AND RIVER (WALNUT) STREET.
RES. NO. R-1974-27.

A copy of the foregoing resolution is to be placed on file in the office of the City Clerk in Resolution Book #R-1974.

A public hearing was held as published on a request for a special use permit for a parking lot facility in an R10 Residential District and P2 Professional District to serve for additional parking in an area located off Boone Trail Extension between Owen Drive and Village Drive. Planning Board recommended approval subject to (1) that the development of the parking lot be in accordance with the plans as submitted and revised; (2) that a new scale plan be submitted indicating all the divisions as reviewed; (3) that no occupancy permit be issued for the use of the parking lot or ice rink until the parking lot construction is completed in accordance with the plan; and (4) that a barrier be erected to prevent thorough traffic to Dartmouth Drive.

Mr. Brian W. Bizzell, Mr. Elden Cook and Mr. John F. Welsh, resident property owners in Briarwood Hills, were recognized in opposition to the granting of this special use permit. Mr. Bizzell also presented a petition of opposition signed by several other residents in the area.

Councilman Kelly requested and received permission from the Mayor to abstain from discussing or voting on the matter.

Following lengthy discussion, Mr. George offered motion to continue this matter to the next regular meeting, seconded by Mrs. Beard.

Mr. Shaw offered substitute motion to deny this request for a special use permit. Motion seconded by Mrs. Finch and carried by the following vote: FOR: Mr. Godwin, Mr. Shaw, Mrs. Finch; AGAINST: Mr. George and Mrs. Beard, abstaining Mr. Kelly.

Upon motion by Mr. Kelly, seconded by Mrs. Finch and carried unanimously, a public hearing was ordered published for August 26, 1974 on a petition to close the western end of Beckwith Avenue as a public thoroughfare by the adoption of the following resolution. The resolution title appears below: RESOLUTION TO CLOSE THE WESTERN END OF BECKWITH AVENUE AS A PUBLIC THOROUGHFARE PLANNING BOARD MATTERS AND NOTICE OF PUBLIC HEARING. RES. NO. R-1974-28.

Council next gave consideration to a revision to Bordeaux Shopping Center Plan. Planner Sutton stated that this revision was recommended by the Planning Board subject to the following conditions: (1) submission of a detail site plan for the entire building area of the ice rink (arena); (2) that this revision be approved only if the special use permit is granted for the additional parking required to service the ice rink (arena). Planner Sutton stated that the special use permit was the matter just considered and disapproved by Council.

Following brief discussion, Mrs. Beard offered motion to deny the foregoing revision to Bordeaux Shopping Center Plan, seconded by Mr. Shaw and carried Mr. Kelly abstaining to vote.

PUBLIC WORKS COMMISSION MATTERS

Mayor Lee recognized Public Works Commissioner Butler as the new Chairman of Public Works Commission. Commissioner Butler thanked the Mayor and asked for consideration for approval of the Bill of Sale with South River Electric Membership Corporation for electric lines along Andrews Road and within Section 1 of College Downs Subdivision for a total amount of \$117,026.15 and including authorization for the Mayor and Clerk to execute said Bill of Sale.

Mr. Godwin offered motion for approval of the Bill of Sale and that the Mayor and Clerk be and they hereby are authorized and directed to sign said Bill of Sale for the City. The motion was seconded by Mrs. Beard and carried unanimously.

Council heard further request from PWC for approval of bids received by PWC for construction of a rigid frame steel building for water and sanitary sewer construction and maintenance. The low bid of F.R. Bray in the amount of \$32,000.00 was recommended by PWC.

Upon motion by Mr. Kelly, seconded by Mr. Shaw and carried unanimously, the low bid of F.R. Bray in the amount of \$32,000.00 was approved as recommended by PWC.

Council next recognized City Manager Smith who requested Council's consideration of scheduling a special meeting to discuss the proposed ordinance regulating land uses within the floodway and flood plain of the City of Fayetteville.

Following some discussion, a special meeting was set for Monday, July 15, 1974, at 7:30 o'clock P.M. in the Kyle House.

Council next considered a petition requesting that a portion of Little Cross Creek be dredged. In a memorandum to the Council, the City Manager stated that several months ago, a request signed by about 20 of the residents abutting Little Cross Creek on the west side of Pamalee Drive was received. Mrs. J.D. Howard, one of the spokesmen, and Colonel Smith who developed most of the area are very interested in having the stream improved at this location. The City Engineer has estimated that the cost would be over \$38,000.00. The project would be difficult for equipment to work in the area. The City Manager stated that he had advised Mrs. Howard and Colonel Smith that the project would be considered after the budget was presented and the City Council could have a chance to consider all street projects and establish proprieties based upon available street construction funds. The City Manager stated that he had advised them the City has not heretofore accepted the responsibility for channeling streams which do not imperil city streets. The City Manager stated that most of the residential lots were designed with unusually deep side lot lines and with the rear lot lines near the stream channel because of the occasional flooding in the rear. While flooding conditions are probably more frequent than they were many years ago, the City Manager stated the extent the areas are under water for brief periods apparently are not increased significantly. The City Manager recommended the City should not assume this responsibility at general public expense but if the situation worsens, a drainage district should be established and assessments for the cost of improvements made to all the abutting property owners.

Following brief discussion, Mr. Shaw offered motion that no action be taken on this matter, seconded by Mrs. Beard and carried unanimously.

Council next considered a resolution setting a date for a referendum for the extension of the Fayetteville City Boundaries to include an area located on both sides of Boone Trail between Owen Drive and Fargo Drive. (A petition for a referendum had been submitted to the Council by the opponents of this annexation at the last regular meeting of the Council.)

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL CALLING A REFERENDUM ON SEPT. 3, 1974 FOR THE EXTENSION OF THE FAYETTEVILLE CITY BOUNDARIES OF PROPERTY LOCATED ON BOTH SIDES OF BOONE TRAIL BETWEEN OWEN DRIVE AND FARGO DRIVE. RESOLUTION NO. R-1974-29.

Mrs. Finch introduced the foregoing resolution and moved its adoption, seconded by Mr. Godwin and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book #R-1974.

The City Manager stated that bids for police and fire winter uniforms had been received and that after a thorough review and consultation with the chiefs of both departments, it was agreed to recommend the low bidder Castle Uniform Company be awarded the contract for supplying the police and fire department winter uniforms except that the fire department work jackets be awarded to the sole bidder Hub Uniform Company.

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

The City Manager gave a report on Mr. Quincy Scarborough's property whose demolition had been delayed on several occasions by City Council. The City Manager stated that Mr. Scarborough was essentially in compliance now with the code as it regulates sub-standard dwellings at the 2331 Lake Avenue location and the 416 Blount Street location, but that Council delay for an additional two weeks action on the 452 Robeson Street location.

Following brief discussion, Mr. George offered motion that the property be demolished and the debris removed by the city at any time after two weeks from this date at the 452 Robeson Street location, motion seconded by Mrs. Beard and carried unanimously.

Council next considered appointments to Boards and Commissions.

The first appointment was to fill a vacancy on the PWC created by the resignation of Mr. Monroe Evans. Mr. Shaw nominated Mr. Harry B. Stein; Mr. George nominated Mr. Fred Byrd. Ballots were then cast and the Mayor announced the election by Council of Mr. Harry B. Stein to the PWC to complete the term of Mr. Monroe Evans said term expiring in June 1975.

The Mayor stated that two terms on the Board of Adjustment would expire in July; that of Mr. Ben Huske and that of Mr. Loyd. The Mayor stated that Mr. Huske has indicated that he did not wish reappointment but that Mr. Loyd would. Action on these appointments was deferred to the next regular meeting of the Council.

Mrs. Beard then stated that she would like to see a change in the appointment policy inasmuch as she felt she did not have time to consider the nominees for these vacancies. She moved that the name of the nominees be placed at the next meeting and then voted on at the meeting two weeks hence. The motion received no second.

Council next considered Taxi Cab Driver Permits.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, a taxi cab driver permit was approved for George Lilly as recommended by the Taxi Cab Inspector, Chief of Police and City Manager.

An application for a taxi cab driver permit by James Rowell was recommended for disapproval. Mr. Rowell was not present in the audience. Councilman Godwin then offered motion to disapprove the application of James Rowell for a taxi cab driver permit as recommended. Motion seconded by Mr. Shaw and carried unanimously.

There were no delegations present.

CITY MANAGER REPORTS

The City Manager reported the certification of T.E. Bradley to the Police Dept. Mr. Kelly offered motion, seconded by Mr. Godwin that Mr. T.E. Bradley be appointed to the Police Dept. as recommended by the Civil Service Commission, Chief of Police and City Manager. Motion carried unanimously.

The City Manager reported the following resignations from the Police Dept. SAMUEL WHITE, A.G. VENCIL, C.D. BASS, C.F. CONERLY, J.M. GREEN, W.L. WARREN AND MRS. SHIRLEY B. TABRON. The resignations were noted by Council.

Council heard request from the City Manager for authorization to secure appraisals and to negotiate for the acquisition of 49 parcels of land along Jasper Street for right-of-way. The City Manager stated that acquisition price in no case would exceed the appraised value. Without objection from the Council, the City Manager was authorized to secure appraisals and to negotiate for the acquisition of said parcels with no prices to exceed the appraised value.

Councilman George suggested that the City employees involved in this appraisal and negotiation be directed to first knock upon the doors of the residents in this area and identify themselves as city employees before going upon private property. The City Manager indicated that this would be done.

The City Manager reported that at the last regular meeting, Council had authorized the acquisition of two lots at the corner of McPherson Church Road and Cliffdale Road for a new fire station site. The City Manager reported that a restrictive covenant existed on the first lot; however, for an additional \$500.00 another lot 500 feet further west is available on the same road. He requested authorization to negotiate for the acquisition of this new tract.

Mr. Kelly offered motion that the City Manager be and he hereby is authorized to negotiate for the foregoing tract as requested. Motion seconded by Mr. Godwin and carried unanimously.

Mr. Singleton reported to the Council that the City's Massage Parlor Ordinance had been found constitutional by the Supreme Court.

The City Manager reported that assessment rolls had been completed for the paving of Sessoms Street, Bullard Street, Teachers Drive, Montgomery Street and Buxton Boulevard and that a public hearing should be set to confirm these assessment rolls.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENTS ON SESSOMS STREET, BULLARD STREET, TEACHERS DRIVE, MONTGOMERY STREET AND BUXTON BOULEVARD. RES.NO. R-1974-30.

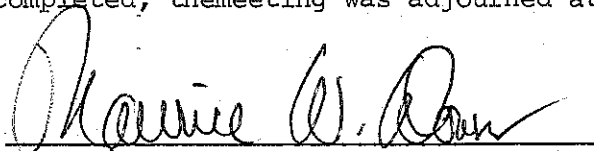
Mrs. Finch introduced the foregoing resolution and moved its adoption and that a public hearing be set confirmation of the foregoing assessment roll on August 12, 1974, motion seconded by Mr. Shaw and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book #R-1974.

MATTERS OF INTEREST TO THE CITY COUNCIL

Councilman George suggested that some procedure be set for receiving and processing of applications for the City Attorney position. The City Manager stated that he was still receiving applications for this position and that they were being submitted in regular outline form. Mayor Lee suggested, and it was agreed, that a deadline of August 1, 1974 be set for receiving such applications.

Mayor Lee suggested, and it was agreed, that the Building Inspector's Office be requested to check the allegations of zoning violations made by Mr. Mason Hicks at one of the public hearings earlier this evening.

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


Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JULY 22, 1974
8:00 P.M.

Present: Mayor Jackson F. Lee

Council Members Present: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly

Others Present: Mr. Guy Smith, City Manager
Mr. R.G. Singleton, Acting City Attorney
Mr. Jim Warner, PWC
Mr. H.B. Stein, PWC
Mr. R.A. Muench, PWC

Mayor Lee called the meeting to order and the invocation was offered by the Rev. T.J. Fulk, Immanuel Baptist Church. Pat Autry of the Fayetteville Youth Council led the Pledge of the Allegiance to the Flag.

The Mayor then presented framed copies of the City's Certification of Appreciation to the following named: Capt. C.D. McLaurin of the Fayetteville Police Dept. upon his retirement after serving the City as a Police Officer since Sept. 1940; Mr. Ernest L. Murray for his service as a member of the Board of Appeals, Mr. Russ Crowell for his service as a member and Chairman of the Airport Commission; Mr. Monroe Evans for his service as a member and Chairman of the Public Works Commission.

Mayor Lee then recognized Youth Council Representatives Tracey Roberts, Pat Autry and Karen Honeystuffle in the audience to observe Council proceedings.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, Minutes of the Regular Meeting of July 8, 1974 were approved with the following amendment: "That the vote of Mrs. Beard on the Ft. Bragg Road rezoning matter be recorded as a vote for the motion of denial of such rezoning instead of a vote against denial of such rezoning".

A public hearing was held as published for this date and hour on a petition for the rezoning from R5 Residential District to C3 Heavy Commercial District or to a higher classification of an area located at 324 Cumberland Street. Planning Board recommended denial. The petitioners were not present when called.

A Mr. Olen Gerald, Sr., resident property owner at 216 Cumberland Street, was recognized in opposition to this rezoning and presented a 105 name petition of opposition. Also a Mrs. Frances Cox was recognized for her mother, Mrs. Fleeta Askea, another resident property owner in opposition.

Following brief discussion, Mr. Godwin offered motion that the foregoing petition for rezoning be denied, seconded by Mr. Kelly and carried unanimously.

Mayor Lee then recognized Mr. Ben Huske, III who had not been present earlier in the meeting and presented him with a framed copy of the City's Certificate of Appreciation for his service as a member and Chairman of the Board of Adjustment.

Upon motion by Mr. Kelly, seconded by Mrs. Beard and carried unanimously, public hearings were set for the following matters on August 26, 1974.

- A. The initial zoning to C1 Local Business District, P2 Professional District and R10 Residential District or to higher classifications of an area located east of Boone Trail being part of the Pleasant Valley Subdivision.
 - B. The initial zoning to R10 Residential District or to a higher classification, an area located north of Morganton Road adjacent to Huntington Park Subdivision.
 - C. The initial zoning to R6 Residential District and R5A Residential District or to a higher classification of an area located south of Johnson Street (Bonnie Doone).
- Upon motion by Mr. Kelly, seconded by Mrs. Beard and carried unanimously, a public hearing was also set on the confirmation of paving assessments on Kennedy Street, Buie Court and Player Avenue by adoption of the following resolution:

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLLS FOR THE PAVING AND OTHER IMPROVEMENT ON KENNEDY STREET, BUIE COURT AND PLAYER AVENUE. RES. NO. R-1974-31.

A copy of the foregoing resolution is on file in the office of the City Clerk in Res. Book #R-1974.

PLANNING BOARD MATTERS

Council next gave consideration to preliminary group development review of Pinecrest Apartments located on the west side of Pinecrest Drive just north of Mirror Lake Drive. Mr. Godwin asked Mr. Singleton if the City Council could grant a variance on this matter according to the code. Mr. Singleton replied that the Planning Board must have a finding for and a recommendation on this matter before Council can act to grant a variance.

Attorney Duane Gilliam was recognized for the petitioner, Mr. Jack Lytton. Mr. Gilliam requested that Council refer this matter back to the Planning Board for a finding and recommendation.

Attorney Henry W. Witcover was recognized, representing residents of the area opposed to this matter and opposed to the referral of this matter back to the Planning Board.

Council took no action on the foregoing matter.

PUBLIC WORKS COMMISSION MATTERS

Mayor Lee welcomed Mr. Stein back to the Council Chamber as a newly elected member of the Public Works Commission and recognized him on PWC Matters.

Upon motion by Mr. Shaw, seconded by Mrs. Finch and carried unanimously, approval was given to an application by Pioneer Real Estate Corporation for a 2-inch water connection on Hogan Street (off Murchison Road) to an existing 6-inch water main outside the city to serve existing apartments.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, approval was given to an application by the Church of God Prophecy for two 1-inch connections to an existing water main in Legion Road outside the city to serve an existing church and parsonage.

Upon motion by Mr. Shaw, seconded by Mr. Godwin and carried unanimously, approval was given to the following low bids as recommended by PWC and that the Mayor and Clerk be and they hereby are authorized and directed to sign contracts for same for the construction of Laboratory-Operations Building (part of additions and alterations of Cross Creek Waste Treatment Plant; 80% of cost to be funded by Federal and State Grants) as follows: Division D: General Construction - Pleasant Inc. \$363,323.00; Division E: Electrical Construction - Dixie Industrial Electric \$77,925.00; Division F: Plumbing Construction Mimsco Inc. \$34,400.00; Division G: Heating and Air Conditioning - City Appliance and Air Conditioning - \$28,430.00. A total of \$504,078.00.

Council next gave consideration to a PWC request for the approval of an agreement between PWC and the County for the extension of water and sanitary sewer outside the city to serve an area along U.S. Highway 301 South including the Western Publishing Company now under construction. Mr. Stein stated that the County will pay 50% of the cost of these extensions not to exceed the sum of \$210,000.00.

Following brief discussion, Mr. Godwin offered motion, seconded by Mrs. Finch for approval of the foregoing agreement and that the Mayor and Clerk be and they hereby are authorized and directed to sign said agreement for the City. Motion carried unanimously.

Council next gave reconsideration to a request and petition by the property owners of Forest Hills Subdivision to dredge a stream (Little Cross Creek) from Mintz Pond south of Pamalee Drive near Cain Road. The City Manager stated that due to a misunderstanding, this matter had been presented at the July 8 meeting and the petitioners had understood that the matter would be presented on this date and therefore were not present on July 8.

Council recognized Colonel Milton Ingeman, a Forest Hill's resident, who stated that silt from the Pamalee Square Apartments construction upstream was filling the stream bed and causing the stream flood in the Forest Hill area. He stated further that an observation made by himself and the City Engineer this date was that the contractor had actually dammed the stream by a pipe installation which was contributing to the flooding condition. He requested that Council act to clear or have cleared the stream of this obstruction. He also called Council's attention to the erosion control ordinance.

Mayor Lee informed Colonel Ingeman that a model erosion control ordinance had been submitted by the Council to the State and that it had been returned recently with proposed changes and that action was anticipated soon on this ordinance.

The City Manager recommended to Council in view of the City Engineer's investigation of this problem to have the contractor to remove these obstructions which were damming the stream in order to alleviate the problem of flooding.

In response to an inquiry, PWC Manager Muench stated that although Little Cross Creek feeds into the Glenville Lake Watershed PWC does not dredge lake tributaries normally.

A Mrs. Howard, a Forest Hill resident, was recognized and stated that water from Little Cross Creek was backing on to her property.

Colonel S.E. Smith, another Forest Hill resident, was recognized in support of the request and also stated that over the years windfalls were also adding to the problem of blockage of the stream flow.

Mayor Lee then suggested that the City Engineer and City Manager contact the contractor who constructed Pamalee Square Apartments and that meanwhile City Council has no policy to dredge streams but it does have the authority to set up drainage districts and assess for the cost of improvements made to all abutting property owners. Councilman Shaw also suggested that the City Engineer check for the windfalls mentioned by Colonel Smith and have them removed if existing but that no drag line operations be started. The City Manager and City Engineer were requested to investigate and to report back to Council at a later meeting on this matter.

The PWC members were then excused from the meeting.

Council next gave consideration to a request by D.R. Allen & Sons to construct a pedestrian foot bridge across Cross Creek approximately 150 yards upstream from Green Street to serve the Wachovia Building from the city leased municipal parking lot #1. A representative from D.R. Allen was present and displayed a sketch of the proposed bridge. There was a brief discussion

of the request and Council was in general agreement with the proposal, but some objection was voiced by some members of the Council to the bridge supports being placed in the stream. Mr. Allen's engineer stated that this objection could be overcome by a change in design.

Following further brief discussion, Mr. Godwin offered motion to refer this request to the City Engineer for study and recommendation at a later date. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to a request from the Dept. of Transportation for the execution by city of a right-of-way encroachment contract for the Owen Drive storm drainage project. In a memorandum to the City Manager, the City Engineer stated that he believed the city should do everything possible to clear the obstacles in case the Dept. of Transportation should approve funding for this project. The project drainage line was to run through and across several streets maintained by the Highway Dept. The Dept. of Transportation has determined they will have to have an encroachment agreement from the city. The agreement is a standard type and does not impose any obligation on the city that will not in turn be imposed on the contractor doing the work.

Following brief discussion, Mrs. Finch offered motion, seconded by Mr. Godwin and carried unanimously, that the Mayor and Clerk be and they hereby are authorized and directed to execute the foregoing encroachment agreement with the Dept. of Transportation in behalf of the city.

The City Manager informed Council that bids had been received on the city's tires, re-capping and battery needs for the coming year and the recommendations were as follows: Passenger tires, motorcycle tires, recapping and batteries to Corder-Vossler Inc. Small truck tires, and large truck tires, tractor tires and motorgrader tires to Raynor-McLean Tire Company. Effective date of the foregoing contracts are from August 12, 1974 to August 11, 1975.

Mr. Godwin offered motion to follow the foregoing recommendation of administration and to award the bids as recommended, seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to a proposed ordinance from the Chief Housing Inspector imposing a lien against property located at 204 Campbell Avenue for the demolition of a sub-standard dwelling.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL ASSESSING A LIEN IN THE AMOUNT OF \$350.00 AGAINST PROPERTY LOCATED AT 204 CAMPBELL AVENUE AND OWNED BY GEORGE R. POTTER AND BETTY C. SESSOMS POWER OF ATTORNEY. ORD. NO. NS-1974-61-

Mrs. Finch introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously at 8:58 P.M. o'clock. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book #NS-1974.

Council next considered an application for a taxi cab driver permit.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, a taxi cab driver permit was approved for the following named as recommended by the Taxi Cab Inspector, Chief of Police and City Manager. JOSEPH JOHNSON

There were no delegations present.

Council next considered several appointments.

Upon motion by Mr. Godwin, seconded by Mr. George and carried unanimously, Mr. Robert H. Butler, the PWC Chairman, was appointed to the Board of Trustees of the PWC Retirement Plan to complete the term of Mr. Thurman Williams, resigned, said term expiring in June 1976. (The Chairman of the PWC serves concurrently as a member of the PWC Retirement Plan Board).

Upon motion by Mr. George, seconded by Mrs. Beard and carried unanimously, an appointment to the Board of Appeals on Dwellings and Buildings to replace Mr. Samuel Drake, deceased, and two appointments to the Board of Adjustment, Mr. Ben Huske, III and Mr. Royal Loyd, were deferred until the next regular meeting of the Council.

On the nomination of appointees to fill the various vacancies on the various Boards and Commissions from time to time, Mr. George offered a suggestion that the name of all nominees to be placed be made known to all of the Council members in advance of a meeting. This suggestion was discussed at some length but no official action was taken by Council to change the existing policy.

Mayor Lee then announced the resignation of Mr. Burt Melton as a member of the Planning Board and stated that this matter would also be considered at the next meeting.

CITYMANAGER REPORTS

The City Manager reported the certification by the Civil Service Commission of Mr. Timothy G. Playforth to the Fire Dept.

Upon motion by Mr. Kelly, seconded by Mrs. Finch and carried unanimously, Mr. Playforth was appointed to the Fire Dept.

The City Manager reported the following resignation from the Fire Dept.: STEPHEN B. HORNE
The resignation was noted.

Upon motion by Mrs. Finch, seconded by Mr. Kelly and carried unanimously, the following named were promoted to the Rank of Sergeant in the Police Dept.: J.K. FISCHER, P.H. PAULSON AND C.P. WARE.

The City Manager recommended to the Council that they adopt a resolution to instruct the City Tax Collector to collect 1974-1975 ad valorem taxes for the city in accordance with statutory requirements.

Mr. George offered motion, seconded by Mr. Godwin for adoption of the aforesaid resolution as recommended by the City Manager. Motion carried unanimously.

The City Manager recommended that Council consider initiating by satellite annexation procedure the annexation of property owned by the City on which some city facilities are located east of the river by the city writing a letter to the Planning Board.

Upon motion by Mr. Shaw, seconded by Mr. Kelly and carried unanimously, the Mayor was authorized to write a letter on the foregoing matter.

The City Manager gave Council a report on the alleged sign violations on Owen Drive. The City Manager stated that following Mr. Mason Hicks' allegations at the last meeting of such violations, he had instructed the City Building Inspector to make an investigation. The City Building Inspector had done so and made a report in the form of a letter back to the City Manager and copies of such report had been provided. The City Manager stated that the investigation had revealed some sign violations and that those persons had been notified by the Building Inspector to make the necessary corrections.

MATTERS OF INTEREST TO THE CITY COUNCIL

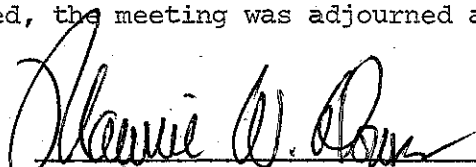
Mr. George asked about the progress on the Franklin Street Alley and the City Engineer reported that engineering was proceeding and was 2/3 completed and that specifications are being prepared now for bid letting.

Mr. George stated that a vacant lot existed off Jasper Street which had been allowed to deteriorate in an overgrown weed and brush condition and a lot of debris littering the lot. He asked if an ordinance existed regulating such conditions. The City Manager replied that there was and that he would have the matter investigated and corrected.

Mr. George asked the City Manager if new positions available in City Government were publicized in any manner. Assistant City Manager Thomas replied that the city does utilize the services of the North Carolina Employment Service Commission Office and the placement services of the various colleges in the city such as Fayetteville Technical Institute, Methodist College and Fayetteville State University.

Mr. Kelly stated that a problem existed with tow trucks and wrecker trucks. He stated that the tow trucks were breaking vehicles as they were hauling them away from various points to various points in the city. He suggested that Council consider a change in the amount of the license fees for tow trucks. The City Manager was requested to get a report on this matter.

Thereafter, all matters of business having been completed, the meeting was adjourned at 9:30 p.m. o'clock, upon motion made and duly seconded.


Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
AUGUST 12, 1974
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly

Others Present: Mr. Guy Smith, City Manager
Mr. William Thomas, Assistant City Manager
Mr. Robert Butler, PWC
Mr. Ray Muench, PWC

Mayor Lee called the meeting to order and the invocation was offered by the Rev. Father Albert T.J. Heath, St. Joseph's Episcopal Church. Mayor Lee led the assembly in the Pledge of the Allegiance to the Flag.

Mayor Lee recognized the following Youth Council Representatives present in the audience to observe Council proceedings: Sandy Robinson, Debbie Skyes and Mike Fleming.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, the Minutes of the Regular Meeting of July 22, 1974 were approved as submitted by the Clerk.

A public hearing had been published for this date and hour on confirming the assessment rolls for the paving of Buxton Blvd., Montgomery Street, Sessoms Street, Teachers Drive and Bullard Street. The Mayor read a certificate from the Clerk that all property owners had received due and proper notice of this public hearing. The City Manager explained that the property owners pay 40% of the cost and the City pays for the intersections and 20% of the cost. Several property owners were present. Among them were: Mr. J.W. Pate, Daisy McDonald, W.P. DeVane, William A. DePrater, Moses Purcell, Alexander Geddie, G.D. Richardson, Nettie Bridges and Charles Council.

Following a lengthy discussion of this matter, Mr. Shaw offered motion to continue this public hearing to the next regular meeting, seconded by Mr. George and carried unanimously.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, public hearings were set for the following matters on Sept. 9, 1974.

- A. A satellite annexation of Dr. Jack Hill's property located at the intersection of U.S. 401 North and Carver's Fall Road.
- B. The annexation of property along Coronada Parkway and Owen Drive.
- C. The annexation of the Causey property at 2205 Redstone Drive.
- D. The paving assessments on Langdon Street from Cross Creek to Murchison Road.
- E. The paving and sidewalk assessments on Ft. Bragg Road from Devers Street to Bragg Blvd.
- F. The paving assessments on Silk Lane from Ellis Street to Eastern margin of Minnie Billings property.
- G. The paving assessments on Fair Street from Camden Road to Dead End.

PUBLIC WORKS COMMISSION MATTERS

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, an application by Mr. J.W. Wright for 1-inch water connection to an existing water main to serve residence on River Road outside the city was approved.

Upon motion by Mrs. Finch, seconded by Mr. Godwin and carried unanimously, an application by Raymond L. Willis for a 1-inch water connection to an existing water main in Powell Street to serve residence at 1906 Powell Street outside the city was approved.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, an application by Ryder Truck Rental Agency for one 2-inch water connection with 1½ inch water meter and one 4-inch sanitary sewer connection to existing mains in Black and Decker Road to serve truck rental facility outside the city was approved.

Council next gave consideration to a request for extension of approximately 100 feet of sanitary sewer main and then 1-inch water and 4-inch sanitary sewer connections to serve Bantam Chef Restaurant of Fayetteville at the intersection of Cumberland and Camden Roads.

Mrs. Beard made motion that this be approved subject to receipt of petition for annexation, seconded by Mr. Godwin and carried unanimously.

Upon motion by Mr. Kelly, seconded by Mrs. Finch and carried unanimously, an application by Boddie-Noell Enterprises, Inc. for the extension of a 8-inch sanitary sewer main across Highway 301 South (outside the City) and one 4-inch sanitary sewer connection to serve a proposed Hardee's

Restaurant at southeast corner of Highway 301 South and Wilkes Road was approved as recommended.

Council next gave consideration to an ordinance amending the Employees' Retirement Plan of the Public Works Commission of the City of Fayetteville, as recommended by Public Works Commission to the Retirement Plan Board and adopted by the Retirement Plan Board. Mr. Butler stated that in brief, the ordinance provides for the following changes in said plan: (1) To revise the definition of Credited Service to conform with the change in the eligibility requirements, (2) To change the eligibility requirements from July 1 following one year of employment and age 25, to one year of employment, and (3) To change the method of determining the reduction in the benefit to be made on account of Early Retirement. After clarification by Mr. Butler of dates in section 2.01, motion was made by Mr. Godwin, seconded by Mr. Kelly that this amendment be approved. Motion carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING THE EMPLOYEES' RETIREMENT PLAN OF THE PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE. ORD. NO. ns-1974-62

A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book #1974.

Council next heard a request by PWC to allow an increase in Electric Rates in order to adjust to Carolina Power & Light Company imposed increase. Mr. Muench explained that the actual cost of increase would be passed along to all PWC customers. A lengthy discussion followed this matter. No action was taken.

Council next gave consideration to the adoption of a resolution authorizing the filing of an Transitional Urban Renewal Funding.

Mr. Charles Fairley, Fayetteville Redevelopment Commission, was recognized. He stated that the City of Fayetteville was eligible for \$1,433,000.00 and must contribute in kind or cash in the amount of \$477,000.00. According to the Dept. of Housing and Urban Development, the funds obtained through transitional funding may be used through June 30, 1975 in three areas: (1) To cover administrative and related cost necessary to carry activities already planned and budgeted, (2) For substantial activities such as acquisition, rehabilitation, and project improvements in existing program areas, and (3) For the purpose of initiating new activities.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AUTHORIZING THE FILING OF AN APPLICATION FOR TRANSITIONAL URBAN RENEWAL FUNDING. RES. NO. R-1974-36

Mr. Shaw moved that the foregoing resolution be accepted and that the Mayor is authorized to submit to the Dept. of Housing and Urban Development copies of this resolution and is to write a letter of intent indicating the amount desired and proposed use, seconded by Mrs. Finch and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Res. Book #R-1974.

A Conference meeting was set for Tuesday night at 7:30 P.M., August 13, 1974, in the Kyle House to discuss the option to purchase the bus system.

Mayor Lee asked if anyone was present who wished to present an application for Massage Parlor licenses. There being no one present, no action was taken.

Council next recognized Mr. Charles Fairley who requested Council's consideration of scheduling a special meeting for establishing dates of public hearing for the Southeast Neighborhood Development Program and Wilmington Road Neighborhood Development Program. He suggested to the Council August 21, 1974 at 12:00 noon in the Kyle House.

Following a discussion, a special meeting was set for Wednesday, August 21, 1974 at 12:00 noon in the Kyle House.

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA CALLING FOR A PUBLIC HEARING ON SOUTHEAST NEIGHBORHOOD DEVELOPMENT PROGRAM. RES. NO. R-1974-37

Council next gave consideration to an ordinance of the City of Fayetteville amending Section 20-106 of the City Code Traffic Schedule Number 11, "Parking Prohibited".

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AMENDING SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NUMBER 11-"PARKING PROHIBITED"-LAMON STREET. ORDINANCE NO. NS-1974-63

Mr. Godwin introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ord. Book #1974.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, taxi cab driver permits were approved for the following named as submitted by the Taxi Cab Inspector, Chief of Police and City Manager: JIMMIE BABER, JR., JUAN A. URIVE, CURTIS B. WILLIAMS

Council next gave consideration to an ordinance regulating land uses within the Floodway and Flood Plain of the City of Fayetteville. Mr. Singleton strongly suggested an imprisonment clause and gave a report on this matter. Mr. J.W. Pate, President of the Fayetteville Cumberland County Homebuilder's Association, was recognized and urged Council to do 3 things: (1) adopt flood plain

ordinance, (2) adopt map #2 as drawn by Corps of Engineers, and (3) to send map as soon as possible to the National Flood Insurance Agency. He pledged the support of the area developers.

Following lengthy discussion of this matter, Mr. Godwin made motion, seconded by Mr. Kelly to adopt this ordinance with the inclusion of imprisonment clause of not more than 6 months and adoption of map #2. Motion carried by the following vote: FOR: Mr. Shaw, Mr. Godwin, Mrs. Finch and Mr. Kelly; AGAINST: Mrs. Beard and Mr. George. Mr. Shaw also made motion that the effective date of this ordinance be October 1, seconded by Mr. Kelly and carried unanimously. AN ORDINANCE OF THE CITY OF FAYETTEVILLE REGULATING LAND USES WITHIN THE FLOODWAY AND FLOOD PLAIN OF THE CITY. ORD. NO. Council next considered appointments to Boards and Commissions. NS-1974-64

Mr. George nominated Mr. Fred Byrd to the Board of Appeals on Dwellings and Buildings, to replace Mr. Samuel Drake. Mr. Shaw made motion, seconded by Mr. Godwin that Mr. Byrd be accepted. Motion carried unanimously.

Mr. George made motion, seconded by Mrs. Beard that the consideration of two appointments to the Board of Adjustment be continued to the next regular meeting. Motion was tied by the following vote: FOR: MR. GEORGE, MR. SHAW AND MRS. Beard; AGAINST: Mr. Godwin, Mr. Kelly and Mrs. Finch. The motion was tied. Mayor Lee broke the tie in favor of immediate appointment.

Mr. Shaw nominated Mr. Royal Loyd and Mr. Godwin nominated Mr. Charles Smith. Mrs. Finch made motion, seconded by Mr. Kelly that nominations be closed and that Mr. Loyd and Mr. Smith be accepted. Motion carried unanimously.

Mr. Bill Pridgen was nominated by Mrs. Beth Finch to the Joint Planning Board to replace Mr. Burt Melton, resigned. Mrs. Beard moved nomination be closed, seconded by Mr. Godwin. Motion carried unanimously.

Council was advised of the resignation of Mr. A.D. Roscoe from the Human Relations Advisory Commission and requested to be prepared to fill the vacancy at the next regular meeting.

Council next considered approval of bids for a van for the police dept. Royal Dodge was the low bidder.

Mr. Shaw moved that the low bidder be accepted, giving the City Manager the option of holding back purchase order for 30 days with possibility of returning it back to Council. Motion seconded by Mr. Godwin and carried unanimously.

Representatives from D.R. ALLEN & Sons, Inc. were present and exhibited a plan of a proposed bridge to be constructed over Cross Creek on city leased property from the Wachovia Building parking lot to city leased municipal parking lot #1. Mr. Bennett gave report on this matter.

Following a discussion of this matter, Mr. Shaw moved motion that D.R. Allen construct the bridge in accordance with presented plans and with the approval of the City Engineer and that they make an attempt to get liability insurance coverage. Motion seconded by Mr. Kelly and carried unanimously.

CITY MANGER REPORTS

Upon motion by Mr. Kelly, seconded by Mrs. Beard and carried unanimously, the following named were appointed to the Police Dept. as recommended by the Civil Service Commission, Chief of Police and City Manager: JOAN DIANE BLISS, MARSHA KAY CHADWICK, BETTY LOU GODWIN, LOUIE WAYNE MOORE, SANDRA ELAINE POOLE, DAVID WOODROW PULLIAM AND MALCOLM FRANCIS QUIGLEY.

The City Manager reported the following resignation from the Police Dept. C.A. PRICE The resignation was noted.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, the following named were appointed to the Fire Dept. as recommended by the Civil Service Commission, Fire Chief and City Manager: WILLIAM MALCOLM FORBES, WAYNE LEONARD SEWELL, JESSE LEON HULON AND THEODORE MONROE BROWDER.

Council next heard a report from the City Manager on the proposed use of the Rose, Thorp, and Rand Building. He requested that this building be utilized for Fire Dept. administrative offices and with left over space for possible use by the Police Dept. This matter was so ordered by Council.

City Manager next gave a report on the Seaboard Coastline Railroad signals on Langdon Street. He reminded Council that about 4 months ago that the Seaboard Coastline Railroad asked the Mayor and Council be authorized to enter into an agreement concerning Langdon Street. He advised the Council that this same agreement was before them again. He also advised them that the railroad promised construction of the signals by Sept. 2, 1974.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, the Mayor and City Clerk was authorized and directed to sign said agreement for the City.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AND SEABROAD COASTLINE RAILROAD-LANGDON STREET-WIDENING AND NEW SIGNALS. RES. NO. R-1974-

City Manager next gave a report on the Robeson Street drainage canal. He reported that at

the present time, the drainage canal has collapsed. The City Engineer has acquired a bridge from D.R. Allen & Sons to span the canal.

MATTERS OF INTEREST TO THE CITY COUNCIL

Mr. Kelly asked about the wrecker service. The City Manager replied that the Police Dept. is presently working on an ordinance.

Mrs. Beard read a prepared statement concerning the 500 block of Hay Street. She recommended that a committee be formed to investigate this matter and stated she would be happy to serve on this committee. She also asked about the Franklin Street alley. The City Engineer replied that the request for bids had not been sent out yet.

Mrs. Finch inquired about moving the Recreation offices into better structures. The City Manager replied that the building on Ann Street is being considered. An architect will be engaged sometimes this week to suggest remodeling of the building for Recreation Dept. uses.

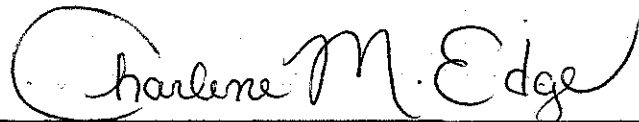
Mr. Shaw complained of mobile signs which seem to be in violation of the sign ordinance law and asked what provisions there were to restrict of these signs. He stated he would like to see some provisions for such signs put into the sign ordinance.

Mr. George requested curb cuts for the city to aid the handicapped. He requested malls be considered in the downtown revitalization plan. He also said that many developers will be glad to set aside a certain amount of property for open space and urged they be encouraged to do so.

Mayor Lee inquired about progress of Little Cross Creek. The City Engineer replied that the developer was presently clearing man-made obstructions.

Mr. Shaw asked when the erosion ordinance was coming up? The City Manager replied that the Mayor was calling a meeting of the Sedimentation Control Committee in the near future to consider state comments on our original draft Sedimentation Control Ordinance.

Thereafter, all matters of business having been completed, the meeting was adjourned at 10:55 P.M., upon motion made and duly seconded.



Charlene M. Edge
Acting City Clerk

SPECIAL MEETING
COUNCIL CHAMBER KYLE HOUSE
AUGUST 21, 1974
12:00 NOON

Present: Mayor Jackson F. Lee

Council Members: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly

Others Present: Mr. Guy Smith, City Manager
Mr. William Thomas, Assistant City Manager
Mr. Charles Fairley, Redevelopment Commission
Mr. Cliff Strassenburg, Planning Director
Mr. R. G. Singleton, Attorney
Mr. Richard M. Lewis, Attorney

Mayor Lee called the meeting to order and stated its purpose was to consider two resolutions setting public hearings on the Wilmington Road Neighborhood Development Program and the Southeast Neighborhood Development Program as requested by the Fayetteville Redevelopment Commission. Mayor Lee stated that the adoption of these two resolutions by Council would set public hearings on Sept. 9, 1974 to give the general public an opportunity to be informed and to discuss any portion of the two programs. Council recognized Mr. Charles Fairley, Director of the Redevelopment Commission, and Mr. Cliff Strassenburg, Planning Director. Mr. Strassenburg informed Council that the Planning Board had approved both programs.

RESOLUTION OF THE CITY OF FAYETTEVILLE CALLING FOR A PUBLIC HEARING ON THE WILMINGTON ROAD NEIGHBORHOOD DEVELOPMENT PROGRAM. RES. NO. R-1974-38.

RESOLUTION OF THE CITY OF FAYETTEVILLE CALLING FOR A PUBLIC HEARING ON THE SOUTHEAST NEIGHBORHOOD DEVELOPMENT PROGRAM. RES. NO. R-1974-39.

Mrs. Beard introduced the two foregoing resolutions and moved their adoption, seconded by Mr. Godwin and carried unanimously.

Copies of the resolutions are on file in the City Clerk's Office in Resolution Book #R-1974.


Council next moved into a discussion of the city bus purchase agreement.

Following brief discussion, Mr. Shaw offered motion, seconded by Mr. Godwin that the City enter into an option to purchase an agreement with Cape Fear Valley Coaches with amendments as outlined to Council at the last meeting. Motion carried unanimously. Resolution title appears below:

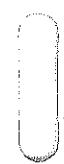
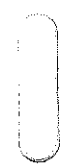
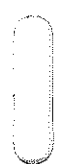
RESOLUTION AUTHORIZING OPTION TO PURCHASE AGREEMENT. RESOLUTION NO. R1974-39A

Mr. Shaw then offered motion that the Mayor be authorized to draw a resolution for adoption at the next regular meeting on August 26 that the City Council goes on record as supporting the new President of the United States Gerald R. Ford and the new Vice-President designate Nelson Rockefeller. Motion seconded by Mr. Godwin and carried without objection.

Mr. Godwin then offered motion, seconded by Mr. Kelly for adjournment of this special session at 12:10 P.M. and that Council go into executive session to consider a further matter.


Maurice W. Downs
City Clerk

2000



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
AUGUST 26, 1974
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly

Others Present: Mr. Guy Smith, City Manager
Mr. R.G. Singleton, Acting City Attorney
Mr. Ray Muench, PWC

Mayor Lee called the meeting to order and the Rev. Glen Holt, First Baptist Church, offered the invocation. Following the invocation, the Mayor led the Pledge of the Allegiance to the Flag.

Mayor Lee recognized the following Youth Council Representatives present in the audience to observe Council proceedings: Charles Evans, Lisa Watson, and Bonnie Wilson.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, Minutes of the Regular Meeting of August 12, 1974 were approved with the following corrections: (1) That Public Works Commission did not request authority of the Council to increase electric rates and (2) That two appointments to the Board of Adjustment did not carry unanimously.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, Minutes of a special meeting of August 21, 1974 were approved as submitted by the Clerk.

A public hearing was held as continued from the meeting of August 12 on the confirmation of assessment rolls for the paving of Buxton Blvd., Bullard Street, Montgomery Street, Sessoms Street and Teachers Drive. The City Manager stated that all of these streets are in an urban renewal area and that the city did file an application for and received credit for street improvements. The City Manager recommended that no assessments be made for those properties within the urban renewal area and that the property on the extension of Buxton Blvd. to the west lying outside the urban renewal area and owned entirely by the Walker-Pate interests that any action on this and this public hearing be continued to the meeting of September 23, 1974.

Following brief discussion, Mr. Shaw offered motion to follow the foregoing recommendation of the City Manager and not levy the assessments on those areas that are inside the urban renewal area and to continue to the September 23 meeting for the consideration of the other assessments. Motion seconded by Mr. Kelly and carried unanimously.

A public hearing had been published for this date and hour on the confirmation of assessment rolls for the paving of Kennedy Street, Buie Court and Player Avenue. The Mayor read into the minutes a certificate by the Clerk that all propertyowners had received due and proper notice of this public hearing. The City Manager stated that the assessment rate for Buie Court was \$11.63 a foot, for Player Avenue \$11.63 a foot and for Kennedy Street \$15.92 a foot. A number of persons were recognized in opposition to the assessment rate and one person on Buie Court complained that the water does not drain from the street in front of her residence. Among those persons recognized from Buie Court were: Mr. Sam LaRocca and Patricia Coleman. No persons appeared in opposition for Player Avenue. Among the persons appearing from Kennedy Street were: Mr. Johnny Sappington, Mimmie Lou Jeans Thompson, Terry Thompson, C.M. Collier for Mrs. Ludie Walters, Doris Lee, J. Lee Warren, Sally Ann Walker.

Following brief discussion, Mr. George offered motion that this public hearing be continued to September 23, seconded by Mrs. Beard and carried unanimously.

A public hearing had been published for this date and hour on the initial zoning to C1 Local Business District, P2 Professional District and R10 Residential District or to a higher classification of an area located east of Boone Trail being part of the Pleasant Valley Subdivision. Planning Board recommended denial of C1 and P2 and approval of R10 Residential District for the entire area. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY R10 RESIDENTIAL DISTRICT AN AREA LOCATED EAST OF BOONE TRAIL AND BEING PART OF THE PLEASANT VALLEY SUBDIVISION. ORD. NO. NS-1974-65

Mrs. Beard introduced the foregoing ordinance and moved its adoption, seconded by Mr. George and carried unanimously. A copy of the foregoing ordinance is on file in the office of the city Clerk in Ordinance Book #NS-1974.

A public hearing had been published for this date and hour on the initial zoning to R10 Residential District or to a higher classification of an area located north of Morganton Road adjacent to Huntington Park Subdivision. Planning Board recommended approval of R10. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY AN AREA LOCATED NORTH OF MORGANTON ROAD ADJACENT TO HUNTINGTON PARK SUBDIVISION. ORDINANCE NO. NS-1974-66

Mr. Godwin introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Finch and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ord. Book NS-1974.

A public hearing had been published for this date and hour on the closing of a segment of Beckwith Avenue (western end) as a public thoroughfare pursuant to petition. Attorney Willis Brown was recognized representing petitioners, Gus Hondras and Joseph W. Lucas. Attorney Brown stated that no property owners access would be affected by the closing of this segment of street. A Mr. Taylor Tatum, another property owner in the area, was recognized in opposition to this action and requested a continuance of this public hearing until a later date.

The City Engineer stated that this segment of street was dedicated by recorded plat but the street had never been opened as a public travel way. However, the portion between Bragg Blvd. and Monticello Avenue had been utilized for access to abutting properties. The City Engineer recommended that a drainage easement is needed between Beckwith and Bragg Blvd. for drainage on Monticello Avenue and this should be a condition for approving the closing.

Following brief discussion, Mr. Kelly offered motion for the adoption of a resolution closing this segment of Beckwith as a public thoroughfare upon condition that easements be granted for all utilities as recommended by the City Engineer, seconded by Mrs. Beard. Following brief discussion, Mr. George offered substitute motion to continue this public hearing to the next regular meeting. Motion seconded by Mrs. Finch but failed to carry by the following vote: FOR: Mr. George and Mrs. Finch; AGAINST: Mr. Kelly, Mrs. Beard, Mr. Godwin and Mr. Shaw. Mayor Lee then called for a vote on the main motion to close and it carried by the following vote: FOR: Mr. Kelly, Mrs. Beard, Mr. Shaw and Mr. Godwin; AGAINST: Mrs. Finch and Mr. George. The resolution title and number appear below:

A RESOLUTION OF THE GOVERNING COUNCIL FOR THE CITY OF FAYETTEVILLE CLOSING A PORTION OF BECKWITH AVENUE AS A PUBLIC THOROUGHFARE. RES. NO. R-1974-40.

A copy of the foregoing resolution is on file in the office of the City Clerk in Res. Book #R-1974

A public hearing had been published for this date and hour on the initial zoning to R6 Residential District and R5A Residential District or to a higher classification of an area located south of Johnson Street (Bonnie Doone). There was no opposition present. Planning Board recommended approval.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY R6 RESIDENTIAL DISTRICT AND R5A RESIDENTIAL DISTRICT OF AN AREA LOCATED SOUTH OF JOHNSON STREET (BONNIE DOONE). ORD. NO. NS-1974-67.

Mrs. Beard introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ord. Book #NS-1974.

Upon motion by Mr. George, seconded by Mrs. Beard and carried unanimously, a public hearing was set for Sept. 23, 1974 on the rezoning from an R5 Residential District to C3 Heavy Commercial District or to a higher classification of an area located at 655-57-59-61 Hillsboro Street.

PLANNING BOARD MATTERS

Council heard recommendation from the Planning Board for approval of the Fayetteville Mall preliminary group development and CIP plan revision located at Raeford Road and Executive Place subject to the following conditions: (1) That PWC approve water and sewer connections, (2) that City Engineer approve the parking lot construction and the drainage plans and its construction, (3) that sidewalks be constructed along all street frontages to city specifications prior to the issuance of occupancy permits, (4) that all other provisions of the zoning ordinance and subdivision regulations be complied with.

Mr. Robert Anderson, representing State Employee's Credit Union, was recognized and presented to Council a designed sketch of the proposed building to be constructed at the intersection of Executive Place and McGill Street and requested approval of the needed set back variance.

Following brief discussion, Mrs. Beard offered motion for approval of the Fayetteville Mall preliminary group development and CIP plan revision located at Raeford Road and Executive Place as recommended subject to the foregoing conditions. Motion seconded by Mr. Godwin and carried unanimously.

Council heard recommendation from the Planning Board for K-Mart CIP plan revision located on the west side of Owen Drive south of Raeford Road subject to the following conditions: (1) that the revision be subject to the same conditions as the original approval which includes meeting the zoning ordinance provisions for off-street loading and parking facilities.

Following brief discussion, Mr. Kelly offered motion for approval of K-Mart CIP plan revision located on the west side of Owen Drive south of Raeford Road as recommended by the Planning Board and subject to the foregoing condition. Motion seconded by Mrs. Beard and carried unanimously.

Council heard further recommendation from the Planning Board for University Hills Subdivision (continued) preliminary subdivision approval located at the end of Bennett Street adjacent to Cross Creek in University Hills subject to the following conditions: (1) that drainage and street construction plans be approved by the City Engineer, (2) that PWC approve water and sewer plans and construction, (3) that all construction comply with State and Local Sediment and Erosion Control Ordinances, (4) that the final plat be noted " All finished floor elevations must be 132.5 feet (mean sea level) or higher for lots 20-31 and 131.5 (mean sea level) or higher for lots 15-19 and lots 32-38, (5) that 150 foot drainage and flood easement be dedicated on each side of the run of Cross Creek on the final plat, (6) that right-of-way for Chadwick Street be dedicated at 100 feet width across Cross Creek to tie in with Eccles Drive, (7) that Bennett Street be cul-de-sacced

no further than 950 feet from Chadwick Street with one 10 foot public walkway and utility right-of-waydedicated through the lots at the end of the cul-de-sac (this would result in a variance of 550 feet from the required cul-de-sac length.), (8) that all other provisions of the subdivision and zoning ordinances complied with. The Planning Board recommended further approval of the cul-de-sac length variance based onthe following: (1) that the area to the north and adjacent to this property is already platted and would prevent a loop street connection in that direction, (2) that physical features (swamp, pond and major creek) to the south and west make it undesirable to extend Bennett Street to Eccles Park Subdivision especially since Chadwick will be connected to Eccles Drive.

Following brief discussion, Mr. Godwin offered motion for the approval of the University Hills Subdivision preliminary subdivision approval located at the endof Bennett Street adjacent to Cross Creek and University Hills as recommended by the Planning Board and subject to the foregoing conditions. Motion seconded by Mr. Kelly and carried by the following vote: FOR: Mr. Godwin, Mr. Kelly, Mrs. Beard and Mr. George, AGAINST: Mr. Shaw and Mrs. Finch.

Council heard further recommendation from the Planning Board for 7-11 C1P plan review located on the east side of 401 north (Ramsey Street) in front of Cedar Woods Apartments subject to the following conditions: (1) that parking lot construction and site drainage plans and construction be approved by the City Engineer, (2) that PWC approve water and sewer plans and construction, (3) that all construction be in accordance with State and Local Sediment and Erosion Control Ordinances, (4) that the parking area be curbed and a vehicular turn-around be provided as indicated on the plan at the north end of the parking lot, (5) that all provisions of the zoning ordiance and sub-division regulations be complied with.

Following lengthy discussion, Mrs. Beard offered motion for approval of 7-11 C1P plan review located on the east side of 401 north (Ramsey Street) in front of Cedar Woods Apartments as recommended and subject to the foregoing conditions. Motion seconded by Mr. George. The vote was as follows: FOR: Mrs. Beard, Mr. George and Mr. Godwin; AGAINST: Mr. Shaw, Mr. Kelly and Mrs. Finch. The motion was lost by Mayor Lee casting the deciding vote against the motion.

PUBLIC WORKS COMMISSION MATTERS

Council heard request from PWC Manager Ray Muench for approval of an application agreement with Seaboard Coastline Railroad for an encroachment on railroad company right-of-way for a 16-inch water main across said right-of-way and beneath tracks at River Road near the Cargill Plant.

Upon motion by Mr. Shaw, seconded by Mr. Kelly and carried unanimously, the foregoing agreement was approved as recommended and requested by PWC and the Mayor and Clerk authorized and directed to sign said agreement for the city.

PWC Manager Muench informed the City Council that PWC was preparing to pay annual dues to Electri-Cities totaling approximately \$34,000.00 in three payments beginning on Sept. 1, 1974, November 1, 1974 and January 1, 1975. He stated that this is a 1974-75 PWC budgeted item.

Council next gave consideration to request the owners os Ascot Subdivision to petition for the annexation of Ascot as a satellite. In a memorandum to the Council, the City Manager stated that several months ago the Council authorized the extension of water nad sewer lines to serve Ascot which was planned by the owners to be developed in conformance with the County Zoning PND classification. The approval for utility extensions was conditioned upon the Ascot owners agreeing to the annexed when eligible and upon request by the Council. The annexation of the property by satellite was considered by the CityCouncil at the time of the authorization for utility extensions and was not decided upon at that time because the city's zoning ordinance did not have a PND zoning classification. Now the City does have such zoning classification. The City Manager recommended that Council should request Ascot owners to immediately petition for the satellite annexation.

Following brief discussion, Mr. Shaw offered motion that Council request the owners of Ascot to petition for annexation as a satellit, seconded by Mrs. Beard and carried unanimously.

Council recognized Mr. John E. Raper, Jr., Chairman of the Historic and Scenic Sites Committee, who reported on the 1974-75 budget for the committee. In a letter to the Council, Mr. Raper stated that the committee had revised the budget request to Council dated May 21, 1974 in accordance with budget amount finally approved for the work of the committee during 1974-75 and recommended that the following projects be undertaken inthe order listed to the extent of funds available therefore: (1)Cross Creek Park - Preparation of a landscape plan \$2,000.00, (2) Fayetteville Arsenal - James Wollon, A.I.A, for supervision and coordination of completion of development of area as historic site park \$260.00, (3) Fayetteville Arsenal - John Walton, for preparing material for and designing brochure on arsenal \$480.00, (4) Fayetteville Arsenal - John Walton to collect and collate extra copies of materials to permit reproduction of additional copies of Glenn Little's Report as fund raising project \$80.00, (5) Fayetteville Arsenal - John Walton for preparation of texts for signs for the historic site and assistance in properly locating same \$160.00, (6) Fayetteville Arsenal - Jack Rigglin, design artist, for design of brochure and preparation of "camera ready" copy ofsame \$200.00, (7) Cross Creek Park - Green Street to west bank of Cross Creek: Three seasonal flower plantings for center bed in fountain area of Cross Creek Park. \$900.00, (8) Arsenal House - Masonry work, including foundation, chimney, etc. for Arsenal House \$6,000.00, (9) Arsenal House - Replacement of roof with shingle roof representative of period \$2,800.00, (10) Arsenal House - Roughing in plumbing \$900.00, (11) Arsenal House - Exterior carpentry, including repair of porch and other exterior areas \$4,500.00, (12) Arsenal House - Painting exterior \$3,000.00, (13) Arsenal House - Termite treatment \$1,300.00, (14) Fayetteville Arsenal - Installation of signs and walk-ways \$2,000.00 (15) Fayetteville Arsenal - Cleaning interior of Arsenal House, clearing rocks and weeds in preparation of hydro-seeding from site between Hay Street and BransonStreet, raking site and laying of walk-ways. \$1,600.00, (16) Arsenal House - Installation of Heating system \$2,400.00, (17) Cross CreekPark - East bak of Cross Creek to Ann Street . Implementation of landscape plan for park east of

Cross Creek. Grading, addition of fill dirt and topsoil and grassing area between Cross Creek and Ann Street. \$5,420.00. The total of \$30,000.00.

If the contract bid for work listed in items 8-13 and 16 are less than the estimates stated above, the Committee would propose to use its remaining appropriation to further implement the landscape plan being prepared by George Betsill for the area of Cross Creek Park lying between Cross Creek and Ann Street.

Mr. Raper stated further requests that the Parks and Recreation be directed to use a portion of the \$75,000 in capital funds budgeted for park acquisition and development during 1974-75 to acquire by purchase or easement the right to extend and develop Cross Creek Park along the northern bank of Cross Creek from Ann Street to Cool Spring Street. In this connection, the committee felt that it would require that portion of the northern creek bank extending from the center of Cross Creek to 5-10 feet beyond the top of the northern creek bank.

Following brief discussion, Mr. Shaw offered motion to follow the foregoing recommendation of Mr. Raper and the committee and amend the budget. Motion seconded by Mrs. Finch and carried by the following vote: FOR: Mr. Kelly, Mr. Godwin, Mrs. Finch and Mr. Shaw; AGAINST: Mr. George and Mrs. Beard.

Council next recognized Jimmy H. Tyer, Supt. of Recreation and Parks Dept., who recommended that a small park be constructed on Alexander Street on the property located between Campbell Avenue and Nimocks Avenue to be known as Alexander Street Park. The park would include an athletic field, multi purpose paved area and a playground. The recommendation was approved without objection from the Council.

Mr. Tyer then presented to Council the proposed Glenville Park Project. He stated that it was a three year park development plan and would cost approximately \$300,000.00 with the city funding one-half of the cost. The project would extend from Pearl Street to Filter Plant Drive and it would include tennis courts, picnic areas, nature trails and comfort stations. Mr. Tyer presented Council with a sketch outlining the project.

Following a lengthy discussion, Mr. Godwin offered motion to give tentative approval to the general overall plan, seconded by Mr. Kelly and carried unanimously.

Mr. Tyer also presented a recommendation concerning Massey Hill Park. He stated that the Massey Hill Park and Recreation center area be expanded to cover a more complete recreation and parks need. The proposed development is to include three tennis courts, one picnic and playground area, two parking lots and nature trails. Future development should include a comfort station. He recommended that this development begin with a picnic and park area and continue with the three tennis courts and a systematic parking lot later. The parking lot will be developed completely at a later date. The recommendation was approved without objection.

Council next gave consideration to a resolution allowing the city to participate in additional retirement benefits authorized by the session laws of 1973 for N.C. Local Governmental Employees Retirement System. The City Manager stated that a letter from the Raleigh Retirement System Office stated that the 1973 session (2nd session 1974) of the General Assembly enacted several important changes in the retirement act. These changes were: (a) credit for military service, (b) repayment of voluntarily withdrawn accounts and (c) credit for out of state service. These additional benefits are available on an optional basis and the governing board of each participating governmental unit must execute an agreement with the director of the retirement system in order for these particular benefits to be available to present and future eligible employees.

RESOLUTION TO ENTER AGREEMENT WITH N.C. LOCAL GOVERNMENTAL EMPLOYEE'S RETIREMENT SYSTEM TO PROVIDE CERTAIN BENEFITS AS SET FORTH IN CHAPTER 13-19 OF THE SESSION LAWS OF 1973 (2nd SESSION 1974). RES. NO. R-1974-41

Mr. Shaw introduced the foregoing resolution and moved its adoption, seconded by Mr. Godwin and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Res. Book #R-1974.

Council next gave consideration to the approval of Taxi Driver Permits.

Upon motion by Mr. Shaw, seconded by Mr. Godwin and carried unanimously, Taxi Cab Driver Permits were approved for the following named as recommended by the Taxi Cab Inspector, Chief of Police and City Manager: ROBERT ALAN RANDALL, WILLIAM A. EDELMAN, JAN MARTIN MILNER AND FREDDIE L. DENNING.

Upon motion by Mrs. Finch, seconded by Mr. Shaw and carried unanimously, approval of an application for a taxi driver permit from William Henry Mincey was withheld until the next regular meeting.

Upon motion by Mr. George, seconded by Mr. Shaw and carried unanimously, an appointment to the Human Relations Advisory Commission to replace A.D. Roscoe, resigned was carried over to the next regular meeting.

Upon motion by Mr. Shaw, seconded by Mr. George and carried unanimously, Mr. WILLIAM E. CLARK was appointed City Attorney to serve at the pleasure of the Council said appointment to be effective immediately.

Mr. George McCarthy was recognized as a delegation from the audience representing Miss Lisa Watson, Terry Sanford High School, and a member of the Fayetteville Cumberland County Youth Council, who requested Mr. McCarthy to present gifts to the City Council from the Youth Council on this the

first school day of the year. Their gifts were rosy red apples with notes attached stating "On this first day of school with all its noise, excitement and confusion, there is someone who wishes you well today. The Youth Council welcomes you and wishes you a successful year!"

CITY MANAGER REPORTS

The City Manager reported the following resignation from the Fire Dept.: PAUL WHITNEY

The City Manager also reported the following resignations from the Police Dept.: HENRY MASCIA CLINTON HIGGINS AND STEPHEN SKIDMORE. The resignations were noted by Council.

The City Manager stated that the League of Municipalities was requesting proposed legislation for the General Assembly for 1975 and requested that any Council member having legislation to go before the General Assembly to submit to the Mayor's Office immediately.

Mayor Lee introduced the following resolution directed that it be spread upon the minutes of this meeting and requested that it be adopted by the Council.

RESOLUTION OF SUPPORT

WHEREAS, the Mayor and Council of the City of Fayetteville, North Carolina, recognized the trying period through which this Republic has just passed; and

WHEREAS, we further recognize that there will be a period of readjustment for the American people.

NOW, THEREFORE, we offer this

RESOLUTION OF SUPPORT - RES. NO. R-1974-42

for the efforts of President Gerald R. Ford and the members of his Administration to solve the internal and external problems that face our Nation at this time. We pledge the assistance of this Council to work within our sphere of influence for the solution of these problems in order that each American will have the full benefits of our great heritage.

By Resolution of the City Council, adopted unanimously this 26th day of August, 1974.

Mr. Godwin offered motion for adoption of the foregoing resolution that it be spread upon the minutes of this meeting and that a copy be mailed to President Ford by the Mayor's Office. Motion seconded by Mr. Kelly and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Res. Book #R-1974.

MATTERS OF INTEREST TO THE CITY COUNCIL

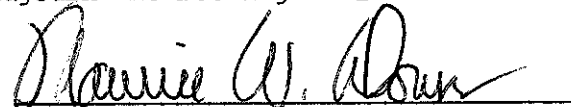
Mayor Lee recognized Councilman Shaw who called attention to the fact that today was Woman's Equality Day, and that the Council was well represented.

Councilman George raised the question of the city providing curb cuts for handicapped persons and moved that the city administration give consideration to (1) making the inner city more accessible, (2) going to a shopping mall or plaza and (3) encouraging developers to set aside open space and make a written or oral recommendation to Council at a later date. Motion seconded by Mrs. Beard and carried unanimously.

City Engineer Bennett stated that in this connection, the city has been in compliance since last September when the law went into effect and there have been some 14 curb cuts installed in the city.

Mr. George suggested in view of the recent execution by the city of the option to purchase the local bus company and the city proposed financial aid to them, that the city should consider a secured or unsecured loan so as not to jeopardize the federal loan. The City Manager stated that in his opinion the option to purchase agreement which was executed is sufficient.

Thereafter, all matters of business having been completed, Mayor Lee suggested that in observance of Woman's Equality Day, Councilwoman Beard should move for adjournment of this meeting, which she did, and Councilwoman Finch "Banged" the gavel to adjourn the meeting at 10:45 o'clock P.M.

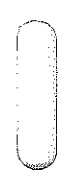
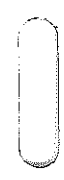
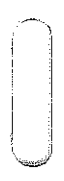

Maurice W. Downs
City Clerk

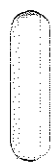
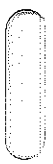
The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures that the financial statements are reliable and can be audited without issue.

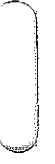
In the second section, the author outlines the steps for reconciling the bank statements with the company's ledger. This process involves comparing the ending balance of the bank statement with the ending balance of the ledger account. Any discrepancies should be investigated and explained.

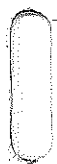
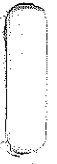
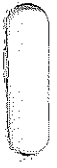
The third part of the document covers the preparation of the monthly financial statements. This includes the income statement, balance sheet, and cash flow statement. Each statement provides a different perspective on the company's financial performance and position.

Finally, the document concludes with a summary of the key points discussed. It reiterates the importance of accuracy and transparency in financial reporting. The author also provides some tips for streamlining the accounting process and reducing the risk of errors.











REGULAR MEETING
CITY HALL COUNCIL CHAMBER
SEPTEMBER 9, 1974
8:00 P.M.

Present: Beth D. Finch, Mayor Pro Tem

Council Members: Harry Shaw, Vardell Godwin, Marie Beard, Glen Kelly

Absent: Mayor Jackson F. Lee and Council Member Marion C. George, Jr.

Others Present: Mr. Guy Smith, City Manager
Mr. William Clark, City Attorney
Mr. Joe Stowe, PWC
Mr. Ray Muench, PWC

Mayor Pro Tem Finch, presiding in the absence of Mayor Lee, called the meeting to order. The Rev. Vernon Tyson, Pastor of the Hay Street United Methodist Church, offered the invocation. Mrs. Finch led the assembly in the Pledge of the Allegiance to the Flag.

Mrs. Finch recognized the following Youth Council Members present in the audience to observe Council proceedings: Alec Arab, Kenny Fleishman and Tim Dunn.

Mrs. Finch also recognized newly appointed City Attorney William E. Clark.

Upon motion by Mr. Kelly, seconded by Mr. Shaw and carried unanimously, Minutes of the Regular Meeting of August 26, 1974 were approved as submitted by the Clerk.

Mrs. Finch then called on the Clerk to present the Certificate from the Board of Elections on the Boone Trail Area Annexation referendum held on September 3, 1974. The certificate reads as follows:

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND
CITY OF FAYETTEVILLE

The Cumberland County Board of Elections having received the lawfully executed returns from the registrar and judges of election in the Boone Trail Annexation election, hereby certify that the following is a true account of the number of legal ballots cast in said referendum for annexation to the City of Fayetteville, North Carolina.

FOR ANNEXATION: 19
AGAINST ANNEXATION: 15

CUMBERLAND COUNTY BOARD OF ELECTIONS

Charles Burgardt, Chairman
Mack Lancaster, Member
Charles Kirkman, Member

AN ORDINANCE OF THE CITY COUNCIL ANNEXING AN AREA ALONG BOTH SIDES OF BOONE TRAIL BETWEEN OWEN DRIVE AND FARGO DRIVE. ANNEXATION #144.

Mrs. Beard introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Annexation Book #1974.

A public hearing had been published for this date and hour on the annexation, pursuant to satellite statute provisions, of property owned by Dr. Jack Hill located at the intersection of U.S. 401 North and Carvers Falls Road pursuant to petition from Dr. Hill. Planning Board recommended denial.

Attorney Stacy Weaver, Jr. was recognized for the petitioner, Dr. Hill, and requested the satellite annexation.

A number of persons were recognized in opposition to the annexation. Among them were: Mrs. Mary Jones Hall, Luther Thompson, Lois Moses, Bruce Pulliam and Hank Parker. The Honorable Norwood Bryan, Jr., representative, to the North Carolina General Assembly, was also recognized and presented Council with general information concerning the satellite annexation bill which he drew and with information concerning the cost of this annexation as compared to the revenue the city would expect to receive.

At Representative Bryan's request approximately 50 persons in the audience stood in opposition to this proposed annexation. General discussion followed.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA ANNEXING BY SATELLITE PROVISIONS (NCGS 160-453.25 thru 160-453.31) a non-contiguous TRACT OF LAND LOCATED AT THE INTERSECTION OF U.S. 401 NORTH AND CARVERS FALLS ROAD. ANNEXATION #145.

Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Annexation Book #1974.

A public hearing was held as published for this date and hour on the annexation, pursuant to the provisions of the "old law", of an area along Coronada Parkway and Owen Drive. Planning Board recommended approval. The City Engineer stated that a petition for annexation had been submitted by residents of this area.

A Mr. A.C. Fulton was recognized in opposition to this annexation and requested that this public hearing be continued and that a referendum be held.

General discussion followed.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA EXTENDING THE CORPORATE LIMITS OF THE CITY TO INCLUDE AN AREA ALONG CORONADA PARKWAY AND OWEN DRIVE. ANNEXATION #146.

Mr. Shaw introduced the foregoing ordinance and moved its adoption, with the effective date of the annexation to be October 1, 1974, motion seconded by Mr. Kelly and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Annexation Book #1974.

A public hearing had been published for this date and hour on the annexation of the Causey property at 2205 Redstone Drive pursuant to 100% petition. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA EXTENDING THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE TO INCLUDE THE CAUSEY PROPERTY AT 2205 REDSTONE DRIVE. ANNEX. #147.

Mrs. Beard introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Annexation Book #1974.

A public hearing was held as published for this date and hour on the consideration of street paving assessments for Langdon from Cross Creek to Murchison Road. The Clerk had certified that all property owners had received notice of this public hearing. The City Manager stated the assessment rate was \$9.11 per front foot.

A Mr. Willie Monroe was recognized in opposition to the assessment rate and requested a continuance of this public hearing. Mr. Monroe also stated that he and a number of his neighbors had not signed a petition for this paving. The City Engineer stated that a petition had been received signed by a majority of the property owners owing a majority of the front footage along this street. The City Manager informed Mr. Monroe that due to this fact it was entirely possible that his and several of his neighbor's signatures did not appear on the petition, which was valid all the same.

Following some discussion of this matter, Mr. Shaw offered motion that this public hearing be continued to the next regular meeting on September 23, 1974 and meanwhile, the petition be produced and presented at the meeting. Motion seconded by Mr. Kelly and carried unanimously.

A public hearing was held as published for this date and hour on the assessment roll for the paving of Fort Bragg Road from Devers Street to Bragg Blvd. and for the laying of sidewalks along Ft. Bragg Road on the north side from Barrington Cross to Bragg Blvd. and on the south side from Devers Street to the northwest corner of the Evans-Church Inc. property. The Clerk certified that all property owners had received notice of this public hearing. The City Manager stated that the assessment rate was \$9.76 per front foot for paving and \$1.65 per front foot for sidewalk. Council recognized a Mr. Seavy Jones, representing Vaughn Memorial Presbyterian Church, who stated that it was his understanding that the sidewalk already existed along the church property and was not replaced; therefore the church was not subject to an assessment for sidewalk.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF FT. BRAGG ROAD FROM DEVERS STREET TO BRAGG BLVD. ORD. NO. NS-1974-68.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE LAYING OF SIDEWALKS AND OTHER IMPROVEMENTS ON FT. BRAGG ROAD, BOTH SIDES THEREOF, FROM BARRINGTON CROSS TO BRAGG BLVD. ON THE NORTH SIDE AND FROM DEVERS STREET TO THE NORTHWEST CORNER OF THE EVANS-CHURCH INC. PROPERTY ON THE SOUTH SIDE. ORD. NO. NS-1974-69.

Mr. Shaw introduced the foregoing ordinances and moved their adoption at 9:45 o'clock P.M., excepting so much of that sidewalk assessment for the Vaughn Memorial Presbyterian Church. Motion seconded by Mr. Godwin and carried, Mrs. Beard voting no. Copies of the foregoing ordinances are on file in the office of the City Clerk in Ordinance Book NS-1974.

A public hearing was held as published for this date and hour on confirming the assessment roll for the paving of Silk Lane from Ellis Street to the eastern margin of the Minnie Billings property. The Clerk certified that all property owners had received notice of this public hearing. The City Manager stated that the assessment rate was \$8.81 per front foot. Joseph Covington appeared in opposition to the assessment rate.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF SILK LANE FROM ELLIS STREET TO THE EASTERN MARGIN OF THE MINNIE BILLINGS PROPERTY. ORD. NO. NS-1974-70.

Mr. Shaw introduced the foregoing ordinance and moved its adoption at 9:50 o'clock P.M., seconded by Mrs. Beard and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book NS-1974.

3

A public hearing was held as published for this date and hour on the assessment roll for the paving of Fair Street from Camden Road to Dead End. The Clerk certified that all property owners had received notice of this public hearing. The City Manager stated that the assessment rate was \$10.43 per front foot.

Attorney Larry Thompson was recognized representing the Stephen's Interest at the corner of Fair Street and Camden Road and requested that assessments for this property be on the basis of appraisal rather than a front foot basis.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF FAIR STREET FROM CAMDEN ROAD TO DEAD END. ORD. NO. NS-1974-71.

Mr. Shaw introduced the foregoing ordinance and moved its adoption for the confirmation of the assessment roll with the exception that the tract owned by Stephen's be appraised on a before and after basis as requested by Mr. Thompson and come back to Council for assessment and that the balance of Fair Street be assessed on a front footage basis at the rate of \$10.43 per front foot. Motion seconded by Mr. Godwin and carried unanimously at 9:55 o'clock P.M.

A public hearing had been published for this date and hour on the approval of the urban renewal plan and the feasibility of relocation for the Southeast Neighborhood Development Program, NC A-7. Council recognized Mr. Charles Fairly, Executive Director of the Fayetteville Redevelopment Commission, who made a few brief comments on the subject. Council also recognized Mr. James E. MacRae of 541 Fisher Street, representing himself and others in opposition to Fisher Street being included in this program.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE APPROVING THE URBAN RENEWAL PLAN AND THE FEASIBILITY OF RELOCATION FOR THE SOUTHEAST NEIGHBORHOOD DEVELOPMENT PROGRAM, N.C. A-7. RES. NO. R-1974-43.

Following brief discussion, Mr. Kelly introduced the foregoing resolution and moved its adoption, seconded by Mr. Shaw and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book #R-1974.

A public hearing had been published for this date and hour on the approval of the urban renewal plan and the feasibility of relocation for the Wilmington Road Neighborhood Development Program N.C. A-10

RESOLUTION OF THE CITY COUNCIL APPROVING THE URBAN RENEWAL PLAN AND THE FEASIBILITY OF RELOCATION FOR THE WILMINGTON ROAD NEIGHBORHOOD DEVELOPMENT PROGRAM N.C. A-10 RES. NO. R-1974-44

Following brief discussion, Mr. Godwin introduced the foregoing resolution and moved its adoption, seconded by Mrs. Beard and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book #R-1974.

RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE EXECUTION OF A COOPERATION AGREEMENT DATED SEPT. 9, 1974 BETWEEN THE CITY OF FAYETTEVILLE AND THE FAYETTEVILLE REDEVELOPMENT COMMISSION FOR THE SOUTHEAST NEIGHBORHOOD DEVELOPMENT PROGRAM N.C. A-7 RES. NO. R-1974-45.

RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE EXECUTION OF A COOPERATION AGREEMENT DATED SEPT. 9, 1974 BETWEEN THE CITY OF FAYETTEVILLE AND THE FAYETTEVILLE REDEVELOPMENT COMMISSION FOR THE WILMINGTON ROAD NEIGHBORHOOD DEVELOPMENT PROGRAM N.C. A-10 RES. NO. R-1974-46.

Mr. Shaw introduced the two foregoing resolutions and moved their adoption, seconded by Mrs. Beard and carried unanimously. Copies of the foregoing resolutions are on file in the office of the City Clerk in Resolution Book #R-1974.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENT ON NORTH STREET FROM BLUEBERRY COURT TO BROOKWOOD AVENUE. RES. NO. R-1974-47.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENT ON WILMA STREET FROM EDGAR STREET TO ROOSEVELT STREET. RES. NO. R-1974-48.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT ON CUNNINGHAM STREET FROM FORT BRAGG ROAD TO EDEN CROSS STREET. RES. NO. R-1974-49.

Councilman Shaw introduced the foregoing resolutions and moved their adoption setting public hearings on these matters for October 14, 1974. Motion seconded by Mr. Godwin and carried unanimously. Copies of these foregoing resolutions are on file in the office of the City Clerk in Resolution Book #R-1974.

PUBLIC WORKS COMMISSION MATTERS

Council recognized PWC Manager Muench on a request for approval of an application by American Classic Industries, Inc. for outside city water and sanitary sewer extensions to serve an area located west of and adjacent to Three Colonies Development on Cliffdale Road. This area is not now contiguous to the present city limits, Mr. Muench stated, but will be in February, 1975 when option to purchase a six acre tract between said area and city limits is exercised. Approval of the Council is requested subject to approval of development plans by the Planning Board.

Following brief discussion, Mr. Shaw offered motion for approval of the foregoing water and sanitary sewer extensions as recommended by PWC subject to the developer agreeing to annex at the request of the City Council and subject to subdivision plans approved by the Planning Board. Motion seconded by Mr. Godwin and carried unanimously.

Council next gave consideration to approval of five million dollar PWC water bonds.

RESOLUTION PROVIDING FOR THE ISSUANCE OF FIVE MILLION DOLLAR WATER BONDS. RES. NO. R-1974-50.

Mr. Shaw introduced the foregoing resolution and moved its adoption, seconded by Mr. Kelly and carried unanimously.

RESOLUTION AUTHORIZING THE PRINTING OF LEGAL OPINION OF THE FIVE MILLION DOLLAR WATER BONDS DATED JUNE 1, 1974. RES. NO. R-1974-51.

Mr. Godwin introduced the foregoing resolution and moved its adoption, seconded by Mr. Kelly and carried unanimously. Copies of the foregoing resolutions are on file in the office of the City Clerk in Resolution Book #R-1974.

Council next gave consideration to a request from the Fayetteville Redevelopment Commission regarding the execution of contracts for the sale and disposition of land. Mr. Fairley was again recognized and stated that a successful bidder for two tracts was William L. Ramsey, Jr. and for 25 tracts - King Model Homes, Inc.

Following brief discussion, Mr. Kelly offered motion for concurrence and approval of the execution of contracts for the disposition of the foregoing land as recommended by the Redevelopment Commission. Motion seconded by Mr. Shaw and carried unanimously.

Council heard further request from Mr. Fairley for the approval of an agreement between the City of Fayetteville and the Cumberland Redevelopment Commission for the widening of a segment of Dick Street due to a neighborhood development program in the area. Mr. Fairley stated that the agreement allows (1) the Cumberland Redevelopment Commission to operate within the city limits of the City of Fayetteville, (2) that the city will, insofar as at lawfully can do, vacate alleys to be eliminated in preparing the expanded neighborhood development program, (3) provides that the Redevelopment Commission will convey to the City free of charge any land acquired by the Commission that is required for the widening of streets within the area and (4) provides for the City to take such lawful actions as required for rezoning, traffic control and resubdivisions.

Following brief discussion, Mr. Godwin offered motion for approval of the agreement and that the Mayor and Clerk be and they hereby are authorized and directed to sign said agreement for the City. Motion seconded by Mrs. Beard and carried unanimously.

Council recognized Mr. Richard M. Wiggins, Attorney, representing Mr. Leroy E. Smith on a request that the city declare that it has no ownership in a dedicated park which was withdrawn in 1969. Mr. Wiggins stated that in a letter to the City Manager that his client had acquired title to a 55 acre tract of land known as Highland Acres on September 25, 1957. Included within this 55 acre tract was an area designated as "City Park" consisting of approximately 2 acres. This property was dedicated to the City by virtue of a recorded map which is of record in Plat Book 15, Page 45, Cumberland County Registry. The same was never accepted by the City of Fayetteville and subsequently on the 24th day of June, 1969, a notice of withdrawal of dedication was filed in the Register of Deeds Office which is of record in Book 2160, Page 519. Mr. Wiggins requested that the Council renounce any interest which the City might have in the property in view of the foregoing circumstances.

Following brief discussion, Mr. Godwin offered motion, seconded by Mr. Kelly that the City declares it has no ownership in the dedicated park which was withdrawn in 1969. Motion carried unanimously.

Council heard a request from the Fayetteville Cosmetologist Association to use the lower level of the Market House for the raising of funds for Cystic Fibrosis Charity for one day. In a letter to the City Manager, the Association stated that all members of the Association are observing National Beauty Salon Week October 7-13, 1974. During this particular week and throughout the year, each chapter throughout the state works at a project to raise funds for their state charity cystic fibrosis. The Fayetteville Chapter would like to use the open area under the Market House and the sidewalk around it as a hair cutting center on October 7. Proceeds will go to their charity. The Association stated it would like the use of this area from 10:00 A.M. to 7:00 P.M. on Monday, October 7. The Association stated they would be responsible for removing any left over materials and cleaning the area at the end of the day.

Following brief discussion, Mr. Kelly offered motion to approve the foregoing request of the Cosmetologist Association, seconded by Mrs. Beard and carried unanimously.

Council again gave consideration to an application for a Taxi Driver Permit by William H. Mincey. (This item was carried over from the last regular meeting on motion of the Council).

Following brief discussion, Mr. Godwin offered motion to approve Mr. Mincey's request for a Taxi Driver Permit as recommended by the Taxi Cab Inspector, Chief of Police and City Manager. Motion seconded by Mr. Shaw and carried unanimously.

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Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, taxi cab driver permits were also approved for the following named as recommended by the Taxi Cab Inspector, Chief of Police and City Manager: HENRY T. KELLY AND GARY M. EVANS

Council next gave consideration to a request from the City Building Inspector to correct sub-standard housing conditions as follows:

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 324 CUMBERLAND STREET AND OWNED BY ST. LUKE A.M.E. CHURCH, TRUSTEE CARE OF REV. H.L. INGRAM. ORD. NO. NS-1974-72.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 335 MOORE STREET AND OWNED BY MR. FRED MCDONALD. ORD. NO. NS-1974-73.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT LOT #2 SPRINGFIELD ROAD AND OWNED BY MAXWELL REALTY. ORD. NO. NS-1974-74

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT LOT #9 SPRINGFIELD ROAD. ORD. NO. NS-1974-75. OWNED BY MAXWELL REALTY.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 401 VANSTORY STREET AND OWNED BY MINNIE SMITH "HEIRS" R.H. CAMPBELL "ESTATE". ORD. NO. NS-1974-77

Mr. Shaw introduced the foregoing ordinances and moved their adoption, seconded by Mrs. Beard and carried unanimously. Copies of the foregoing ordinances are on file in the office of the City Clerk in Ordinance Book #NS-1974.

On a further sub-standard housing matter located at 317 Vanstory Street and owned by Q.J. Scarborough, Jr., the City Manager recommended that Council adopt an ordinance ordering the demolition of this structure but that administration will hold off for 30 days on this matter.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 317 VANSTORY STREET AND OWNED BY Q.J. SCARBOROUGH, JR. ORD. NO NS-1974-76.

Mr. Shaw introduced the foregoing ordinance and moved its adoption, but that city administration hold off for 30 days on the execution of same as recommended by the City Manager. Motion seconded Mr. Godwin and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book #NS-1974.

Council next gave consideration to the imposition of a lien against the property located at 428 Vanstory Street to recover demolition costs.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$325.00 AGAINST PROPERTY LOCATED AT 428 VANSTORY STREET AND OWNED BY JOHN H. SMITH AND JESSE LEE COUNCIL. ORD. NO. NS-1974-78.

Mr. Kelly introduced the foregoing ordinance and moved its adoption at 10:30 o'clock P.M. Motion seconded by Mr. Godwin and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book #NS-1974.

Council next gave consideration to a proposed agreement between Seaboard Coastline Railroad Company and the City of Fayetteville for a canal to drain Fairview Park. In a memorandum to the City Manager, the City Engineer stated that in order to provide a drainage outlet for the Fairview Park area, an existing canal partially on railroad property needed to be deepened and widened. The railroad gave the City a letter agreement that work could proceed which has now been accomplished and advised that they would want a formal agreement executed later. They do not propose to charge the City for the use of their land, however; the agreement does indemnify the railroad for any claims in connection with construction or maintenance of the canal and it also requires the city to make future modifications if any are requested by the railroad. The City Engineer and the City Manager recommended execution of the agreement.

Mr. Shaw offered motion, seconded by Mr. Godwin for execution of the foregoing agreement between the City and the Seaboard Coastline Railroad and that the Mayor and Clerk be and they hereby are authorized to execute same. Motion carried unanimously.

Council next gave consideration to the adoption of a resolution accepting West Street dedication as a part of the municipal city system. City Manager recommended approval with the stipulation that West Street be dedicated as it appears on Plat Book 10, Page 62, Cumberland County Registry.

A RESOLUTION BY THE CITY COUNCIL FOR THE ADOPTION OF THE DEDICATION OF WEST STREET INTO THE MUNICIPAL STREET SYSTEM OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. RES. NO. R-1974-52

Mr. Godwin introduced the foregoing resolution and moved its adoption as recommended by the City Manager, seconded by Mr. Kelly and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book #R-1974.

Council next gave consideration to the approval of an ordinance amending traffic schedule #6 "Stop Intersections".

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE #6, "STOP INTERSECTIONS". ORD. NO NS-1974-79.

Mr. Godwin introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Beard and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book #NS-1974.

Council next gave consideration to the approval of an ordinance amending traffic schedule #14, "Yield Right-of-way".

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE #14, "YIELD RIGHT-OF-WAY" ORD. NO. NS-1974-80.

Mr. Godwin introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book #NS-1974.

Council next gave consideration to a resolution of support submitted to Council by a delegation of interested persons for the establishment of a History Museum.

RESOLUTION OF SUPPORT RES. NO. R-1974-53

WHEREAS, the Fayetteville-Cumberland County area has a long and distinctive history; and

WHEREAS, a number of distinguished citizens have expressed an interest in the establishment of a repository for artifacts and papers pertaining to the area's history; and

WHEREAS, the need for such a repository has long been recognized by this community; and

WHEREAS, an active movement has begun to form the Fayetteville-Cumberland County History Museum; and

WHEREAS, Fayetteville, being the County seat, will be the site of the proposed museum.

NOW, THEREFORE, be it resolved by the City Council of the City of Fayetteville, that this RESOLUTION OF SUPPORT is given for the formation of the FAYETTEVILLE-CUMBERLAND COUNTY HISTORY MUSEUM; and all citizens of the area are encouraged to lend their talents to this worthy endeavor.

BY resolution of the City Council this 9th day of September, 1974.

JACKSON F. LEE, MAYOR

Beth D. Finch, Mayor Pro Tem

C. Vardell Godwin, Councilman

Harry F. Shaw, Councilman

Marion C. George, Councilman

Glen W. Kelly, Councilman

Marie W. Beard, Councilwoman

Mr. Godwin introduced the foregoing resolution and moved its adoption, seconded by Mr. Shaw and carried unanimously.

An appointment to the Human Relations Advisory Commission to replace A.D. Roscoe, resigned was deferred until the next regular meeting.

CITY MANAGER REPORTS

The City Manager reported the resignation of Don J. Lisotte from the Police Dept. Council noted the resignation.


Council heard request from the City Manager for authorization to employ a consultant to review and make suggestions for a pay plan for the city.

Mr. Godwin offered motion that the City Manager be so authorized to hire such consultant as requested, seconded by Mr. Shaw and carried unanimously.

MATTERS OF INTEREST TO THE CITY COUNCIL

Mr. Shaw offered motion that the Council schedule a conference meeting to discuss street paving policies and that the members be polled as to the date of such conference meeting. Motion seconded by Mr. Godwin and carried unanimously.

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


Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
SEPTEMBER 23, 1974
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members: Marion George, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly

Council Member Absent: Harry Shaw

Others Present: Mr. Guy Smith, City Manager
Mr. William Clark, City Attorney
Mr. Ray Muench, PWC

Mayor Lee called the meeting to order and the invocation was offered by Chaplain (LtC) P.C. Brown, Base Chaplain, Pope Air Force Base. The Pledge of the Allegiance was led by Youth Council Member Julia Kennedy.

Mayor Lee recognized Fayetteville Youth Council Members present in the audience to observe Council proceedings: Allan Oakley, Charles Evans and Julia Kennedy.

Mayor Lee recognized Mr. Marion R. Harris, Member of the Board of North Carolina Dept. of Transportation, who offered remarks about the departments 7 year roads program and offered his assistance and cooperation to the Council on road matters.

Upon motion by Mr. Godwin, seconded by Mr. George and carried unanimously, Minutes of the Regular Meeting of Sept. 9, 1974 were approved as submitted by the Clerk.

Council first gave consideration to the continuation of a public hearing on confirming the assessment roll for the paving of a portion of Buxton Blvd. This public hearing had been continued from the August 26 meeting and the City Manager recommended a further continuation until Nov. 11, 1974.

Mrs. Finch then offered motion for the continuation of the public hearing on paving assessments for Buxton Blvd. until Nov. 11, 1974, seconded by Mr. George and carried unanimously.

Council next gave consideration to continuation of the public hearing for the paving assessment on Langdon Street (This public hearing was continued from the Sept. 9 meeting). The City Manager stated that the cost of constructing the Langdon Street retaining wall had been removed from the cost of this assessment thereby reducing the cost by \$1.70 per foot per property owner as directed by Council.

The City Manager stated further that the 1/3 city paving policy applied in this case.

Following brief discussion, Mr. George offered motion to continue the levying of these assessments for the paving of Langdon Street until the work is completed and that this public hearing be continued to Nov. 11, seconded by Mrs. Beard and carried unanimously.

Mr. George suggested further that meanwhile a committee of Langdon Street property owners meet with City Administration on this matter.

Council next gave consideration to paving assessments for Kennedy Street, Buie Court, and Player Avenue. This public hearing was continued from the August 26 meeting. The City Manager reviewed these matters for the benefit of Council. Mayor Lee asked if there was opposition present on Player Avenue. None responded to the call. Mayor Lee asked if there were persons present from Buie Court and a Mr. Sam LaRocca was again recognized and requested a reduction in the assessment rate. Mr. Troy Nelson was also recognized from Buie Court with the same request. Mayor Lee then asked for persons representing Kennedy Street and Mr. Lester Carter, Attorney, representing Mrs. Hattie D. Moore was recognized and requested Council to give consideration to assessing the cost of this paving to the various businesses in the neighborhood using the street. Also recognized were Minnie G. Thompson and Joyce Lee, residents of Kennedy Street in opposition to the assessment rate.

Following some discussion, Mr. Godwin offered motion to continue this public hearing to Nov. 11, seconded by Mrs. Finch and carried unanimously.

A public hearing had been published for this date and hour on a petition for the rezoning from R5 Residential District to C3 Heavy Commercial District or to a higher classification of an area located at 655-57-59-61 Hillsboro Street. Planning Board recommended denial. There was no opposition present.

Following brief discussion, Mr. Godwin offered motion for amendment of the zoning ordinance to rezone the foregoing area from R5 to C3 Heavy Commercial District as petitioned, motion seconded by Mr. Kelly and carried on first reading by the following vote: For: Council Members Godwin, Kelly Beard; Against: Council Members Finch and George. Mayor Lee declared that the second reading to this ordinance would be held at the next regular meeting on October 14.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, public hearings were set for Nov. 11, 1974 on the following items:

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- A. The rezoning from C1P Shopping Center District to C3 Heavy Commercial District or to a higher classification an area located at 3715 Ramsey Street.
 - B. The initial zoning to R10 Residential District or to a higher classification an area located on Longview Drive Extension.
 - C. The rezoning from P1 Professional District to P2 Professional District or to a higher classification an area located at 505-523 Owen Drive.
 - D. The rezoning from R5 Residential District to M2 Industrial District or to a higher classification an area located on Grove Street and the corner of North King Street.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT ON EDGAR STREET FROM JASPER STREET TO AMYE STREET. RES. NO. R-1974-54.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT ON RANDOLPH AVENUE FROM LAW ROAD TO THE EASTERN MARGIN OF WRIGHT PROPERTY, LOT 15, PLAT BOOK 20, PAGE 15, CUMBERLAND COUNTY REGISTRY. RES. NO. R-1974-55.

Mr. Godwin introduced the foregoing two resolutions and moved their adoption setting public hearings on these assessment rolls for October 14, 1974. Motion seconded by Mr. George and carried unanimously. Copies of the foregoing resolutions are on file in the office of the City Clerk in Resolution Book #R-1974.

PLANNING BOARD MATTERS

Council next gave consideration to the southeastern redevelopment area preliminary subdivision review located on the west side of "B" street at the intersection of Guthrie Street. Planning Board recommended approval subject to the following conditions: (1) approval of street and drainage plans and construction by the City Engineer, (2) approval of water and sewer plans and construction by PWC, (3) compliance with all local and sediment erosion control ordinances.

Following brief discussion, Mr. Godwin offered motion for approval of the foregoing as recommended by the Planning Board, motion seconded by Mrs. Finch and carried unanimously.

Council next gave consideration to Vanstory Hills, Section X, Part C preliminary subdivision review located at Old Colony Place on Hybards Branch. Planning Board recommended approval subject to the following conditions: (1) approval of street and drainage plans and construction by the City Engineer, (2) approval of water and sewer plans and construction by PWC, (3) that 20 feet utility easements be dedicated along all rear lot lines, (4) that all grading and construction comply with local and state sediment and erosion control ordinances, (5) finished floor elevations be established at or above the elevations indicated and to as follows for lots 38-148*, 37-150*, 35-151*, 34-152*, 45-153*, and 46-154*. (*Elevations-mean sea level) (6) that a 60 foot flood easement be provided on both sides and along Branson Creek in which no field is permitted and no residential construction permitted, (7) that 100 feet of right-of-way be dedicated on North View Drive for a distance of 100 feet from the creek. (25 feet of additional right-of-way on each side).

Following brief discussion, Mrs. Finch offered motion for approval of the foregoing subdivision plat as recommended, seconded by Mrs. Beard and carried Mr. Kelly voting no.

Council next gave consideration to Cedar Wood Shopping Center C1P plan review located on Raleigh Road at Treetop Drive. Planning Board recommended approval subject to the following conditions: (1) that parking lot construction and site drainage plans and construction be approved by the City Engineer, (2) that PWC approve water and sewer plans and construction, (3) that all construction be in accordance with state and local sediment and erosion control ordinances, (4) that the parking area be curbed and a vehicular turn-around be provided as indicated on the plan at the north end of the parking lot, (5) that all other provisions of the zoning ordinance and subdivision regulations be complied with, (6) that when development of the full shopping center occurs, sidewalks will be constructed along Ramsey Street in front of the 7-11 store, (7) that future development will require additional site plan review.

Following brief discussion, Mr. Kelly offered motion for approval of Cedar Wood Plat as recommended by the Planning Board, seconded by Mr. Godwin and carried unanimously.

PUBLIC WORKS COMMISSION MATTERS

Upon motion by Mr. Kelly, seconded by Mrs. Beard and carried unanimously, an extension of 210 feet of water main outside the city and a 1-inch connection to serve an existing residence at 309 Diane Street for Annie Laura Fields was approved.

Upon motion by Mrs. Beard, seconded by Mr. Godwin and carried unanimously, a 1 1/2 inch water connection to an existing water main outside the city for service to a residence at 417 Wilkes Road (Water mains in Wilkes Road construction at total cost of Cumberland County, North Carolina to remedy extreme health hazard caused by polluted individual wells serving the area.) was approved as recommended by PWC.

Mr. Muench stated that bids had been received for the expansion of the P.O. Hoffer Water Plant. Bids were for construction of water plant addition and construction of 12 million gallons of ground storage facilities. Mr. Muench requested approval of the foregoing bids for this work and

that the Mayor and Clerk be authorized to sign the necessary documents in behalf of the city. The bids were as follows: General Construction - Division A: D.R. Allen and Son, Inc. \$2,004,064.00; Mechanical Construction - Division B: Robert's Filter Manufacturing Company \$1,469,500.00; Electrical Construction - Division C: Bolton Electrical Company \$111,605.00 reservoir ground storage facilities - Division Republic Contracting Corp. \$1,661,000.00 a total of \$5,246,169.00.

Following brief discussion, Mr. Godwin offered motion for approval of the foregoing bids as recommended by PWC and that the Mayor and Clerk be authorized and they are to sign the necessary documents in behalf of the City. Motion seconded by Mrs. Finch and carried unanimously.

This concluded PWC business and Mayor Lee offered congratulations to Mr. Muench and to the Public Works Commission on their electric rate public hearing last week and stated that this was good public relations on their behalf.

Council next gave consideration to a request from several property owners in Cambridge Subdivision off Pamalee Drive that Council order the paving of a section of Duncan Street beginning at its intersection with Scampton Street east about 250 feet to the paved portion of Duncan Street. In a memorandum to the Council, the City Manager stated that this unpaved portion of Duncan Street has not been accepted by the city for maintenance. The First Avent Christian Church owns the property abutting both sides of the unpaved street section and is not interested in signing a petition for street improvements; therefore, no valid petition can be obtained. However, the other residents want the street improved. The eastern 1/2 of this block immediately west of Bixley Street was paved in recent years by the developer of the property adjacent to the west side of Bixley Street. Due to the recent development of the area more and more vehicular traffic now uses this street. The City Manager offered the following recommendations: (1) the street needs paving because it would be virtually impossible to maintain it as a dirt street to the satisfaction of the area residents, (2) the Council should order the street paved and assess the abutting property owner (the church) and (3) barricade the street which would be opposed by some area residents.

Following a lengthy discussion of the matter, Mrs. Finch offered motion that the City Manager be authorized to consult with the church trustees; inform them of Council's discussion tonight, and come back with a recommendation. Motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to an Airport Commission Matter. In a memorandum to the City Manager, the Airport Manager stated that the present airport coffee shop lease with Ancorp expires Nov. 6, 1979. Notifications has been received that Ancorp desires to transfer and sell the remaining 5 years of their lease to an operator acceptable to and approved by the Airport Commission and City Council. This action is authorized by article 7D of the lease. Ancorp has negotiated with two parties; A.R. & S Enterprises, Fayetteville, North Carolina and B.T.R. Management, Raleigh, North Carolina (subsidiary of Holiday Inns). Presentations were made to the Airport Commission by the above listed parties during Airport Commission meetings on August 24, Sept. 4 and 5. Consideration by the Commission was given to financial statements, capital investment for expansion and improvement of the present facility and experience in food service operations.

After discussion and deliberation, the Airport Commission recommends that B.T.R. Management be appointed to assume the remaining 5 years of the existing lease at the same rental rate. Expansion and improvement is to be completed within 12 months after assuming control of the concession. It was requested that the City Council approve the transfer of the present lease from Ancorp to B.T.R. Management and authorize the Mayor and City Clerk to sign the necessary legal documents.

Following brief discussion, Mrs. Finch offered motion that Council approve transfer of the lease for Airport Coffee Shop from Ancorp to B.T.R. Management and that the Mayor and Clerk be authorized and directed to sign all the necessary legal documents to affect said transfer, motion seconded by Mr. Kelly and carried unanimously.

Council next heard request from the Beta Sigma Phi Sorority, Phi Beta Mu Chapter to hold a haunted house at 107 Grove Street during the week of October 25-31, 1974.

Upon motion by Mr. Kelly, seconded by Mrs. Beard and carried unanimously, the foregoing request was approved.

Council next gave consideration to a clarification of the minutes of June 10, 1974 regarding repairs to Middle Road. In a memorandum to the Council, the City Manager stated that the minutes of June 10 read as follows: "At this point, Mr. Shaw requested a return to and reopening of the discussion of the Middle Road matter and offered motion that this work be done on Middle Road but that it be done through ordinary channels that we normally go through and be put in the order that we would normally put it in the order that this work be done like any paving project. Motion seconded by Mr. George and carried unanimously." Mr. Smith stated that the above action was taken after the City Engineer and himself had requested permission to contract for repairs to the road in section where the asphalt had deteriorated because of base failure. The sub-base failure was caused in several areas by lack of drainage and improper base. The City Manager requested that Council determine if their decision would not allow the city to repair some of the sections by outside contract work. An attempt had been made to fill the pot holes with sand clay, but the traffic make the efforts almost worthless. He and the City Engineer did not propose that the street be resurfaced but that we repair those sections where the paving has disappeared in which storm drainage does not effect. The City Manager stated that a part of the problem was caused by the inability to secure an easement for drainage along this section of this street.

Following some discussion of this matter, Mayor Lee suggested that the City Attorney research the possibility of condemnation for an easement for drainage and advise the City Council at the next regular meeting on October 14. The suggestion was approved without objection.

Council next considered bids for the construction of fire station #3 on Rosehill Road. In a memorandum to the Council, the City Manager recommended approval and acceptance of the following low bids meeting specifications: (1) General Contract - Hatcher Construction Company \$129,500.00; (2) Plumbing Contract - Valley Plumbing Company \$9,250.00; (3) Heating and Air Conditioning - J.J. Barnes Company \$19,250.00; (4) Electrical Contract - Watson Electric Company \$17,112.00; a total of \$166,112.00. The City Manager stated that the budget appropriation for 1974-75 is in the amount of \$175,000.00 for this project. The architect fee will be \$14,451.74 which, when added to the total contract price of \$166,112.00 above, will then cost the city to fund the project \$180,563.74 representing an excess of \$5,563.74 over the budget appropriation. This overage however can be funded from a balance left over from the acquisition of the Morganton Road fire station site.

Following brief discussion, Mrs. Beard offered motion for approval and acceptance of the foregoing bids as recommended, seconded by Mr. Godwin and carried unanimously.

Council next gave consideration to bids for 2,000 feet of 3-inch fire hose. The City Manager stated that the low bidder Eureka Fire Hose was recommended for their bid of \$5,300.00. The budget for the fire department provides only \$4,800.00 for the purchase of the 2,000 feet of the hose requested and Chief Bishop has requested that the department only purchase 1500 feet of hose which would represent an expenditure of \$3,975.00. The City Manager recommended approval of the purchase of up to 2,000 feet of 3-inch fire hose.

Mr. Godwin offered motion to approve the foregoing bid as recommended by the City Manager for the purchase of up to 2,000 feet of 3-inch fire hose, seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to a bid for a tractor-loader for the Recreation and Parks Department. The City Manager recommended award to the low bidder, North Carolina Equipment Company, for their bid of \$5,955.65 meeting specifications.

Mr. Kelly offered motion, seconded by Mr. Godwin for approval of the foregoing bid award as recommended by the City Manager. Motion carried unanimously.

Council next gave consideration to a request by Mr. John Raper, Chairman of the Historic and Scenic Sites Commission, for the rejection of bids for the restoration of the Arsenal House. The amount of the low bid submitted was \$21,890.00. The City Manager stated that the commission recommends rejection of these bids. The amount budgeted for this purpose was \$20,900.00.

Mrs. Beard offered motion to follow the foregoing recommendation of the Historic Scenic and Sites Commission and reject bids for the restoration of the Arsenal House, seconded by Mrs. Finch and carried unanimously.

Council next gave consideration to the adoption of a resolution authorizing the filing of an application for Federal Funds to assist in the development of Glenville Lake Park. The City Manager stated that the application to be made to the Bureau of Outdoor Recreation, Dept. of Interior of the U.S. Government through the State of North Carolina would be for a development grant of \$150,000.00 which represents 50% of all costs, \$300,000.00, including preparation, plans and construction of Recreation facilities to be completed in the fiscal year 1975-76.

RESOLUTION AUTHORIZING THE DEVELOPMENT OF FAYETTEVILLE CITY PARK BY THE FAYETTEVILLE CITY COUNCIL AND FOR THE FILING OF AN APPLICATION FOR A FEDERAL GRANT FOR SAME. RES. NO. R-1974-56.

Mr. Godwin introduced the foregoing resolution and moved its adoption and that the Mayor be authorized to file the necessary application for the federal funds. Motion seconded by Mrs. Beard and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Res. Book #R-1974.

Upon motion by Mr. Kelly, seconded by Mrs. Beard and carried unanimously, the following named was approved for a taxi cab driver permit as recommended by the Taxi Cab Inspector, Chief of Police and City Manager: WILLIAM PARKER

An appointment to the Human Relations Advisory Commission to replace A.D. Roscoe, resigned, was again deferred until the next regular meeting on October 14,

Mayor Lee informed the Council that he had reappointed Mr. Robert McNeill to the Fayetteville Metropolitan Housing Authority for an additional 5 year term said term expiring in September 1979.

There were no delegations present.

CITY MANAGER REPORTS

The City Manager reported the resignation from the Fire Dept. of Stephen M. Boyette. Council noted the resignation.

The City Manager requested authorization from the Council to begin the implementation of the new Public Relations Dept. of the City and that of the Personnel Technician. Approval was given to

the City Manager's request without objection.

Council next reviewed and discussed a proposed wrecker and tow service ordinance. Following a brief review of same and suggested changes, The City Manager was requested to incorporate such changes into the ordinance and resubmit it to Council. The City Manager stated that he had not had the opportunity to review this ordinance in depth and requested permission to do so and to incorporate any changes in it which he thought would be necessary. Council approved this request without objection.

MATTERS OF INTEREST TO THE COUNCIL

Mrs. Finch suggested a conference meeting by the Council to discuss the Community Development Act and said conference meeting was set for 8:00 P.M. on Monday, October 7, 1974 in the Council Chamber in the Kyle House.

Mayor Lee read the following letter of thanks from President Gerald Ford in response to Council's adoption of a Resolution of Support which was forwarded to him recently.

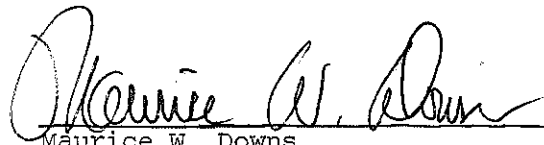
Dear Mayor Lee:

Thank you for your courtesy in forwarding a copy of the Resolution of Support adopted by the Fayetteville City Council. As I assume the responsibility of this office, it is encouraging to have the good will of the American people and I am especially grateful for the support of the citizens of Fayetteville. I know that working together we can go forward in peace with other nations and progress here at home.

Best Wishes,
Gerald R. Ford
President of the U.S.A.

Councilman Godwin offered the suggestion that the President's letter be framed and hung in the office of Mayor Lee.

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


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
OCTOBER 14, 1974
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly

Others Present: Mr. W.G. Thomas, Assistant City Manager
Mr. William Clark, City Attorney
Mr. Joe Stowe, PWC

Absent: Mr. J. Guy Smith, City Manager

Mayor Lee called the meeting to order. The invocation was offered by the Rev. Larry D. Smith, Pastor of the Church of the Nazarene. The Pledge of the Allegiance to the Flag was led by Miss Heidi Sapp, Miss Fayetteville.

Mayor Lee then presented a city sweetheart pin to Miss Sapp, extended thanks to her from himself and the Council for attending this evening and wished her good luck in the upcoming Miss North Carolina Contest. Miss Sapp thanked the Mayor and Council for the invitation to be present this evening, gave a brief biographical sketch of herself and stated she was going to the contest to win for the citizens of the City of Fayetteville.

Mayor Lee recognized the following Fayetteville Youth Council Members present in the audience to observe Council proceedings: Wayne Bennett, Mickey Gray and Thomas Hooper.

Upon motion by Mr. Godwin, seconded by Mr. George and carried unanimously, Minutes of the Regular Meeting of Sept. 23, 1974 were approved as submitted by the Clerk.

Second reading of an ordinance was held on the rezoning from R5 Residential District to C3 Heavy Commercial District or to a higher classification of an area located at 655-57-59-61 Hillsboro Street. Planning Board recommended denial. This ordinance passed on first reading at the meeting of Sept. 23. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R5 RESIDENTIAL DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED AT 655-57-59-61 HILLSBORO STREET. ORD. NO. NS-1974-81

Following brief discussion, Mr. Godwin reintroduced the foregoing ordinance and moved its adoption on 2nd reading. Motion seconded by Mr. Kelly and carried by the following vote: FOR: Mr. Kelly, Mrs. Beard, Mr. Godwin and Mr. Shaw; AGAINST: Mrs. Finch and Mr. George. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book #NS-1974.

A public hearing was held as published for this date and hour on confirmation of the paving assessment roll for the paving of Edgar Street from Jasper Street to Amye Street. The Mayor read into the minutes certificates from the Clerk stating that all property owners on Edgar Street, Randolph Avenue, Wilma Street and Cunningham Street had been mailed due notice of this public hearing on October 2, 1974.

Assistant City Manager Thomas stated that the assessment rate was \$10.00 per front foot based on a 50% assessment.

Mrs. Inez Davis and Mr. Nick Gerald of Edgar Street were recognized in opposition to the paving policy of 50%.

Following some discussion, Mrs. Finch offered motion that this public hearing be continued to November 11, 1974, seconded by Mr. Kelly and carried unanimously.

A public hearing had been published for this date and hour on confirmation of the assessment roll for the paving of Randolph Avenue from Law Road to the eastern margin of Wright property. The Assistant City Manager stated that the assessment rate was \$8.05 a foot based on a 50% policy. He stated that a letter had been received from Mr. Robert W. McCollum and Mrs. Virginia Ann McCollum, property owners on Randolph Avenue, requesting that an adjustment be made to them on their assessment because property owners living across the street from them were not being assessed due to their being outside the city. There was no opposition present.

Following brief discussion, Mr. Godwin offered motion that this public hearing be continued to November 11, 1974, seconded by Mr. George and carried unanimously.

A public hearing had been published for this date and hour on confirmation of the assessment roll for the paving of Wilma Street from Edgar Street to Roosevelt Street. The Assistant City Manager stated that the assessment rate was \$10.00 per front foot based on a 50% policy. There was no opposition present.

Following brief discussion, Mrs. Beard offered motion, seconded by Mr. George that this public hearing be continued to November 11. Motion failed by the following vote: FOR: Mrs. Beard and Mr. George; AGAINST: Mr. Kelly, Mr. Godwin, Mrs. Finch and Mr. Shaw.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT ON WILMA STREET FROM EDGAR STREET TO ROOSEVELT STREET. ORD. NO. NS-1974-82.

Mr. Shaw introduced the foregoing ordinance and moved its adoption at 8:20 P.M., seconded by Mr. Godwin and carried by the following vote: FOR: Mr. Kelly, Mr. Godwin, Mrs. Finch and Mr. Shaw; AGAINST: Mr. George and Mrs. Beard. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book #NS-1974.

A public hearing had been published for this date and hour on confirming the assessment roll for the paving of Cunningham Street from Ft. Bragg Road to Eden Cross Street.

Mr. Thomas stated that the assessment rate was \$8.48 per front foot based on a 50% participation. There was no opposition present.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF CUNNINGHAM STREET FROM FT. BRAGG ROAD TO EDEN CROSS STREET. ORD. NO. NS-1974-83.

Mr. Godwin introduced the foregoing ordinance and moved its adoption at 8:25 P.M., seconded by Mr. Kelly and carried by the following vote: FOR: Mr. Kelly, Mr. Godwin, Mrs. Finch and Mr. Shaw; AGAINST: Mr. George and Mrs. Beard. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book #NS-1974.

PUBLIC WORKS COMMISSION MATTERS

Council recognized Mr. Stowe, Administrative Assistant to the Manager, on a request for the approval of two additional bids for the Hoffer Water Plant extension. The bids recommended by PWC were as follows: Heating and Air Conditioning - City Appliance and Air Conditioning Company of Clinton in the amount of \$14,400.00 and for pumping equipment: Taylor Services of Charlotte in the amount of \$269,720.00, both low bidders.

Following brief discussion, Mr. Godwin offered motion, seconded by Mr. Kelly for approval and acceptance of the foregoing bids as recommended by the Public Works Commission and that the Mayor and Clerk be and they hereby are authorized and directed to sign said contracts for the city. Motion carried unanimously.

Council next gave consideration to a proposed ordinance amending the Massage Parlor Ordinance. City Attorney Clark explained that this proposed ordinance would amend the present ordinance by repealing in its entirety that section regarding "Records to be Kept by Licensee" and amend that section dealing with the revocation of license and the public hearings required.

AN ORDINANCE AMENDING SECTION 14.1 OF CHAPTER 17 OF THE FAYETTEVILLE CODE OF ORDINANCES - MASSAGE PARLORS. ORD. NO. S-1974-11.

Following brief discussion, Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried by the following vote: FOR: Mr. Kelly, Mr. Godwin, Mrs. Finch and Mr. Shaw; AGAINST: Mrs. Beard and Mr. George. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book #S-1974.

Council next gave consideration to a request by the Airport Commission for the approval of a change in the Airport budget for this fiscal year. Council recognized Mr. Giblert W. Ray, Chairman. Mr. Ray stated the Airport Commission recently considered several projects that they felt needed to be accomplished for the convenience and protection of the traveling public. After due consideration, first priority was given to automatic doors and concourse enclosure. Enclosure of the concourse could possibly eliminate six sets of doors out of nine that needed to be automated. The decision was to combine these two items and get an estimate of the cost to determine if the project could be funded in the present budget.

The approved airport budget for this fiscal year contains two capital improvement projects as follows: Acct. No. 767-72 Airport Maintenance Building \$25,000.00 and automat 9 sets of doors \$36,500.00. A total of \$61,500.00.

Mr. Ray stated that they had been advised that there will be no state participating funds this fiscal year for the maintenance building and this item will be deferred to a future project.

The Airport Commission requested that the City Council approve allocating the above listed \$61,500.00 for concourse enclosure and automation of those doors used the most. Obligation of these funds will depend on the estimated cost the combined projects. It may be necessary to enclose only a part of the concourse to stay within the budgeted funds.

Following brief discussion of the request, Mr. Shaw offered motion to amend the Airport Budget to include the foregoing items as requested by Mr. Ray and the Airport Commission. Motion seconded by Mr. Kelly and carried unanimously.

Council next recognized Mr. Ed Minnick, Drug Coordinator, Cumberland County Mental Health Center, on a request for city funding of a Residential Treatment Facility to be opened in the near future.

Mr. Minnick stated that the purpose of this request is to develop a residential facility which would provide a controlled drug free atmosphere for some crossroads drug clients.

There is a need for a facility which would have a minimum capacity housing for 8 drug clients. He stated they project that 25 drug clients would utilize this facility between January 1, 1975 and July 1, 1975. which is based on a current waiting list of 45 clients.

In a memorandum to the Mayor and Council, the City Manager stated that the request would be that city participate with the county in funding the foregoing project. City-County funds would be used to match a state grant on a 50% matching basis. The City and County would be asked for \$9,250.00 a piece. The City Manager recommended that the Council take the request under advisement for the time being.

Following a brief discussion, Mr. Shaw offered motion that we take no action on this request until we have received a recommendation from the Drug and Alcoholic Abuse Commission and meanwhile look over the figures in the request and look at the budget to see if it can be done, supply Mr. Minnick with a copy of the city's policy regarding funding outside agencies to see if he can live with the city and then get back together to come to some conclusion as to what we can do in the way of funding or whether or not they would even want us to do so under the conditions. Motion seconded by Mrs. Finch and carried unanimously.

Council next gave consideration to the scheduling of a meeting with citizens to solicit citizen suggestions concerning projects to be considered under the provisions of the Community Development Act of 1974. The date decided upon for said meeting Wednesday, November 6, 1974 at 7:30 P.M. in the City Hall Council Chamber.

Council also gave consideration to the scheduling of conference meeting on the Community Development Act Seminar and the Street Paving Policy. The date agreed upon for said conference meeting to discuss these two matters was Tuesday, October 22, 1974 at 7:30 P.M. in the Kyle House.

Council next gave consideration to an application for a massage parlor license from Mrs. Brigitte Buchanan for the Roman Health Club 528 Hay Street. Attorney Snead High, representing Mrs. Buchanan, was recognized and presented the application in behalf of Mrs. Buchanan.

Following considerable discussion during which time the wording as contained in the application form as well as the written recommendations showing proof of good moral character of the applicant were critized at length by members of the Council. Mrs. Beard offered motion for continuance of this matter to November 11, motion seconded by Mr. George and carried by the following vote: FOR: Mr. Kelly, Mrs. Beard, Mrs. Finch and Mr. George; AGAINST: Mr. Godwin and Mr. Shaw.

Council next gave consideration to a second application for a massage parlor license submitted by Michael Thomas Muir.

Following brief discussion of this application, Mrs. Beard offered motion that this matter also be continued to November 11, motion seconded by Mr. George and carried by the following vote: FOR: Mr. Kelly, Mrs. Beard, Mrs. Finch and Mr. George; AGAINST: Mr. Godwin and Mr. Shaw.

Council next gave consideration to the adoption of ordinances imposing liens against property declared substandard and demolished.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$145.00 AGAINST PROPERTY LOCATED AT 770 EUFAULA STREET AND OWNED BY MR. & MRS. CURTIS JOHNSON. ORD. NO. NS-1974-84.

Mrs. Finch introduced the foregoing ordinance and moved its adoption at 10:00 P.M., motion seconded by Mr. Kelly and carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$800.00 AGAINST PROPERTY LOCATED AT 335 MOORE STREET AND OWNED BY THE FRED MCDONALD "HEIRS" AND OTHERS. ORD. NO. NS-1974-85.

Mr. Kelly introduced the foregoing ordinance and moved its adoption at 10:05 P.M., seconded by Mr. Godwin and carried unanimously. Copies of the two foregoing ordinances are on file in the office of the City Clerk in Ordinance Book #NS-1974.

Council next gave consideration to the passage of ordinances requiring the Building Inspector to have demolished several substandard structures. The first such property was located in the 700 block of Locust Street and owned by Mr. Rajah Arab.

Mr. Arab was present in the audience and was recognized in his own behalf and stated to Council that the structure has been demolished down to the floor level and chimneys. He stated that he had donated the material from this material to a local church and they are removing same and relocating it to their property as time permits. Mr. Arab requested an extension of 45 days to allow for the completion of the clearance of this site.

Following brief discussion, Mr. Shaw offered motion to continue this matter to November 11, motion seconded by Mr. George and carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARD CODE OF THE CITY LOCATED AT 334 SIMMONS STREET AND OWNED BY MR. RUFUS WASHINGTON. ORD. NO. NS-1974-86.

Mr. Godwin introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARD CODE OF THE CITY LOCATED AT 344 SIMMONS STREET AND OWNED BY MR. RUFUS WASHINGTON. ORD. NO. NS-1974-87.

Mr. Kelly introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARD CODE OF THE CITY LOCATED AT 340 SIMMONS STREET AND OWNED BY MR. RUFUS WASHINGTON. ORD. NO. NS-1974-88.

Mrs. Beard introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously. Copies of the three foregoing ordinances are on file in the office of the City Clerk in Ordinance Book #NS-1974.

Council next gave consideration for approval of a preliminary condemnation resolution of an easement for a street right-of-way on Temple Avenue owned by Mr. & Mrs. A.C. Perry. City Engineer Bennett presented this matter and stated the action is requested in order that the city acquire an easement for a street right-of-way in Temple Avenue. Mr. Bennett stated that Mr. & Mrs. Perry had been offered a fair appraised value for this property and refused.

PRELIMINARY RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR A STREET RIGHT-OF-WAY IN AND UPON A CERTAIN LAND OWNED BY MR. & MRS. A.C. PERRY. RESOLUTION NO. R-1974-57.

Mr. Shaw introduced the foregoing resolution and moved its adoption, seconded by Mr. Godwin and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Res. Book #R-1974.

Council next gave consideration to approving a contract for the sale of land located in the southeast neighborhood development program and the Wilmington Road neighborhood development program. Council recognized Mr. Charles Fairley, Executive Director of the Fayetteville Redevelopment Commission, who stated that 19 parcels of land in the southeast neighborhood program had been sold for a bid price of \$19,082.00 and 12 parcels of land located in the Wilmington Road neighborhood development program sold for a bid price of \$15,024.00. Mr. Fairley requested Council's approval of the sale of these properties and for the execution of a contract for same as recommended by the Redevelopment Commission.

Mrs. Finch offered motion, seconded by Mr. Kelly for approval of the foregoing sale of land and that the Mayor and Clerk be and they hereby are authorized and directed to sign said contract for the sale of same for the city as recommended by the Commission. Motion carried unanimously.

Council next gave consideration to the awarding of several bids.

Upon motion by Mr. Kelly, seconded by Mr. Shaw and carried unanimously, the low bid of Patrick Ford Company in the amount of \$47,922.20 for 12 police sedans was approved as recommended by the City Manager and Purchasing Agent.

Upon motion by Mr. Shaw, seconded by Mr. Godwin and carried unanimously, the low bid of Super Secur Showers, Inc. in the amount of \$6,999.20 for a comfort station for Clark Park was approved as recommended by the City Manager and Purchasing Agent.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, the low bid of Carolina Equipment Company in the amount of \$12,899.61 for three leaf loader machines for the Sanitation Dept. was approved as recommended by the City Manager and the Purchasing Agent.

Upon motion by Mrs. Beard, seconded by Mr. Godwin and carried unanimously, all bids submitted for trucks, front-end, and rear-end loaders were rejected by the Council as recommended by the City Manager and the Purchasing Agent. Rejection was recommended because (1) the amounts quoted by the low bidder generally exceeded the amounts budgeted, (2) most of the quotations received were not firm for the duration of the contract but subject to additional charges, (3) delivery time, (4) to allow rebidding and allowing the competing companies to bid the chassis and body separately or as a whole unit to produce a more competitive bid and reduce cost.

Council next gave consideration to a recommendation for Taxi Cab Driver Permits. Upon motion by Mr. Shaw, seconded by Mr. Godwin and carried unanimously, Taxi Cab Driver permits were approved for Lloyd Garnett Smith and William David Smith and disapproved for Herman Ethridge Shook all as recommended by the City Taxi Cab Inspector, Chief of Police and City Manager.

Council next considered several appointments.

An appointment to the Human Relations Advisory Commission to replace Mr. A.D. Roscoe, resigned, was deferred until the next regular meeting.

On an appointment to the Joint Planning Board to replace Mrs. J.L. Creed, resigned, Mr. George nominated Mr. J.A. McKoy 804 Rosewood Avenue. Mr. Shaw offered motion that nominations be closed and that Mr. McKoy be appointed by acclamation to the Joint Planning Board to complete the term of office of Mrs. J.L. Creed resigned, said term expiring in June 1977. Motion seconded by Mrs. Finch and carried unanimously.

Three appointments to the Advisory Recreation and Parks Commission were presented for information only this evening and deferred until the next regular meeting. Mayor Lee stated that Mr. Mazarick and Mr. Hurley had consented to reappointment but that Mr. Kulig did not wish to be reappointed.

Council next gave consideration to the proposed wrecker and tow truck ordinance. submitted by Councilman Kelly. A Mr. J.W. Ezzell, a private wrecker owner and operator, was recognized from the audience and offered some suggested revisions to the proposed ordinance.

Following some discussion, Mayor Lee suggested study of the ordinance and that Council give the City Attorney any ideas of revision of the ordinance and return it to City Council for further study and place on the agenda for the November 25 meeting.

No Fire Dept. appointments were presented.

Council next gave consideration to Police Dept. appointments. Assistant City Manager Thomas stated that the following had been certified for appointment to the Police Dept. by the Civil Service Commission, Chief of Police and City Manager: ROBERT HORACE SANFORD, JOHNNY LEFUEL WILSON, MRS. REGINA CALHOUN CHAMBERLIN, MRS. GLORIA ROYAL COVINGTON, JOSEPH PATRICK COOK, JOHN PENDINGTON CROOM, PAUL DELEON SALINAS AND WORTH GILMORE CAMPBELL, III.

Following brief discussion, Mr. Kelly offered motion that the foregoing named be appointed to the Police Dept. as recommended. Motion seconded by Mrs. Beard and carried unanimously.

The Assistant City Manager Thomas gave a report on the status of the demolition of a substandard dwelling located at 317 Vanstory Street owned by Mr. Q.J. Scarborough, Jr., who was granted a 30 day extension to clear this location on Sept. 9. Mr. Thomas reported that the dwelling had been demolished but that the debris still remains and the lot would be cleared shortly.

Mr. Thomas informed Council that they had been provided with a copy of the proposed ordinance for control of erosion and sedimentation and suggested a review of same by Council at the scheduling of a conference meeting in November on this matter.

Following brief discussion, Mayor Lee suggested Nov. 18 as a tentative date for such conference meeting.

Mr. Thomas informed Council that a sole owner satellite petition had been received from Mr. J.W. Pate, Vice President of Lexington Homes, for Ascot Subdivision following review of same by the annexation committee and the Planning Board it would be presented to Council at a later date.

MATTERS OF INTEREST TO THE CITY COUNCIL

Mr. George requested a report from City Administration in the near future on curb cuts and mall and plaza development.

Mr. Shaw raised the question of portable lighted signs being placed on property throughout the city and suggested that the placement of these signs may be in violation of the sign ordinance. Planner Mitchell stated that he had discussed this matter with the City Building Inspector and City Attorney Clark stated that he had begun work on a new sign ordinance.

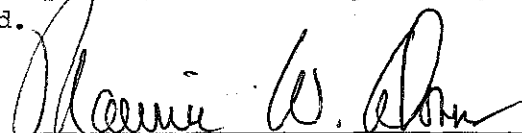
Mrs. Beard stated that a garbage and rubbish problem existed on a vacant lot on McGougan Road and requested City Administration to investigate and correct this condition.

Mayor Lee reminded Council that they had received copies of the recommended 1975 Legislative goals and policies of the North Carolina League of Municipalities and requested Council to forward any suggestions to him or to City Manager Smith for presentation to the League resolutions committee prior to the dead line which is near at hand.

Mayor Lee then reminded Council that the date of the next regular meeting of the Council was October 28 which is the date that the League Meeting will be held in Asheville and requested cancellation of the meeting on the 28th.

Mrs. Finch offered motion that the regular Council Meeting of October 28 be and the same is hereby cancelled and that the Mayor and or City Manager call a special meeting, if necessary, in or around that date. Motion seconded by Mr. Godwin and carried unanimously.

Thereafter, all matters of business having been completed, this meeting was adjourned at 10:30 o'clock P.M., upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
NOVEMBER 11, 1974
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members: Marion George, Harry Shaw, Beth Finch, Marie Beard, Glen Kelly

Council Member Absent: Vardell Godwin

Others Present: Mr. Guy Smith, City Manager
Mr. William Clark, City Attorney
Mr. Ray Muench, PWC

Mayor Lee called the meeting to order and led the assembly in the recitation of the Lord's Prayer. Following this, Mr. Gene Johnson, Senior Vice Commander, Post 670, Veterans of Foreign Wars, led the assembly in the Pledge of the Allegiance to the Flag in observance of Veteran's Day.

Mayor Lee then recognized the following City Employees and presented them with service pins.

FIVE YEARS

James Baker, Traffic Dept.
Elmer Floyd, Human Relations Dept.
James Brooks, Street Dept.

TEN YEARS

Herb Callahan, Inspection Dept.
William L. Davis, Police Dept.
Jimmy Jones, Street Dept.
Darrell Page, Fire Dept.

FIFTEEN YEARS

Brewer Autry, Fire Dept.

Mayor Lee then recognized Fayetteville Youth Council Members L.C. Barbour and Thomas Hooper present in the audience to observe Council proceedings.

Moving to the first order of business, Mrs. Beard moved for approval of the Minutes of the Regular Meeting of October 14, 1974 as submitted by the Clerk. Motion seconded by Mrs. Kelly and carried unanimously.

Council next gave consideration to the confirmation of assessment roll for the paving of a section of Buxton Blvd. This public hearing continued from the last meeting of the Council. The City Manager requested Council to continue this hearing until November 25 due to right-of-way negotiations.

Mr. Kelly offered motion, seconded by Mrs. Beard that public hearing on the Buxton Blvd. assessment roll be continued to November 25 as recommended by the City Manager. Motion carried unanimously.

Council next gave consideration to the confirmation of the assessment roll for the paving of Edgar Street from Jasper Street to Amye Street. This hearing had been continued from the October 14 meeting.

Following brief discussion, Mr. George offered motion that the assessment roll on Edgar Street be confirmed at the rate of \$5.00 per front foot. Motion seconded by Mrs. Beard. The motion failed by the following vote: FOR: Council Members Beard and George; AGAINST: Council Members Shaw, Finch, and Kelly.

Mr. George then offered motion that this public hearing be continued to November 25. Motion seconded by Mrs. Beard.

Mr. Shaw offered substitute motion to confirm the assessment roll on Edgar Street as outlined by the City Engineer. Motion seconded by Mr. Kelly. The motion failed by the following vote: FOR: Council Members Shaw, Kelly; AGAINST: Council Members Beard, George and Finch. Mayor Lee then called for vote on the motion for continuance and it carried by the following vote: FOR: Council Members George, Beard, Kelly, Finch; AGAINST: Mr. Shaw.

Council next gave consideration to confirming the assessment roll for the paving of Randolph Avenue from Law Road to the eastern margin of the Wright property. This public hearing continued from the last regular meeting.

Mr. Robert McCollum was recognized and requested an adjustment in his assessment amount stating that his property had not been benefited by the amount of the assessment and that the property owner immediately across the street from him had not been assessed for a portion of the paving because he was outside the city limits.

Following brief discussion, Mr. George offered motion to assess at the rate of \$6.00 per front foot, seconded by Mrs. Beard.

Mr. Shaw offered substitute motion to confirm the assessment roll at \$8.05 per front foot, seconded by Mrs. Finch. The motion failed by the following vote: FOR: Council Members Shaw, Kelly, AGAINST: Council Members George, Beard, Finch.

Mr. George then withdrew his original motion and Mrs. Finch offered motion to continue this public hearing until November 25. Motion seconded by Mr. Kelly and carried by the following vote: For: Mrs. Finch, Mr. Kelly, Mrs. Beard, Mr. George; Against; Mr. Shaw.

Council next gave consideration to the confirmation of the assessment roll for the paving and sidewalks on Langdon Street from Murchison Road to Big Cross Creek. A Mr. D.R. Carroll was recognized in opposition to the assessment. Following brief discussion, Mr. George offered motion to continue this matter until November 25. Motion seconded by Mrs. Beard.

Mr. Shaw offered substitute motion to confirm the assessment roll at \$7.40 per foot, motion seconded by Mrs. Finch.

Following further discussion both of the foregoing motions were withdrawn and Mayor Lee stated that if there was no objection, this matter would be continued until the November 25 meeting. There was no objection.

Council next gave consideration to assessment rolls for the paving of Kennedy Street, Buie Court and Player Avenue. This public hearing was continued from the last regular meeting of the Council.

Attorney Lester Carter was recognized representing Mrs. Dinty Moore on the Kennedy Street assessment. Following brief discussion, Mr. George offered motion to assess at \$10.00 per foot, seconded by Mrs. Beard.

Mrs. Finch then offered substitute motion that this public hearing on the confirming of the assessment rolls for Kennedy Street, Buie Court and Player Avenue be continued to November 25 and that meanwhile Council hold a conference meeting to discuss streetpaving and assessment policy. Motion seconded by Mr. Shaw and carried by the following vote: FOR: Mrs. Finch, Mr. Shaw and Mr. Kelly, AGAINST: Mr. George and Mrs. Beard.

This concluded paving assessments matters and Council then moved into public hearings on zoning-rezoning matters.

A public hearing had been published for this date and hour on the rezoning from C1P Shopping Center District to C3 Heavy Commercial District or to a higher classification of an area located at 3715 Ramsey Street. Planning Board recommended approval of C3 Heavy Commercial District.

Attorney Duane Gilliam was recognized for the petitioner. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM C1P SHOPPING CENTER DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED AT 3715 RAMSEY STREET. ORD. NO. NS-1974-89.

Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ord. Book #NS-1974.

A public hearing had been published for this date and hour on the initial zoning to R10 Residential District or to a higher classification of an area located on Longview Drive Extension. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY R10 RESIDENTIAL DISTRICT AN AREA LOCATED ON LONGVIEW DRIVE EXTENSION. ORD. NO. NS-1974-90.

Mrs. Finch introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ord. Book #NS-1974.

A public hearing had been published for this date and hour on the rezoning from P1 Professional District to P2 Professional District or to a higher classification of an area located at 505-523 Owen Drive. Planning Board recommended approval. Attorney Robert Pope was recognized for the petitioners. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM P1 PROFESSIONAL DISTRICT TO P2 PROFESSIONAL DISTRICT AN AREA LOCATED AT 505-523 OWEN DRIVE. ORD. NO. NS-1974-91.

Mrs. Beard introduced the foregoing ordinance and moved its adoption. Motion seconded by Mr. George and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ord. Book #NS-1974.

A public hearing had been published for this date and hour on the rezoning from R5 Residential District to M2 Industrial District or to a higher classification of an area located on Grove Street and the corner of North King Street. Planning Board recommended approval.

Mr. Charlie Dawkins was recognized as the petitioner. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R5 RESIDENTIAL DISTRICT TO M2 INDUSTRIAL DISTRICT AN AREA LOCATED ON GROVE STREET AND THE CORNER OF NORTH KING STREET. ORD. NO. NS-1974-92.

Mr. George introduced the foregoing ordinance and moved its adoption, seconded by Mr. Shaw and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ord. Book #NS-1974.

Council then moved into a discussion on a proposed street paving assessment policy drawn up and submitted by Councilman George. Mr. George read the proposed assessment policy and moved the adoption of paragraph 1 A.B. & C. Motion seconded by Mrs. Beard.

Mayor Lee stated that Mr. Godwin could not be present at this meeting this evening and had requested a delay in action on this proposed policy until such time as he could be present.

Council recognized Mr. Dohn Broadwell of the Local Home Building Association, who requested a delay of the adoption of this policy for study by the development industry.

Following brief discussion, Mrs. Finch offered substitute motion to postpone any decision on this new pavement policy until after Council holds its conference meeting on this subject. Motion seconded by Mr. Shaw and carried by the following vote: FOR: Mrs. Finch, Mr. Shaw, Mr. Kelly; AGAINST: Mrs. Beard and Mr. George.

A conference meeting to discuss this matter was set for 8:00 P.M., November 18, 1974 in the Council Chamber in the Kyle House.

Council next considered the setting of several public hearings.

Upon motion by Mr. Kelly, seconded by Mrs. Beard and carried unanimously, a public hearing was ordered published for November 25, 1974 on item 4A on the agenda.

- A. The rezoning from R6 Residential District to M2 Industrial District or to a higher classification of an area on the north side of Filter Plant Drive between Murchison Road and Ames Street.

Upon motion by Mr. Kelly, seconded by Mrs. Finch and carried unanimously, public hearings were set on the following matters for December 9, 1974.

- B. The rezoning from R5 Residential District to P2 Professional District or to a higher classification of an area located at 313, 315, 317, 319, 321 Broadfoot Avenue and 1208 Branson Street.
- C. The initial zoning to R10 Residential District, P2 Professional District and C3 Heavy Commercial District or to a higher classification of an area located along Coronada Parkway and Owen Drive.
- D. The initial zoning to R10 Residential District or to a higher classification of an area located at 2205 Redstone Drive.
- E. The initial zoning to R10 Residential District, C1P Shopping Center District and C3 Heavy Commercial District or to a higher classification of an area located at the intersection of Owen Drive and Boone Trail Extension extending both sides of Boone Trail to Fargo Drive.
- F. The rezoning from R6 Residential District to C1 Local Business District or to a higher classification of an area located on the southeast corner of the intersection of Breezewood Avenue and Marlborough Road.
- G. The rezoning from R6 Residential District to C1 Local Business District or to a higher classification of an area located on Pamalee Drive between Mintz Mill Road and Shaw Road.
- H. The rezoning from R6 Residential District to C3 Heavy Commercial District or to a higher classification of an area located on the north side of Whitfield Road between Robeson Street Extension and Camden Road.
- I. The annexation of property located on both sides of Boone Trail, from Fargo Drive to a point 750 feet southwest.
- J. The annexation of Borden Heights Subdivision located in the Cumberland Road Area.
- K. The annexation of a portion of Center Street located northeast of the present city limit line.
- L. The annexation of Country Club North, Section II, located east of Rosehill Road.
- M. Amending the subdivision ordinance relative to Town Houses.

PLANNING BOARD MATTERS

Council heard recommendation from the Planning Board for approval of the Wilmington Road Neighborhood Development Program preliminary subdivision review located on the west side of Wilmington Road, south and adjacent to the Aberdeen-Rockfish Railroad subject to the following conditions: (1) approval of street and drainage plans and construction by the City Engineer, (2) approval of water and sewer plans and construction by Public Works Commission and (3) compliance with all State and Local Sediment and Erosion Control Ordinances.

Mrs. Beard offered motion for approval of the foregoing subject to the conditions as recommended by the Planning Board. Motion seconded by Mr. Kelly and carried unanimously.

Council heard recommendation from the Planning Board for approval of the Hampton Villa Extension of preliminary group development approval (formerly the Pallidino property) located west of Owen Drive on an extension of Oliver Street and Crestwood Drive subject to the following conditions: (1) approval of street and drainage plans and construction by the City Engineer, (2) approval of water and sewer plans and construction by PWC, (3) compliance with all State and Local Sediment and Erosion Control Ordinances, (4) submission of a revised preliminary plat designating the required recreation areas and facilities, (5) that sidewalks be constructed on both sides of Crestwood Street, Walter Reed Drive and the west side of Oliver, (6) that paved excess connection should be provided over Walter Reed Drive and Oliver Street, (7) that a radius of 120 feet should be provided (dedicated to public use) on the northeast property corner to provide for future extension.

Mrs. Finch offered motion for approval of the foregoing subject to the conditions as recommended by the Planning Board, seconded by Mrs. Beard and carried unanimously.

Council heard further recommendation from the Planning Board for approval of Crosscreek Mall preliminary group development revision located at Morganton Road and U.S. 401 By-Pass subject to the following conditions: (1) previous conditions of approval, (2) subject to the compliance with all sediment and erosion control ordinances.

Mrs. Beard offered motion for approval of the foregoing subject to the conditions as recommended by the Planning Board, seconded by Mrs. Finch and carried unanimously.

PUBLIC WORKS COMMISSION MATTERS

Upon motion by Mrs. Finch, seconded by Mr. Kelly and carried unanimously, an application was approved for Mr. George J. Horning for one 1-inch water connection outside the city to an existing water main to serve an existing residence at 3525 Clearwater Drive in Hillendale Subdivision.

Upon motion by Mr. Shaw, seconded by Mr. Kelly and carried unanimously, an application was approved for Mrs. Ellis R. Short for a 4-inch sanitary sewer connection to an existing main to serve an existing building at 204 Boone Trail outside the city.

Council next gave consideration to a request from Mr. Ed Minick, Drug Coordinator, Cumberland County Mental Health Center for funding Residential Treatment Facility to be opened in the near future. Mr. Minnick had presented this request at the last regular meeting for an appropriation of \$9,250.00 from the city for this facility and his request had been deferred until this date.

The City Manager stated that Mr. Minnick had requested a further postponement of this matter until the December 9 meeting. Council took no action.

Council next gave consideration to two applications for Massage Parlor licenses. This matter was continued from the last regular meeting.

Following some discussion, Mrs. Finch offered motion, seconded by Mr. Shaw for approval of Massage Parlor licenses for the following named: Mrs. Brigitte Buchanan - Roman Health Club, 528 Hay Street and Mr. Michael Thomas Muir - Garden of Eden Massage Parlor, 40001 Murchison Road. Motion carried by the following vote: FOR: Mr. Kelly, Mrs. Finch and Mr. Shaw; AGAINST: Mr. George and Mrs. Beard.

Council next gave consideration to a request from the City Manager and City Engineer for an acquisition of right-of-way for a drainage canal between Ramsey Street and North Street. In a memorandum to the City Manager, the City Engineer stated that this canal drains a large portion of Fayetteville including portions of the CBD Loop, Ramsey Street and a number of city maintained streets. This ditch has been clogged with debris and sediment for some time and was in need of cleaning by a drag line. The highway dept. stated they would provide the drag line if the city would provide the right-of-way and do the cleaning and grubbing. This has been done. One property owner, Mrs. Jenny Waddell of 1223 North Street maintains that due to the ditch she cannot utilize for building purposes one of her 50 foot lots. We recommend that the city accept an offer from Mrs. Waddell to purchase 40 feet of her 100 foot lot plus 40 feet across the rear where a ditch drains from the Blueberry housing project area.

Following brief discussion, Mr. Shaw offered motion to approve the foregoing request as recommended, seconded by Mr. Kelly and carried unanimously.

Council next heard request from the City Manager for authority to acquire right-of-way on Jasper Street and Topeka Street. In a memorandum to the Council, the City Manager stated that appraisals had been made on the needed property for Jasper Street and Topeka Street right-of-way which Council authorized when the street improvement was ordered to be implemented several months ago. The City Manager stated that he was pleased to report that 21 owners had signed options to sell to the

City and it is requested that Council authorize the administration to acquire the following parcels of land at approximately the appraisal prices with the exact prices to be paid to be determined by the City Manager after consultation with the negotiators and the City Attorney. (A) 28 parcels of land abutting the north side of Jasper Street and Topeka Street within the project area and (B) 19 parcels of land abutting the south side of Jasper Street and Topeka Street within the project area. Any parcels which we will be unable to acquire by negotiation will be submitted to Council for condemnation proceedings, he stated.

Following brief discussion, Mr. Shaw offered motion that the City Manager be authorized to acquire the foregoing parcels as recommended, seconded by Mr. Kelly and carried Mr. George voting no.

Council next gave consideration to Cochran Avenue (Topeka Street) extension across Mr. Alvin Pierce's property. The City Engineer stated that subject street extension is a portion of the Fayetteville area thoroughfare plan. There are now 3 houses abutting this section of the street. Mr. Pierce has granted a 80 foot right-of-way and wishes the city to accept the street as a public street. Approval is recommended.

Following brief discussion, Mr. Shaw offered motion to accept Cochran Avenue (Topeka Street) extension across Mr. Alvin Pierce's property as a public street. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to a recommendation that U.S. 401 business route which now proceeds along Robeson Street, Russell Street, Gillespie Street, Market Square, Green Street and Ramsey Street be changed to Robeson Street, Bragg Blvd., CBD Loop then Ramsey Street. The advantage of the rerouting, the City Engineer stated, is the elimination of congestion in the downtown area especially at Market Square and James Square. This routing would also facilitate large trucks from the hazard around Market Square. The Dept. of Transportation is desire of the Council taking this action.

RESOLUTION OF THE CITY COUNCIL REROUTING U.S. 401 BUSINESS LOOP ALONG ROBESON STREET, BRAGG BLVD. AND THE CBD LOOP. RES. NO. R-1974-58.

Mr. Shaw introduced the foregoing resolution and moved its adoption, seconded by Mr. Kelly and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Res. Book #R-1974.

Council next gave consideration to U.S. 301 Business Loop. In a memorandum to the City Manager, the City Engineer stated that Mr. J.L. Stamp, Area Traffic Engineer for the Dept. of Transportation, had requested that the Council eliminate the entire routing of U.S. 301 business in Fayetteville and to designate Eastern Blvd. as U.S. 301. The present routing of U.S. 301 along Gillespie Street and Person Street is undesirable because of traffic congestion and roadway geometrics at the Market Square. As you know, he stated, truckers have considerable difficulty in maneuvering around the Market House and continuously damage their vehicles and the walls around the structure. It is felt by the Dept. of Transportation that the elimination of the U.S. 301 business loop would be a big help in keeping through trucks out of the downtown area.

RESOLUTION OF THE CITY COUNCIL TO ELIMINATE U.S. 301 BUSINESS LOOP ALONG GILLESPIE STREET AROUND MARKET SQUARE AND ALONG PERSON ST. RES. NO. R-1974-59.

Following brief discussion, Mr. Kelly offered motion for adoption of the foregoing resolution as recommended, seconded by Mrs. Beard and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Res. Book #R-1974.

Council next gave consideration to approval of the Dept. of Transportation's use of unexpended state street bond funds for Fayetteville to be expended on the construction of Robeson-Winslow Street one-way pair project. The City Manager stated that Mr. E.J. Butler, Division Engineer for the Dept. of Transportation, had stated in a letter that at the present time there are \$24,882.12 unallocated urban bond funds for use in the City of Fayetteville. Also there is an unexpended balance in project WO9.7062005 of approximately \$131,000.00 which will convert to the unallocated balance when this work order is closed next month. The construction of the Robeson-Winslow one-way pair project has been approved and this is to request concurrence by the City in the adoption of the remaining urban bond funds for the construction of this project.

Following brief discussion, Mr. Shaw offered motion, seconded by Mr. Kelly that the foregoing be approved. Motion carried unanimously.

Mayor Lee then extended the thanks of himself and the Council to Mr. Rex Harris, Member of the Dept. of Transportation, for getting the Robeson-Winslow one-way pair back in the program to assist in the Fayetteville Downtown Circulation plan.

Council next gave consideration to an ordinance effecting a lien against the real property for the demolition cost incurred at 324 Cumberland Street.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$350.00 AGAINST PROPERTY LOCATED AT 324 CUMBERLAND STREET AND OWNED BY ST. LUKE .M.E. CHURCH FOR THE DEMOLITION OF A SUBSTANDARD STRUCTURE. ORD. NO. NS-1974-93.

Mrs. Finch introduced the foregoing ordinance and moved its adoption at 10:33 P.M., seconded by Mr. Kelly and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ord. Book #NS-1974.

Council next gave consideration to an ordinance requiring the demolition of substandard property - Multi family apartment building-located in the 700 block of Locust Street. The City Manager reported that Mr. Rajah Arab had executed an agreement with the Sanitation Dept. for the removal of all the debris at this location. (Mr. Arab had been granted an extension of time at a earlier meeting). Mrs. Finch also stated that she had observed the area and it is now clear. The City Manager requested the adoption of an ordinance all the same.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A SUBSTANDARD STRUCTURE LOCATED IN THE 700 BLOCK OF LOCUST STREET AND OWNED BY MR. RAJAH ARAB. ORD. NO. NS-1974-94.

Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ord. Book #NS-1974.

Council next gave consideration to the adoption of ordinances for the demolition of substandard structures located at 305-B Waddell Drive, 305-C Waddell Drive, 311-A Waddell Drive, 311-B Waddell Drive, 313 Waddell Drive and 319 Waddell Drive (Lot #37) owned by Mr. Jesse B. Rouse,

Mr. Rouse was present and recognized and requested a 90 day extension of time to clear this property. Following brief discussion, Mr. Shaw offered motion, seconded by Mr. Kelly that Mr. Rouse be granted a 90 day extension of time to clear the foregoing property as requested. Motion carried unanimously.

Council next gave consideration to further ordinances requiring demolition to substandard property.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BLDG. INSPECTOR TO DEMOLISH A STRUCTURE LOCATED AT 2309-B SLATER AVENUE AND OWNED BY MRS. HILDRED MCKOY. ORD. NO. NS-1974-95.

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

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BLDG. INSPECTOR TO DEMOLISH A STRUCTURE LOCATED AT 2309-C SLATER AVENUE AND OWNED BY MRS. HILDRED MCKOY. ORD. NO. NS-1974-96.

Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BLDG. INSPECTOR TO DEMOLISH A STRUCTURE LOCATED AT 2309-D SLATER AVENUE AND OWNED BY MRS. HILDRED MCKOY. ORD. NO. NS-1974-97.

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

A copy of each of the foregoing ordinances is on file in the City Clerk's Office in Ord. Book No. NS-1974.

Council next recognized Mr. R.W. Breece, who requested a 6 months extension to correct or demolish substandard structures located at 130, 130-A, 130-B North Water Street. Mr. Breece stated that this property is owned by himself and the Oscar P. Breece, Jr. Heirs.

Following brief discussion, Mr. Shaw offered motion to grant Mr. Breece a 90 day extension and review this matter at that time for a decision. Motion seconded by Mr. Kelly and carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL REQUESTING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 1035 UNIVERSITY AVENUE (REAR) OWNED BY MR. & MRS. JUNE MCMILLAN. ORD. NO. NS-1974-98.

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

AN ORDINANCE OF THE CITY COUNCIL REQUESTING THE CITY BLDG. INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 342 VANSTORY STREET AND OWNED BY MRS. ANNA F. GANTT. ORD. NO. NS-1974-99

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

AN ORDINANCE OF THE CITY COUNCIL REQUESTING THE CITY BLDG. INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 327 SIMMONS STREET AND OWNED BY MRS. HANNAH MONTAGUE. ORD. NO. NS-1974-100.

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

Copies of all of the foregoing ordinances are on file in the office of the City Clerk in Ord. Book #NS-1974.

Council next gave consideration to a preliminary condemnation resolution authorizing the condemnation of property owned by Jack Mendelson and wife Edith R. Mendelson for use as a street right-of-way on Franklin Street extension.

PRELIMINARY CONDEMNATION RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR A STREET RIGHT-OF-WAY IN UPON AND OVER CERTAIN LAND OWNED BY JACK MENDELSON AND WIFE EDITH R. MENDELSON ON FRANKLIN STREET. RES. NO. R-1974-60.

Mr. Shaw introduced the foregoing resolution and moved its adoption, seconded by Mrs. Beard and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book #R-1974.

Council next gave consideration to several bids. Upon motion by Mr. Kelly, seconded by Mrs. Finch and carried unanimously, the low bid of Cox Tire Machinery Company, Inc. in the amount of \$4,581.44 for a tire cutter for the Sanitation Dept. was approved.

Upon motion by Mr. Kelly, seconded by Mrs. Beard and carried unanimously, the low bid of North Carolina Equipment Company in the amount of \$3,057.60 for a 15-foot mower for the airport was approved.

Council next gave consideration to an amendment (Amendment #1) to a FAA grant agreement adding fire fighting auxiliary equipment proximity suits and radio equipment for the new fire station and new fire truck located at the Municipal Airport. In a memorandum to the City Manager, the Airport Manager stated that these items were not contained in the original grant because FAA did not determine at that time the status of eligibility for funds and the percentage of participation. These items were approved in the current fiscal year airport budget, he stated. The Airport Commission requested the City Council to approve the amendment and authorize the Mayor and City Clerk and City Attorney to execute the necessary documents.

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING, ADOPTING, APPROVING, ACCEPTING AND RATIFYING THE EXECUTION OF THE AMENDMENT #1 TO GRANT AGREEMENT TO PROJECT #8-37-0021-02 BETWEEN THE U.S.A. AND THE CITY OF FAYETTEVILLE. RES. NO. R-1974-61.

Mr. Shaw introduced the foregoing resolution and moved its adoption, seconded by Mr. Kelly and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Res. Book #R-1974.

Mr. Shaw offered further motion that an agreement be approved between the State of North Carolina and the City of Fayetteville on this same matter for any funds which may be forth coming from the State and that the Mayor and Clerk be and they hereby are authorized and directed to sign such agreement for the City. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to a request by Mr. Johnny McGee for a proposed limousine service for the City. In a memorandum to the Council, the City Manager stated that Mr. McGee had contacted his office and requested information on how he could begin a limousine service in Fayetteville. Mr. McGee now lives in Raleigh but plans to move to Fayetteville and go into partnership with someone who lives near here now. The City Attorney has given a legal opinion that this operation would be under the regulations of Chapter 28, Taxi Cabs of the City Code. Many sections of Chapter 28 do not seem to be applicable to a limousine service. Section 28-11 limits the number of taxi cabs in Fayetteville to 100. It is suggested that we advise Mr. McGee whether or not Council will consider limousines to be included within the 100 limitation or whether an application would be considered with limousines to be in addition to the 100 taxi cabs. The City Manager stated that Mr. McGee intends to offer a service the object of which is to offer an atmosphere of elegance and style as well as comfortable transportation at a reasonable rate. Mr. McGee intends to start with two fleetwood limousines intending to cater to occasions of the public mostly by appointments from people desiring such service. The service will offer an uniformed chauffeured limousine car and hospitality that will be a full accommodation to those employing those services. They will serve political campaigns, public appearances, fashion fairs and entertainers and sport events. They would propose to serve Ft. Bragg and Pope Air Force Base under contract through the U.S. Government. A few of the other services would be to and from churches, funeral services, city site-seeing tours, weddings and civic events.

Following some discussion of this proposal and the provisions of the Taxi Cab ordinance, Mayor Lee suggested that Council authorize the City Attorney to draw an ordinance for limousines for consideration by City Council. The suggestion was accepted without objection and the City Attorney so authorized.

Council next gave consideration to the approval of Taxi Cab Driver Permits. Upon motion by Mrs. Beard, seconded by Mr. Kelly and carried unanimously, taxi cab permits were approved for the following named: LINWOOD EMANUEL, THOMAS ROCHTE, OWEN HARRIS AND EDWARD AUSTIN.

Taxi Cab Permits were not recommended for George Milton Lindsay, Jonah Lee Loftin and George Edward Ray. Mr. Lindsay was present in the audience and recognized in his own behalf.

Following brief discussion, Councilman George offered motion to approve taxi cab driver permit for George Milton Lindsay. Motion seconded by Mr. Shaw and carried unanimously,

Upon motion by Mrs. Finch, seconded by Mrs. Beard and carried unanimously, a taxi cab driver permit application by Jonah Lee Loftin was not approved.

Upon motion by Mrs. Finch, seconded by Mr. Kelly and carried unanimously, a taxi cab driver permit application was not approved for George Edward Ray.

Council next gave consideration to an application for a Taxi Cab Franchise (owners) certificate. Council recognized Attorney Floyd Ammons and Mrs. Yvonne Grantham. Mr. Ammons stated that Mrs. Grantham was the widow of the late Luther L. Grantham, owner of one taxi cab certificate and requested that this certificate be transferred to Mrs. Grantham.

Following brief discussion, Mrs. Beard offered motion that one taxi cab driver certificate be transferred from Mr. Luther Grantham to Mrs. Yvonne Grantham. Motion seconded by Mr. George and carried unanimously.

Council next gave consideration to several appointments.

One appointment to the Human Relations Commission to replace A.D. Roscoe, resigned was considered. Mr. George nominated Mrs. Willie E. Harlow for this vacancy.

Following brief discussion, Mrs. Finch offered motion that nominations be closed and that Mrs. Harlow be appointed by acclamation to serve the remainder of Mr. Roscoe term, such term expiring in March 1976. Motion seconded by Mr. Kelly and carried unanimously.

Three terms of office were expiring on the Advisory Recreation and Parks Commission.

Upon motion by Mr. Shaw, seconded by Mrs. Finch and carried unanimously, Mr. Milton Mazarick and Mr. John W. (Bill) Hurley were reappointed to this commission for three year terms of office each said term expiring in October 1977. The remaining appointment was carried over to the next regular meeting.

Council next gave consideration to appointments to the Educational Development Advisory Council. Mayor Lee stated that there were nine appointees to be considered and that the 9 appointees should be appointed for staggered 1, 2, and 3 year terms of office.

Following brief discussion, Mr. Shaw offered motion to appoint the following nine members to the Educational Development Advisory Commission for the terms of office as shown. Motion seconded by Mr. George and carried unanimously.

For one year term of office expiring in November 1975: MRS. WELDON JORDAN, MRS. ERNEST CAIN AND MR. H.D. REAVES.

For two year terms of office expiring in November 1976: MR. EDWARD N. TINDELL, MRS. RIDDICK REVELLE AND MR. JOE WALKER.

For three year terms of office expiring in November 1977: MR. FRED FARMER, MRS. FRANK MCMILLAN AND MR. DAN STOUT.

An appointment to the Airport Commission to complete the unexpired term of Mr. G.W. Ray, deceased, was deferred until the next regular meeting.

There were no delegations present.

CITY MANAGER REPORTS

The City Manager reported that two patrolman in the Police Dept. had been certified for promotion to sergeant. They were E.J. Merritt and J.L. Chapman.

Upon motion by Mr. Kelly, seconded by Mrs. Beard and carried unanimously, the two aforementioned policeman were appointed to the Rank of Sergeant in the Police Dept.

The City Manager reported that bids are now being received for the paving of the Franklin Street Alley and would be presented to the Council at the next regular meeting.

The City Manager gave a report on Duncan Street. He stated that he had talked with residents and property owners from the area and some property owners want an unpaved segment of Duncan Street paved and some do not. A church in the area owns the abutting property and desires the unpaved segment closed a public street.

Following brief discussion of this matter, Mr. Shaw offered motion to take no action at this time. Motion seconded by Mrs. Finch and carried unanimously.

This concluded the City Manager's reports.

MATTERS OF INTEREST TO THE COUNCIL

Mr. George offered suggestion to amend the city's massage parlor ordinance to the degree that applications for licenses to operate massage parlors would not come before Council but rather be acted upon by city administration and routinely reported to Council.

Mr. Shaw asked about the sign ordinance and particularly about lighted portable signs. Mr. Mitchell of the Planning Dept. stated that he had discussed this matter with the building inspector and there was still a question as to whether or not portable signs are covered. The City Attorney was requested to draft an ordinance to cover such signs.

Mrs. Beard suggested a further amendment to the massage parlor ordinance which would require a change in ownership of such massage parlor whether it be a corporation, partnership or individual ownership be required to reapply for license.

Mayor Lee informed Council that he had drawn a resolution expressing the appreciation and gratitude of the Council to Mr. Gilbert W. Ray, Fayetteville's First City Manager, who served

continously from 1949 until his retirement in 1969 and whose death occurred on Saturday, November 2, 1974 and that such resolution be adopted by the Council, spread upon the minutes of this meeting and a copy forwarded to Mr. Ray's widow.

Mr. Shaw so moved, seconded by Mr. Kelly and carried unanimously.

RESOLUTION
OF SYMPATHY
TO THE FAMILY OF
GILBERT W. RAY

Res. No.
R-1974-62

Mr. Gilbert W. Ray in his service as the first City Manager of Fayetteville from 1949 through 1970 contributed much to the orderly growth of this area and his innovative ideas were responsible for making life in the city much better for everyone. He spearheaded many of the programs that are still being carried on for the improvement of all areas of concern.

After his retirement he continued to serve his city by accepting an appointment as a member of the Fayetteville Airport Commission and was honored by his colleagues with election as Chairman. He used his knowledge and abilities well in the pursuit of better facilities and service at the airport.

Mr. Ray was a warm human being, willing to listen and respond to the needs of the individual citizens and act where he could to make conditions better. His abilities were recognized by his State and National associations as he held high offices in both organizations.

Acting for all of the citizens of Fayetteville, the Mayor and City Council wish to express to the family of the late Mr. Ray our sympathy for the loss of their loved one and orders that this resolution be spread upon theminutes of the regular meeting of the City Council of November 11, 1974.

Jackson F. Lee, Mayor

Beth D. Finch, Mayor Pro-Tem

Vardell Godwin, Councilman

Harry F. Shaw, Councilman

Glen Kelly, Councilman

Marion George, Councilman

Marie Beard, Councilwoman

A copy of the foregoing resolution is on file in the office of the City Clerk in Res. Book #R-1974.

Mayor Lee reminded the Council of the Joint meeting with the Board of County Commissioners in their meeting room in the Courthouse Annex on Thursday, November 21, 1974 to discuss the Community Development Act of 1974.

Thereafter, all matter of business having been completed, the meeting was adjourned at 11:40 P.M., upon motion and duly seconded.

Maurice W. Downs
By: Charlene Edge

Maurice W. Downs
City Clerk



SPECIAL MEETING
CUMBERLAND COUNTY ANNEX BUILDING
NOVEMBER 21, 1974
8:50 P. M.

Present: Mayor Jackson F. Lee

Council Members: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly

Others Present: Mr. Guy Smith, City Manager
Mr. William Clark, City Attorney

At a joint conference of the Cumberland County Board of Commissioners and the Fayetteville City Council regarding the Housing and Redevelopment Act of 1974, it was agreed that both governmental bodies would enter into their separate official sessions for the purpose of officially expressing their respective intent.

There being no objections from council members, Mayor Lee called the session into an official session of the Fayetteville City Council.


Councilman Harry Shaw offered motion, seconded by Vardell Godwin, that the City Council enter into an arrangement for a joint effort with Cumberland County Commissioners for Community Development under the Housing and Community Development Act of 1974. Motion carried unanimously.

Mr. Shaw offered motion that the City-County Liaison Committee meet November 22, 1974 at 2:00 P.M. for the purpose of developing the structure of a joint agency. Mr. Godwin seconded the motion. Motion carried unanimously.

Mr. Shaw then made a motion that Mr. Fairley start work immediately on the items necessary to prepare an application for entitlement funds under the Housing and Community Development Act of 1974. Mrs. Finch seconded the motion. Motion carried unanimously.

Business having been completed, the meeting was adjourned at 9:10 P.M., upon motion made and duly seconded.

Subsequent to the City Council meeting, the County Commissioners entered into official session and unanimously passed identical motions to that of the City Council.



William G. Thomas
Deputy City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
NOVEMBER 25, 1974
8:00 P. M.

Present: Mayor Jackson F. Lee

City Council: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly

Others Present: Mr. Guy Smith, City Manager
Mr. William Clark, City Attorney
Mr. Ray Muench, PWC

Mayor Lee called the meeting to order and the Rev. Garfield Warren, College Heights Presbyterian Church, offered the invocation. Mayor Lee then led the assembly in the Pledge of the Allegiance to the Flag.

Mayor Lee then recognized Fayetteville Youth Council Members Susan Stanley, Cindy Suggs and Jane Hollinshed.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, Minutes of the Regular Meeting of November 11, 1974 were approved as submitted by the Clerk.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, Minutes of a Special Joint Meeting between the City Council and the Board of County Commissioners held on November 21 was approved as submitted by the Deputy City Clerk.

A public hearing was held as continued from previous meetings on confirmation of the assessment roll for the paving of a segment of Buxton Blvd. Upon motion by Mr. Godwin, seconded by Mr. George and carried unanimously, this public hearing was continued to December 23, 1974.

A public hearing was held as continued from previous meetings on confirmation of the assessment roll for the paving of Edgar Street from Jasper Street to Amye Street. The City Manager provided some historical background on this matter for Council's benefit.

A Mrs. James Davis, 203 Edgar Street, was recognized in objection to the assessment rate. A Mr. Ervin Veazie of Edgar Street was also recognized in objection to the assessment rate and that Dewey Street had been closed preventing access to his property. Mr. Veazie stated that the street curbing along Edgar Street closed Dewey Street as an access. In response to inquiry, the City Engineer stated that he had no knowledge of this circumstance. The City Manager stated that if the curb does block access to Dewey Street from Edgar Street such curbing will be removed.

Following brief discussion, Mr. George offered motion to continue this public hearing to December 23, seconded by Mrs. Beard and carried unanimously.

A public hearing was held as continued from previous meetings on confirmation of the assessment roll for the paving of that segment of Randolph Avenue between Law Road and the eastern margin of Wright property, Lot 14, Plat Book 20, Page 15, Cumberland County Registry. The City Manager presented historical background to Council on this street and stated that in accordance with Council's directive, he had obtained appraisals on the McCollum and Melvin properties. The paving assessment proposed for the McCollum property is \$1,544.80. The appraisal figure was \$1,177.00. The proposed assessment for the Melvin property is \$970.83. The appraisal figure is \$1,721.00. The City Manager recommended that the assessment on the McCollum property be reduced to \$1,177.00 and that the assessment rate on the Melvin property remain at \$970.83.

Mr. Robert McCollum was recognized in his own behalf regarding his assessment and expressed no further objection.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF RANDOLPH AVE. FROM LAW ROAD TO THE EASTERN MARGIN OF THE WRIGHT PROPERTY, LOT 14, PLAT BOOK 20, PAGE 15, CUMBERLAND COUNTY REGISTRY. ORD. NO. NS-1974-101.

Following brief discussion, Mr. Godwin introduced the foregoing ordinance and moved its adoption at 8:30 o'clock P.M. and that the McCollum property be assessed for \$1,177.00 in accordance with the appraisal and that the Melvin property be assessed at \$970.83 as originally computed. Motion seconded by Mr. Kelly and carried by the following vote: FOR: Mr. Kelly, Mr. Godwin, Mrs. Finch and Mr. Shaw; AGAINST: Mrs. Beard and Mr. George. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ord. Book #NS-1974.

A public hearing was held as continued from previous meetings on confirmation of the assessment roll for the paving and sidewalk on Langdon Street between Big Cross Creek and Murchison Street. The City Manager reported that the work is not completed yet and recommended a further continuance of this public hearing.

Upon motion by Mr. Kelly, seconded by Mr. George and carried unanimously, the public hearing on Langdon Street was continued to December 9, 1974.

A public hearing was held as continued from previous meetings on confirming the assessment roll for the paving of Kennedy Street from Russell Street to Person Street. The City Manager gave

historical background on this project.

Attorney Lester Carter was again recognized representing Mrs. Dinty Moore, a property owner, and requested a reduction in the assessment due to the exceptional drainage problem encountered on this street. Also a Mrs. Thompson was recognized in opposition to the assessment rate.

Following brief discussion, Mr. Godwin offered motion that appraisals be made on the property on Kennedy Street and this public hearing be continued to December 23, 1974. Motion seconded by Mr. Shaw.

Following brief discussion, Mr. George offered substitute motion that assessment on Kennedy Street be made at the rate of \$10.00 per front foot. Motion seconded by Mrs. Beard and failed by the following vote: FOR: Mr. George and Mrs. Beard; AGAINST: Mr. Kelly, Mr. Godwin, Mr. Shaw and Mrs. Finch.

Mayor Lee then called for vote on the original motion for appraisals and continuance of this public hearing and the motion carried by the following vote: FOR: Mr. Kelly, Mr. Godwin, Mr. Shaw and Mrs. Finch; AGAINST: Mrs. Beard and Mr. George.

Mayor Lee stated that this matter would be brought back before Council at a later date after appraisals had been made.

A public hearing was held as continued from previous meetings on confirmation of the assessment roll for the paving of Buie Court from Player Avenue to Cul-de-sac. The City Manager again presented Council with historical background on this project.

A Mr. Sal LaRocca was recognized on a request for reduction in the assessment rate for this paving. Mr. Troy Nelson was also recognized with a request for relief in the assessment rate.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF BUIE COURT FROM PLAYER AVENUE TO CUL-DE-SAC. ORD. NO. NS-1974-102.

Mr. Shaw introduced the foregoing ordinance and moved its adoption at 9:00 P.M. and that the assessment roll be confirmed as recommended by the City Manager. Motion seconded by Mr. Godwin and carried by the following vote: FOR: Mr. Kelly, Mr. Godwin, Mrs. Finch and Mr. Shaw; AGAINST: Mr. George and Mrs. Beard. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ord. Book #NS 1974.

A public hearing was held as continued from previous meetings on the confirmation of the assessment roll for the paving of Player Avenue from Owen Drive to the existing pavement at the eastern edge of Plat Book 15, Page 35, Cumberland County Registry. The City Manager again presented historical background on this project. There was no opposition present.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF PLAYER AVENUE FROM OWEN DRIVE TO THE EXISTING PAVEMENT AT THE EASTERN EDGE OF PLAT BOOK 15, PAGE 35, CUMBERLAND COUNTY REGISTRY. ORD. NO. NS-1974-103.

Mr. Godwin introduced the foregoing ordinance and moved its adoption at 9:15 P.M., motion seconded by Mr. Kelly and carried by the following vote: FOR: Mr. Kelly, Mr. Godwin, Mrs. Finch and Mr. Shaw; AGAINST: Mr. George and Mrs. Beard. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book #NS-1974.

A public hearing had been published for this date and hour on the rezoning from R6 Residential District to M2 Industrial District or to a higher classification of an area on the north side of Filter Plant Drive between Murchison Road and Ames Street. This rezoning request had come from the Public Works Commission.

Planner Mitchell informed Council that the Planning Board had tabled this matter at their last meeting for study and had rescheduled it for their next meeting on Tuesday, December 17.

Upon motion by Mr. Godwin, seconded by Mrs. Finch and carried unanimously, public hearing on the foregoing matter was continued to the meeting of December 23, 1974.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, public hearings were set for December 23, 1974 on the following matters:

- A. The initial zoning to C1P Shopping Center District or to a higher classification an area located at the intersection of U.S. 401 North and Carvers Fall Road.
- B. A request for a special use permit for an activities center for older adults in an R5 Residential District as provided in the City of Fayetteville Zoning Ordinance, Section 32-24, subsection (5) Charitable Institutions located at 1505 Fort Bragg Road.
- C. The rezoning from R6 and R5 Residential Districts to C3 Heavy Commercial District or to a higher classification of an area located at 2909 thru 2943 on the south side of Breezewood Drive.

PLANNING BOARD MATTERS

Council heard recommendation from the Planning Board for Springfield Mobile Home Park plan

review located approximately 1,000 feet east of Murchison Road along the north side of Springfield Road subject to the following condition (1) that the City Engineer approve the street and drainage plans for the area.

Following brief discussion, Mr. Godwin offered motion for approval of the foregoing as recommended by the Planning Board and subject to the condition. Motion seconded by Mr. Kelly.

Council heard further recommendation from the Planning Board for the approval of Green Valley Estates preliminary revision review of Section IV located north of the 401 By-Pass and west of Hellen Street subject to the following conditions: (1) that the street and drainage plans be approved by the City Engineer, (2) and that an 80 foot right-of-way be reserved for Hellen Street and that such right-of-way be granted by the developer.

Following brief discussion, Mr. Shaw offered motion, seconded by Mr. Godwin and carried unanimously for approval of the foregoing as recommended by the Planning Board and that the 80 foot right-of-way be reserved for Hellen Street and such right-of-way be granted by the developer.

Council heard recommendation from the Planning Board for Bordeaux Shopping Center preliminary group development and CIP plan revision approval located at Village and Owen Drives subject to the following (1) that curbing be provided adjacent to Boone Trail in areas where parking is to join sidewalk areas. The curbing shall set back at least 18 inches from the outside edge of the sidewalk, (2) that building "M" as indicated on the map is not approved and further proposals in this area are subject to review in the future, (3) that prior to occupancy of any new structure adequate off-street parking areas sufficient in size and in accordance with the city ordinance be provided in conformance with the plan and uses of any structure, (4) that the final elevation of the proposed pedestrian bridge across Boone Trail extension be approved by the City Engineer prior to construction, (5) that future modifications to this overall site plan be submitted for review and approved in accordance with city ordinances by the appropriate agencies and the City Council, (6) approval of the variance for the Putt-A-Round building with the requirement that the planting and fencing be completed.

Councilman Kelly requested and received permission from the Council to be excused from discussion or voting on this issue.

Council recognized Attorney Ervin Baer, representing the developer, with a request for the variance needed for the Putt-A-Round building.

Following brief discussion, Mr. Godwin offered motion for approval of Bordeaux Shopping Center as recommended by the Planning Board. Motion seconded by Mr. George and carried Mr. Kelly abstaining to vote.

Council next considered a request for a water service extension for Stars Mobile Home Park of Camden Road such request being made by Mr. William C. Herrington. Planning Board recommended denial of this because the proposed mobile home park does not meet the minimum city standards for mobile home parks.

Following brief discussion, Mr. Godwin offered motion, seconded by Mrs. Finch to follow the recommendation of the Planning Board and deny this request for a water service extension. Motion carried unanimously.

PUBLIC WORKS COMMISSION MATTERS

Upon motion by Mr. Shaw, seconded by Mr. Kelly and carried unanimously, approval was given to an application by George Knox Pomeroy for a 1-inch water connection to an existing main in River Road to serve an existing residence near Cargill Plant outside the city.

Council next considered a request from PWC for the passage of a resolution of condemnation for an electric transmission line over land owned by Edward L. Martin and others. PWC Manager, Ray Muench, stated that the owners had been made what PWC considers to be a fair offer of \$7,200.00 for an easement over this tract but the offer was not acceptable to the owners.

RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR AN ELECTRIC TRANSMISSION LINE IN UPON AND OVER CERTAIN LAND OWNED BY EDWARD L. MARTIN AND WIFE GRACE B. MARTIN, EDWARD L. MARTIN, JR. AND WIFE BETTY W. MARTIN, N.H. PERSON, TRUSTEE AND L.C. PRITCHETT AND WIFE BELLE W. PRITCHETT. RES.NO. NR-1974-63.

Mr. Godwin introduced the foregoing resolution and moved its adoption, seconded by Mr. Kelly and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Res. Book #R_1974.

Council next heard a request from PWC for review by Council for approval of proposed Amendment No. 1 of the PWC 1974-75 budget. The purpose of such amendment, Mr. Muench stated, is to establish a budget for several PWC funds. Mr. Muench stated that separate bond capital project funds are required for each utility, electric, water and sanitary sewer, electric bond and water bond and sanitary sewer capital and establishing a budget for each would provide more effective control and streamline the budgetary accounting of PWC. The total budget figure is not affected, he stated.

The City Manager suggested to the Council that the foregoing amendment be approved if it is

Council's desire to do such by the preparation and adoption of an amending ordinance which he stated he would draw and present to Council at the December 9 meeting. This was approved without objection by Council.

Council next recognized a Mrs. Hasapis, a property owner, residing at the corner of Scampton Drive and Duncan Street, on a request that an unpaved segment of Duncan Street be paved. Mrs. Hasapis stated that although she did not live on this segment of street the mud and dust situation in dry and wet weather was a nuisance. The City Manager stated that this matter had been before Council on previous occasions and that the property abutting this segment of street was owned by a church which had requested that this segment of street be closed. The City Engineer stated that this segment of street could be closed with a barricade.

Following brief discussion, Mr. Godwin offered motion that this segment of Duncan Street be cleaned up and a temporary barricade installed, seconded by Mrs. Finch and carried unanimously.

Council next gave consideration to a request by Mr. H.W. Magness, 3259 Shamrock Drive, for an exception to the city driveway location requirements.

Council recognized Mr. Andy Edmundson, representing Mr. Magness, his father-in-law, on a request that Mr. Magness be permitted to recover the remaining 6 feet of his driveway at this location. In a memorandum to the City Manager, the City Engineer stated that in July of 66, the city adopted a driveway regulation (city code section 26-36, page 402) that had been developed by the State Highway Dept. in consultation with several cities in North Carolina. On page 5 of this regulation, the corner clearance is to be 15 feet or outside the radius for driveways. The City Engineer stated that he and Mr. Bowden of his dept. had met with Mr. Magness and explained this regulation and the hazard of a car backing into a street intersection and suggested that he curb his driveway to enter Shamrock Drive to conform with the regulation but Mr. Magness had not done so and proceeded to have his new driveway constructed to the edge of the street right-of-way and has made several request to extend the driveway to the curb within the radius of the intersection.

Following brief discussion, Mrs. Beard offered motion to allow an exception to the ordinance and grant a permit to Mr. Magness to complete the remaining 6 feet of his driveway in its present location. Motion seconded by Mr. Godwin and carried unanimously. (The City Manager requested that the minutes reflect that this was an existing situation and the Mayor so ordered).

Council next recognized Mr. Luke Wheeler, President of the Downtown Fayetteville Association, on a request that all on-street parking meters be hooded and out of operation during the period from November 29, 1974 to December 31, 1974. Mr. Wheeler stated that the association will provide the hoods and a poll of the merchant members indicates their desire to have this grace period in the interest of better business.

Following brief discussion, Mr. Shaw offered motion to approve the foregoing request of the Downtown Fayetteville Association for the period indicated. Motion seconded by Mrs. Finch and carried unanimously.

Council next recognized Mr. Charles Fairley, Executive Director of the Fayetteville Redevelopment Commission, on a request that Council approve the execution of contracts for the sale of land for the Murchison Road redevelopment area, N.C. R-90. The names and amounts of the bids were as follows: (1) Albert and Inez Brown, \$2,100.00; (2) Ellen F. Smith, \$150.00; (3) Franklin P. Smith, \$350.00; (4) Gladhaven Rest Home, \$7,000.00 and (5) Elizabeth Henderson \$24,500.00.

Following brief discussion, Mr. Kelly offered motion, seconded by Mr. Shaw and carried unanimously for approval of the foregoing as requested and that the Mayor be and he hereby is authorized to sign said contracts.

Upon motion by Mr. Shaw, seconded by Mr. George and carried unanimously, discussion of a street improvement policy revision was postponed to the December 9 meeting for action at that time.

Council next gave consideration to the approval of the ordinance for the control of erosion and sedimentation. The City Manager presented the ordinance and made recommendation for adoption with an effective date of January 1, 1975.

AN ORDINANCE TO PROVIDE FOR THE CONTROL OF SOIL EROSION AND SEDIMENTATION. ORD. NO. NS-1974-104.

Mr. Shaw introduced the foregoing ordinance and moved its adoption to be effective January 1, 1975. Motion seconded by Mr. Kelly and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ord. Book #NS-1974.

Council next gave consideration to a request for a temporary easement into and across a portion of a parcel of city owned land off Filter Plant Drive north of Bragg Blvd. for the right of ingress and egress to Radio Station WFLB. The City Manager stated that he had received a request from Mr. Gardner Altman, Sr. and Gardner Altman, Jr., owners of WFLB radio station, stating that the office and broadcast facilities of their station are situated on property adjacent to the city owned property. At the present time, the main access to their premises from and to Bragg Blvd. is by way of a 10 foot right-of-way. Leading from the paved parking facilities construction upon their premises, is an unimproved unmaintained dirt pathway from said parking lot to Filter Plant Drive across the property of the City of Fayetteville. The pathway in question is used by the personnel of WFLB as a means of ingress to the premises in order to avoid the hazardous entry and exit directly on to Bragg Blvd. The pathway in question has from time to time been improved to the

extent of grading in order to make it passable for traffic by standard passenger cars and to prevent continuous extreme washing of dirt onto the WFLB Parking lot. It is the desire of the property owners to enter into some form of agreement with the city providing for the right of said property owners to use, improve and maintain said pathway in a reasonable manner subject to the direction of the city and further to be subject to determination upon reasonable notice given by the city to the property owners.

Mr. Smith stated the owners specifically request that the city grant the owners a 30 foot easement providing full rights of ingress and egress from the eastern property line of the above described premises to the western margin of the right-of-way of Filter Plant Drive across property owned by the city, said easement to provide that all improvements and maintenance would be paid for by petitioners and further that said grant of easement would be revoked and terminated by the giving of 90 days written notice to the land owners by the city. The City Manager recommended approval of the request.

Council recognized Mr. Gardner Altman, Jr. in behalf of this request.

Following brief discussion, Mr. Godwin offered motion to follow the foregoing recommendation of the City Administration and approve the request and that the mechanics of the agreement be worked out by the City Attorney and Mr. Altman. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to a proposed amendment to the city sign ordinance regulating lighted portable temporary signs. The City Attorney presented the proposed ordinance and gave explanation of it. Mayor Lee requested that he be excused from discussion and voting on this matter and turned the chair over to Mayor Pro Tem Finch.

Following brief discussion, Mr. Shaw offered motion for the adoption of this proposed ordinance effective immediately. Motion seconded by Mr. Kelly.

Following some further discussion, Mr. George offered substitute motion to postpone action on this proposed ordinance to December 23. Motion seconded by Mr. Godwin and carried by the following vote: FOR: MR. George, Mr. Godwin, Mrs. Beard; AGAINST: Mr. Kelly and Mr. Shaw. Mayor Lee abstained to vote.

Council next gave consideration to bids. Upon motion by Mrs. Beard, seconded by Mrs. Finch and carried unanimously, the low bid of Cobb Paving Company in an estimated amount of \$4,495.00 for the paving of the Franklin Street alley was approved.

Upon motion by Mrs. Finch, seconded by Mr. Shaw and carried unanimously, the low bid of LaFayette Ford in the amount of \$3,800.00 was approved for the purchase of a wide bed truck for the Engineering Dept.

On bids for a motor grader, the City Manager stated that the bids received were too high and the City will receive a lower bid if readvertised and recommended that the bids received on this motor grader on November 14 be rejected and new bids be advertised for immediately.

Following brief discussion, Mr. Godwin offered motion to continue the foregoing matter to December 9. Motion seconded by Mrs. Finch and carried unanimously.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, the low bid of Cobb Paving Company in the amount of \$2,072.24 was approved for two multi-purpose play courts. One each on Italy Street and Alexander Street.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, the low bid of Cobb Paving Company in an estimated amount of \$6,209.25 was approved for the construction of the Frances Brooks Stein library parking lot.

Council heard request from the Salvation Army that they again have permission to place on the streets their booths used to solicit funds for the Christmas Cheer Program. The desired locations are in front of Kress, Penny's and First Citizens Bank on Hay Street. The beginning date would be Friday, November 29 and the booths would be removed from the street right after Christmas Day or as soon as electrical services is disconnected. Council approved the foregoing request unanimously.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, taxi cab driver permits were approved for the following named as recommended: GENE DENMARK, JOSEPH MORRIS, GLORIA HOLLOWAY, CHARLIE J. BYRUM.

Fred Gaddy was not recommended for a taxi cab driver permit. Mr. Gaddy was not present.

Mrs. Finch offered motion to follow the recommendation and disapprove a taxi cab driver permit for Fred Gaddy. Motion seconded by Mrs. Beard and carried unanimously.

Council next considered several appointments.

Upon motion by Mr. Shaw, seconded by Mr. Godwin and carried unanimously, Mr. Michael Pittman was appointed to the Advisory Recreation and Parks Commission for a three year term of office said term to expire in October 1977.

Upon motion by Mr. Shaw, seconded by Mr. George and carried unanimously, Mr. Robert A. Hasty

was appointed to the Airport Commission to serve the remaining term of Mr. Gilbert W. Ray, deceased, said term expiring in June 1975.

There were no delegations present.

CITY MANAGER REPORTS

The City Manager reported that he had received a request from a Mrs. James Heath and others for authorization to hold a Christmas parade on Tuesday, December 10, 1974 at 3:30 o'clock P.M.

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

The City Manager requested authorization of the Council to purchase two trucks and bodies—Kenworth diesels—and Lodal bodies from Roach-Russell Inc. of Concord, N.C. for \$91,900.00.

Mrs. Finch offered motion to follow the foregoing recommendation of the City Manager and accept the bid of Roach-Russell for \$91,900.00 for the two trucks and bodies as a one time procedure. Motion seconded by Mr. Godwin and carried unanimously.

Mr. Shaw then gave a report from the City-County Liaison Committee from their meeting on Friday, November 22, 1974 at 2:00 P.M. concerning the organizational structure for Community Development Commission under the Community Development Act of 1974. Present at the meeting Mr. Shaw stated, were himself, Mr. Vardell Godwin, Mr. Luther Packer and Mr. Billy Horne of the County Board of Commissioners, Mr. Guy Smith, City Manager; Mr. Carter Twine, County Manager; Mr. Billy Clark, City Attorney; Mr. Heman Clark, County Attorney and Mayor Jackson F. Lee.

Mr. Shaw stated that it was the recommendation of the Liaison Committee that the City Council and the County Board of Commissioners be designated as Community Development Commissions with the two present Redevelopment Commissions being made into one Advisory Commission and that this is a joint City-County Community Development agreement and that the City of Fayetteville be designated as the administrative governmental unit over the joint Community Development Commission Staff.

Considerable discussion then followed and Mr. Joseph Pillow, President of the Local Chapter of the NAACP was recognized, and read a detailed statement. Mr. Bill Bowser, a local citizen, was also recognized and offered comments.

Following some further discussion, Mr. Shaw offered motion that Council adopt the recommendation of the Liaison Committee, that the City Council and the County Board of Commissioners be designated as Community Development Commissions with the two present Redevelopment Commissions being made into one Advisory Commission and that this be a joint City-County Community Development agreement and that the City of Fayetteville be designated as the administrative governmental unit over the joint Community Development Commission Staff and added an amendment that the director be employed by the City Council. Motion seconded by Mr. Kelly.

Following some further discussion, Mrs. Finch offered substitute motion to postpone this matter until after Council's return from the National League of Cities Meeting on December 9. Motion seconded by Mrs. Beard and failed by the following vote: FOR: Mrs. BEard, Mrs. Finch and Mr. George; AGAINST: Mr. Godwin, Mr. Kelly, Mr. Shaw and Mayor Lee casting the deciding vote. Following some further discussion, Mr. George offered substitute to table this matter. The motion received no second.

Mayor Lee then called for vote on the original motion to adopt the recommendation of the Liaison Committee including the amendment that the director of the Community Development Staff be employed by the City Council. The vote was as follows: FOR: Mr. Shaw, Mr. Kelly, and Mr. Godwin, AGAINST: Mrs. Finch, Mrs. Beard and Mr. George. Mayor Lee cast the deciding vote in favor and declared the motion carried.

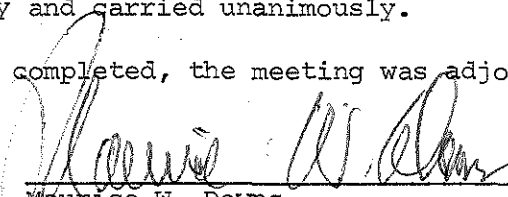
MATTERS OF INTEREST TO THE CITY COUNCIL

Mayor Lee reported on a matter pertaining to a change in the structure of the Legislative Committee, the joint activity of the National League of Cities and the U.S. Conference of Mayor's.

He stated that the N.C. League Board of Directors expressed its distress and concern that the jointly operated and funded congressional and executive agency relations which has been successfully conducted for a number of years was to be terminated due to independent action of the Conference of Mayor's and that the League Board supports efforts to reestablish these joint functions if at all possible. He requested an endorsement that the write to the Conference of Mayor's and urge that they reconsider and re-establish the joint effort.

Councilman Shaw offered motion to endorse the recommendation of the N.C. League Board of Directors and that the Mayor write a letter to the U.S. Conference of Mayor's so indicating Council's endorsement. Motion seconded by Mr. Kelly and carried unanimously.

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


Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
DECEMBER 9, 1974
8:00 P. M.

Present: Mayor Jackson F. Lee

Council Members: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly

Others Present: Mr. Guy Smith, City Manager
Mr. William Clark, City Attorney
Mr. Ray Muench, PWC

Mayor Lee called the meeting to order and the Rev. Wendell Pearson, Cedar Creek Baptist Church, offered the invocation. Following this, the Mayor led the assembly in the Pledge of the Allegiance to the Flag.

Mayor Lee recognized Fayetteville Youth Council Representatives: Allen Oakley, Cindy Suggs and Micky Gray.

Upon motion by Mrs. Beard, seconded by Mr. Godwin and carried unanimously, Minutes of the Regular Meeting of November 25, 1974 were approved as submitted by the Clerk.

Upon motion by Mr. Shaw, seconded by Mrs. Finch and carried unanimously, a public hearing on confirmation of assessment rolls for the paving and sidewalk on Langdon Street from Big Cross Creek to Murchison Road was further continued until January 13, 1975 due to the fact that the railroad has not yet completed the crossing.

Mayor Lee declared without objection Council would consider 2H on the agenda first.

A public hearing had been published for this date and hour on the rezoning from R6 Residential District to C3 Heavy Commercial District or to a higher classification of an area located on the north side of Whitfield Road between Robeson Street Extension and Camden Road pursuant to petition. Planning Board recommended approval of C3.

Attorney Rudolph Singleton, Jr. was recognized in behalf of the petitioner. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R6 RESIDENTIAL DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED ON THE NORTH SIDE OF WHITFIELD ROAD BETWEEN ROBESON STREET EXTENSION AND CAMDEN ROAD. ORD. NO. NS-1974-105.

Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mr. George and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ord. Book #NS-1974.

Council then moved into consideration of Item 2B on the agenda.

Item 2B. A public hearing had been published for this date and hour on the initial zoning to R10 Residential District, P2 Professional District and C3 Heavy Commercial District or to a higher classification of an area located along Coronada Parkway and Owen Drive. Planning Board recommended approval of R10, denial of P2 and denial of C3 to approval of C1P of the tract. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY TO R10 RESIDENTIAL DISTRICT AND C1P SHOPPING CENTER DISTRICT OF AN AREA LOCATED ALONG CORONADA PARKWAY AND OWEN DRIVE. ORD. NO. NS-1974-106.

Mr. Godwin introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously.

A public hearing had been published for this date and hour on the rezoning from R5 Residential District to P2 Professional District or to a higher classification of an area located at 313,315,317, 319,321 Broadfoot Avenue and 1208 Branson Street. Planning Board recommended denial. There was no opposition present.

Following brief discussion, Mrs. Finch offered motion, seconded by Mr. Shaw to follow the foregoing recommendation of the Planning Board and deny this petition for rezoning. Motion carried unanimously.

A public hearing had been published for this and hour on the initial zoning to R10 Residential District or to a higher classification of an area located at 2205 Redstone Drive. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: Zone INITIALLY TO R10 RESIDENTIAL DISTRICT AN AREA LOCATED AT 2205 REDSTONE DRIVE. ORD. NO. NS-1974-107.

Mr. Kelly introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously.

A public hearing had been published for this date and hour on the initial zoning to R10 Residential District, C1P Shopping Center District and C3 Heavy Commercial District or to a higher classification of an area located at the intersection of Owen Drive and Boone Trail extending along both sides of Boone Trail to Fargo Drive. Planning Board recommended approval of R10, approval for C1P and denial of C3 to approval of C1P of the area.

Attorney Jerome Clark was recognized for the petitioners.

Attorney Herb Thorp, representing Mr. & Mrs. Yates Black and others in the area, was recognized in opposition.

A lengthy discussion followed.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS THAT THE FOREGOING AREA BE INITIALLY ZONED R10, THE AREA AS SHOWN ON THE MAP, AND APPROVE FOR R10 BY THE PLANNING BOARD AND THE ADDITIONAL TWO LOTS CONTINUING ON NORTH ON BOONE TRAIL ON THE LEFT SIDE WITH THE OTHER TWO AREAS BEING INITIALLY ZONED C1P. ORD. NO. NS-1974-108.

Mrs. Beard introduced the foregoing ordinance and moved its adoption, seconded by Mr. George.

Following some further discussion, Mr. Shaw offered substitute motion that we leave one lot adjacent to Black's R10 and initially zone the balance to the east and north C1P and the residential lots to the south and west R10. Motion seconded by Mrs. Finch.

Mayor Lee called for vote on the substitute motion and it failed by the following vote: FOR: Mr. Shaw; AGAINST: Mr. Kelly, Mrs. Beard, Mr. Godwin, Mrs. Finch and Mr. George.

Mayor Lee then called for vote on the original motion and for the adoption of the ordinance and the motion carried by the following vote: FOR: Mr. Kelly, Mrs. Beard, Mr. Godwin, Mrs. Finch, and Mr. George; AGAINST: MR. Shaw.

A public hearing had been published for this date and hour on the rezoning from R6 Residential District to C1 Local Business District or to a higher classification of an area located on the southeast corner of the intersection of Breezewood Avenue and Marlborough Road. Planner Mitchell stated that the petitioner requested a deferral or cancellation of this matter.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, public hearing on the foregoing matter was cancelled.

A public hearing had been published for this date and hour on the rezoning from R6 Residential District to C1 Local Business District or to a higher classification of an area located on Pamalee Drive between Mintz Mill Road and Shaw Road. Planning Board recommended denial.

Attorney Richard Wiggins, representing the petitioner, was recognized and requested that this public hearing be cancelled.

Following brief discussion, Mr. Godwin offered motion, seconded by Mrs. Beard to cancel the public hearing on the foregoing matter as requested. The motion carried with Mr. Shaw voting against.

A public hearing had been published for this date and hour on the annexing of property located on both sides of Boone Trail from Fargo Drive to a point 750 feet southwest. Planning Board recommended approval.

A Mr. Larry Law, a resident in the area, was recognized for the annexation.

A Mr. Norman Hawley, another resident in the area, was recognized against the annexation and presented a petition of opposition.

Mr. Kelly offered motion, seconded by Mr. Shaw to continue this public hearing to December 23, 1974 and that the City Clerk check the petition of opposition for validity. Motion carried unanimously.

A public hearing had been published for this date and hour on the annexation of Borden Heights Subdivision located in the Cumberland Road area. Planning Board recommended approval effective January 1, 1975.

A Mr. Amos McCaskill, a resident in the area, was recognized opposed to the annexation and presented a petition of opposition.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, public hearing on the foregoing matter was continued to the December 23, 1974 and the City Clerk directed to check the petition of opposition for validity.

A public hearing had been published for this date and hour on the annexation of a portion of Center Street located northeast of the present city limit line. Planning Board recommended annexation effective January 1, 1975. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL EXTENDING THE CORPORATE LIMITS OF THE CITY TO INCLUDE A PORTION OF CENTER STREET LOCATED NORTHEAST OF THE PRESENT CITY LIMIT LINE. ANNEX.#148.

Mr. Shaw introduced the foregoing ordinance and moved its adoption effective January 1, 1975. Motion seconded by Mr. Kelly and carried unanimously.

A public hearing had been published for this date and hour on the annexation of Country Club North, section II, located east of Rosehill Road. Planning Board recommended approval with an effective date of January 1, 1975. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL EXTENDING THE CORPORATE LIMITS OF THE CITY TO INCLUDE COUNTRY CLUB NORTH, SECTION II, LOCATED EAST OF ROSEHILL ROAD. ANNEX. #149.

Mr. Kelly introduced the foregoing ordinance and moved its adoption effective January 1, 1975. Motion seconded by Mrs. Finch and carried unanimously.

A public hearing had been published for this date and hour on proposed amendments to the City of Fayetteville subdivision regulations regarding Townhouse Developments-Definitions and Minimum Standards of Design. Planner Mitchell and City Attorney Clark presented the ordinance and gave an explanation of it.

A Mr. Hunter Chadwick, representing American Classic Industries, was recognized in favor of passage of this ordinance. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE CITY OF FAYETTEVILLE SUBDIVISION REGULATIONS REGARDING TOWNHOUSE DEVELOPMENTS BY AMENDING ARTICLE 1, SECTION 27-1 DEFINITIONS AND ARTICLE 2, SECTION 27-10 MINIMUM STANDARDS OF DESIGN. ORD. NO. S-1974-12.

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

Copies of all of the foregoing ordinances are on file in the office of the City Clerk in Ord. Book #NS-1974.

PUBLIC WORKS COMMISSION MATTERS

Council recognized PWC Manager Ray Muench on a request for adoption of an ordinance approving a proposed amendment of the PWC 1974-75 budget. The purpose of such amendment is to establish a budget for each PWC fund, he stated.

1974-1975 BUDGET APPROPRIATION ORDINANCE AMENMENT NO. 1 ORD. NO. NS-1974-109.

Following brief discussion, Mr. Godwin introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Finch and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk, in Ordinance Book NS1974.

Upon motion by Mr. Kelly, seconded by Mrs. Finch and carried unanimously, a 1-inch water connection to an existing main to serve the residence of Julius Lee Taylor at 2216 Progress Street outside the city was approved as recommended by PWC.

Council next gave consideration to a request from the Fayetteville Airport Commission to expand facilities in front of the airport terminal building. Council recognized Mr. Charles Clark, Airport Commissioner, who presented the proposal. Mr. Clark stated that the lease for the airport parking facilities was for a ten year period November 19, 1969 to November 19, 1979. The minimum guarantee for the first five year period ending November 1974 was \$200,000.00 and the minimum guarantee for the second five year period ending November 1979 was \$450,000.00.

Due to the continuous traffic and parking congestion in front of the terminal building, the parking company and the airport commission has mutually agreed that (1) the parking company will construct a new parking lot north of the present lot with approximately 30 parking spaces; (2) the Airport Commission will pay a maximum of \$5,000.00 if the construction cost exceeds \$25,000.00. The \$5,000.00 is to be deducted from the rent at the rate of \$1,000.00 annually for the five years period. The Parking company will pay all cost above \$30,000.00; (3) The present ten year lease would be extended five years to expire in November 1984 with a minimum rental guarantee of \$450,000.00 for the new five year period; (4) Electric entry and exit gates would be installed on both parking lots present and new with a charge of 50 cents per car. No over night parking would be permitted.

The Airport Commission requests the City Council to approve the above proposal and authorize the Mayor and City Clerk to execute the lease extension containing the above provisions.

Following brief discussion, Mr. Shaw offered motion, seconded by Mr. Godwin and carried unanimously that the foregoing request of the Airport Commission be approved and that the Mayor and City Clerk be and they hereby are authorized and directed to sign said agreement for the city.

Council next gave consideration to a resolution declaring overtime exemption for Fire and Police personnel.

In a memorandum to the Mayor and Council, the Assistant City Manager stated that the 1974 amendments to the fair labor standards act (also called the Federal Minimum Wage Law) extended coverage to employees of State Local and Interstate Governmental Agencies.

One of the rules of the act provides that Fire and Police personnel will be paid overtime for all hours over 240 hours work in a 28 day work period. For those employees who have a work period of at least 7 but no more than 28 days, no overtime compensation is required until the ratio between the number of days in the work period and the hours worked during such work period exceeds the ratio between a work period of 28 days and 240 hours.

The above rule is not automatic. In order to be eligible for the exemption, a municipality must specifically claim it before January 1, 1975.

Failure to claim the exemption will mean that a municipality will be required as of January 1, 1975 to pay all Fire and Police personnel for overtime after 40 hours per 7 day work week,

The proposed resolution would claim the exemption and designate the number of days in a work period for fire employees (9) and police employees (28).

RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL TO CLAIM EXEMPTION OF SECTION 7 (k) OF THE FAIR LABOR STANDARDS ACT RELATIVE TO OVERTIME WAGES FOR PUBLIC SAFETY PERSONNEL.
RES. R-1974-64.

Following brief discussion, Mr. Godwin introduced the foregoing resolution and moved its adoption, seconded by Mrs Beard and carried unanimously. A copy of the resolution is on file in the office of the City Clerk, in Resolutions Book R1974.

Council next moved into a discussion of a street improvement policy revision. Mr. George presented the proposed revision. Mr. George proposed that the present policy be changed as follows: (a) That city neighborhood and arterial streets shall generally be paved to a width of 37 feet, provided specially, that where right-of-way problems, including physical barriers, cause it to be difficult to secure adequate right-of-way for a 37 foot street, or where the present and future traffic demands will not justify paving a street to a width of 37 feet, the City Council may, in its unrestricted discretion, construct and pave a street to a width of 29 feet. (b) That the city shall participate in the cost of constructing and paving a 37 or 29 foot street in the amount of 1/3 of the cost of both said streets plus the entire cost of intersections, with the remaining 2/3 of the cost being divided equally and assessed to benefited abutting property owner or owners on both sides of the street; provided however, that when the city elects to construct a street wider than 37 feet, the benefited abutting property owners on each side of the street shall be assessed their aforesaid share of the cost of paving the street to a width of 37 feet, but not more, and the city shall pay all remaining costs including the full costs of intersections. (c) That streets in residential areas shall generally be constructed with rolled curbing, provided specially, that when present or future applicable factors cause it to reasonably appear to the council that vertical curbing will best serve the public interest without constituting a substantial burden on present or future benefited abutting property owners, the City Council may, in its unrestricted discretion, construct vertical curbing.

Following the foregoing presentation, Mr. George moved for adoption of a, b, and c effective January 1, 1975.

Following some discussion, it was suggested that the word benefited be struck from the proposal.

Following further discussion, Mr. Shaw offered substitute motion, seconded by Mr. Godwin that we make no change in the street paving policy at this time. The substitute motion failed by the following vote: FOR: Mr. Godwin, Mrs. Finch and Mr. Shaw; AGAINST: Mr. Kelly, Mrs. Beard, Mr. George and Mayor Lee casting the deciding vote.

Following some further discussion, Mr. Shaw offered substitute motion to continue this matter until the next meeting. Motion seconded by Mr. Godwin but failed by the following vote: FOR: Mr. Shaw, Mrs. Finch and Mr. Godwin; AGAINST: Mr. Kelly, Mrs. Beard, Mr. George and Mayor Lee casting the deciding vote.

Following some further discussion, Mr. Shaw offered an amendment to the original motion that neighborhood streets be generally paved 29 feet wide and feeder streets be generally paved 41 feet wide. The motion was seconded by Mr. Godwin and carried by the following vote: FOR: Mr. Kelly, Mr. Godwin, Mrs. Finch and Mr. Shaw; AGAINST: Mr. George and Mrs. Beard.

Mr. George then moved the main question with amendment as follows that Council adopt the proposed street paving policy consisting of the aforementioned a, b, and c, strike the word benefited in section a and effective January 1, 1975. The motion failed by the following vote: FOR: Mrs. Beard and Mr. George; AGAINST: Mr. Kelly, Mr. Godwin, Mr. Shaw and Mrs. Finch.

The Mayor then appointed an Ad Hoc Committee to be chaired by Mrs. Finch and consisting of Mr. George and Mr. Shaw as members to study the paving policy.

Mr. George then moved the adoption of section II of the proposed policy consisting of the following.

II. Discretionary Paving Encouragement and Cost Equalizer For Low Income Abutting Owners.

Where more than 50% of the benefited abutting property owners on a paved street have a combined family income that does not exceed \$8,000, the City Council, to the extent permitted by

applicable law, may, in its unrestricted discretion, hold the street assessments for such low income families down to \$8 per lineal foot, or as near thereto as may be lawful and feasible. Motion seconded by Mrs. Beard.

In response to inquiry, the City Attorney ruled that the City Council has no authority to assess on the foregoing basis.

Mayor Lee then called for vote on the motion and it failed by the following vote: FOR: Mr. George and Mrs. Beard; AGAINST: Mr. Kelly, Mr. Godwin, Mrs. Finch and Mr. Shaw.

Council next considered a proposed resolution concerning improvements on Owen Drive. The City Manager presented the matter. He stated that Owen Drive is presently heavily congested between Raeford Road and the Seaboard Coastline Railroad with severe congestion occurring at the intersection with Village Drive and the vicinity of Cape Fear Valley Hospital and Bordeaux Shopping Center. He stated that congestion on Owen Drive will increase substantially with the opening of the Owen Drive expressway projected for 1976. He stated further that the Dept. of Transportation is currently proposing to improve Owen Drive between the terminus of the Owen Drive Expressway and the Seaboard Coastline Railroad by widening the road to five lanes with an at grade intersection with Village Drive. He stated further that Fayetteville Area Transportation Advisory Committee has recommended that the Council and the County Board of Commissioners officially request the Dept. of Transportation to evaluate the feasibility of the Village Drive-Owen Drive interchange as proposed by Kimley-Horn and Associates or a similar alternative interchange. He requested Council to officially request that the Dept. of Transportation to evaluate as soon as possible the Village Drive-Owen Drive interchange as proposed by Kimley-Horn or a similar alternative interchange by the adoption of a resolution.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL CONCERNING PROPOSED IMPROVEMENTS TO OWEN DRIVE. RES. NO. R-1974-65.

Following some discussion of the City Manager's recommendation, Mr. Kelly introduced the foregoing resolution and moved its adoption, seconded by Mr. Shaw and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk.

Council next considered establishing policy and resolutions on Burglar Alarm monitoring system in the Police Dept.

In a memorandum to the Council, the City Manager stated that for many years, the Fayetteville Police Dept. has allowed the installation of burglar alarm monitors to be installed in the Police station.

In the beginning a few alarms were installed and the number has increased over the years.

There has been no written policy or ordinance regulating the alarm systems except that no residences are allowed to be monitored by the Police Dept.

Today there are 173 burglar alarms terminating in the Police station with at least 15 different companies having installed various types of alarm equipment in the station. The installations have resulted in an unsightly condition and the clutter interferes with the orderly arrangement of Police equipment. In addition, various technicians have to work on the monitoring equipment which causes considerable inconvenience and interferes with police operations.

The Police Dept. will be moving into the new Law Enforcement Center upon its completion in March or April of 1975. At that time, the existing equipment or new equipment must be moved to the new location which provides time to correct the problem we have by establishing rules and regulations for the burglar alarm monitoring system. Some decision needs to be made right away because of the following reasons: (1) lead time is necessary for new equipment to be ordered for use in the new building; (2) the telephone company needs to know what system as to be used in order for the telephone lines to be installed; (3) each one of the 15 system owners will have to coordinate with the customers served for the transition,

The City Manager then recommended that Council designate one company to own, install and maintain the alarm system within the police station and that company agree to the following conditions.

The company would permit other contractors to connect to the central system for service to its retail customers upon payment to the franchise company of an installation fee plus a monthly charge for system maintenance within the Police Station. The City Council may impose a charge for false alarms at any time in the future and equipment shall be approved by the City Electrical Inspector.

Apparently the only companies with which we are now dealing recognized by most insurance companies for UL approved police hook up are (a) A.D.T.- Local Service Office which now has about 20 retail customers being monitored in the police station; (b) Holmes Electric Service - locally owned company now has about 85 retail customers being monitored in the police station.

Either of the above companies would agree to the conditions of section four above. Each of these companies is reliable and would be responsible companies for service. The installation fees and the monthly charge to other companies connecting to the central equipment would be the same. The central station equipment would be the same type.

The City Manager recommended that Holmes Electric Service Company be the company to be designated as the central system owner.

The foregoing matter was discussed at some length and then Mayor Lee suggested that without objection this matter would be postponed so that additional information could be obtained by City Administration and discussed again on December 23.

Council next considered several bids.

The City Manager stated that bids were received on a motor grader on November 14 and specifications did not include a scarifier. The City Manager stated that he believed that bids were too high and the City will receive a lower bid if readvertised. The City Manager recommended the bids received be rejected and new bids advertised for including a scarifier.

Following some discussion, Mr. Godwin offered motion to accept the low bid of Mitchell Distributing Company in the amount of \$40,730.00 for this motor grader. Motion seconded by Mrs. Beard and carried unanimously.

Council next considered a bid on a rubber tired front-end loader. The City Manager stated that Spartan Equipment Company submitted a bid on supplying the city with an eaton 1700 model loader which is also known as a trojan 1700 loader. The bid was \$35,247.50 which was low. A second bid did not meet specifications. The second low bid for the front-end loader and multi-purpose bucket meeting specifications was by E.F. Craven. The bid was for \$36,598.00.

The City Manager recommended that the bid by Spartan Equipment Company to supply a model 1700 eaton loader (trojan 1700 loader) be rejected for the following reasons.

The excessive repair and maintenance cost, the down time and general lack of performance the City has experienced with a trojan, model 124 loader purchased from Spartan Equipment Company in May 1970. The Street Dept. supt. concurs in this opinion.

1 That the bid of E.F. Craven to supply a fiat-Allis 545-B front end loader equipped with a multipurpose bucket for the price of \$36,598.00 plus tax be accepted.

Following brief discussion, Mr. Shaw offered motion, seconded by Mr. Kelly and carried unanimously to accept the second low bid of E.F. Craven in the amount of \$36,598.00 for one rubber tired front end loader and that the low bid not be accepted due to the aforementioned excessive repair and maintenance cost with the trojan model 124 loader.

Council next considered bids providing a lighting system for the Pee Wee Baseball Field at McGougan and Stamper Roads.

The City Manager stated that the low bid meeting specifications was submitted by King Electric Company in the amount of \$7,240.00 and is the bid recommended.

Following brief discussion, Mrs. Finch offered motion, seconded by Mr. Kelly to accept the foregoing bid of King Electric Company in the amount of \$7,240.00 for the aforementioned lighting system. Motion carried unanimously.

Council next considered bids for a rear-end loader-two garbage trucks complete (rear-end compactor trucks).

The City Manager recommended the low bid meeting specifications was submitted by Quesco of Charlotte, N.C. in the amount of \$35,540.00 and the bid recommended.

Council recognized Mr. Elwood Hales, a representative of Edmac Trucking Company, who stated that at the time of the bid letting his bid had been misdirected by error on his part and he requested that Council insofar as it is possible in the future accept bids submitted by local firms. Council expressed thanks for his suggestion.

Mr. Godwin then offered motion, seconded by Mr. Kelly and carried unanimously for the acceptance of the low bid submitted by Quesco of Charlotte in the amount of \$35,540.00 for the rear-end loaders as recommended by City Administration.

Council next gave consideration to several appointments.

The first one considered was that of the Community Development Director and Mayor Lee placed in nomination the name of Mr. Charles W. Fairley, presently Executive Director of the Fayetteville Redevelopment Commission.

Mrs. Finch moved that nominations be closed and that Mr. Fairley be appointed Community Development Director by acclamation to serve at the pleasure of the Council, Motion seconded by Mr. Shaw and carried unanimously.

Mayor Lee stated that the term of Mr. A.J. Pindle on the Fayetteville Redevelopment Commission expires in December; however Mr. Pindle has not been contacted to see if he will accept reappointment. This matter was deferred until the next meeting.

Mayor Lee reported that Mrs. Esther Dept, a member of the Human Relations Commission, had found it necessary to resign her position. This matter will be considered at a later date also.

In response to invitation from the Mayor, there were no delegations present in the Council Chamber.

Upon motion by Mr. Shaw, seconded by Mr. Godwin and carried unanimously, a taxi cab driver permit was disapproved for Alexander Powell, Jr. as recommended by the Taxi Cab Inspector, Chief of Police and City Manager.

CITY MANAGER REPORTS

The City Manager reported that the following named had been certified for appointment to the Fire Dept. THOMAS J. PARSONS, JEROME Q. SMITH AND RAYMOND W. SMITH.

Mrs. Finch offered motion that the foregoing be appointed to the Fire Dept. as recommended and certified. Motion seconded by Mr. Kelly and carried unanimously.

The City Manager reported the following resignation from the Fire Dept.: WAYNE SEWELL. The resignation was noted by the Council.

Council recognized Attorney Billy Clark who presented three condemnation proceeding resolutions on Franklin Street extension-Joel Fleishman, on Jasper Street-Willie L. Reed and on Franklin Street-Branch Bank for W.A. Vanstory. The City Attorney requested adoption of these resolutions.

PRELIMINARY CONDEMNATION RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR A STREET RIGHT-OF-WAY ON FRANKLIN STREET EXTENSION OWNED BY JOEL FLEISHMAN . RES. NO. R-1974-66.

PRELIMINARY CONDEMNATION RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR A STREET RIGHT-OF-WAY ON JASPER STREET OWNED BY WILLIE L. REED. RES. NO. R-1974-67.

PRELIMINARY CONDEMNATION RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR A STREET RIGHT-OF-WAY ON FRANKLIN STREET OWNED BY BRANCH BANK TRUSTEE FOR W.A. VANSTORY. RES. NO. R-1974-68.

Mr. Shaw introduced the foregoing three resolutions and moved their adoption, seconded by Mr. Kelly and carried unanimously.

Council next considered promotions in the Fire Dept. The City Manager stated that the following names of members of the Fayetteville Fire Dept. have been submitted by the Fayetteville Police and Fire Civil Service Commission as eligible for promotion to the grades shown below.

PLATOON COMMANDER

James N. Strickland
Robert E. Futch
Duke J. Piner

COMPANY COMMANDER (CAPTAIN)

Arch O. Cox, Jr.
Bobby W. Averitt
Robert J. Wilder
Kirby A. Carter
R.C. Wiggins

DRIVER ENGINEER (LIEUTENANT)

Harold M. Strickland
Steve E. Russell
Freddie H. Brown
Winston C. Matthews
John D. Longnecker
Terry W. Winstead
Harold Black
Stanley Jacobs

Millard Faircloth
Danny Matthews
Charles Morris
Larry Royal
George C. Hall
Robert P. Tart
John A. Hobbs
James A. Hall

James R. Thomas

CHIEF TRAINING OFFICER

Terry R. Holloway

The City Manager also recommended that the new salary increments for the foregoing be effective January 8, 1975.

Mr. Kelly offered motion, seconded by Mrs. Finch that the foregoing be promoted as shown with new salary increments going into effect January 8, 1975. Motion carried unanimously.

The City Manager gave a report on right-of-way acquisition and other work on various streets in the city; those streets being Jasper Street, Franklin Street, Mason Street, Turnpike Road, Cain Road and Rosehill Road.

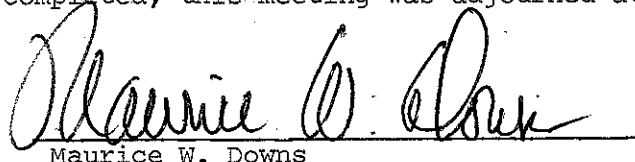
MATTERS OF INTEREST TO THE CITY COUNCIL

Mayor Lee read a letter of reply from the Conference of Mayors regarding the Joint Legislative Commission.

A conference meeting of the Council was set for Wednesday, December 11 at 7:30 P.M. in the

Kyle House to discuss Community Development.

Thereafter, all matters of business having been completed, this meeting was adjourned at 11:20 P.M., upon motion made and duly seconded.



Maurice W. Downs
City Clerk

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REGULAR MEETING
CITY HALL COUNCIL CHAMBER
DECEMBER 23, 1974
8:00 P.M.

Present: Mayor Jackson F. Lee

Council Members: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly

Others Present: Mr. Guy Smith, City Manager
Mr. William Clark, City Attorney
Mr. Joe Stowe, PWC

Mayor Lee called the meeting to order and the invocation was offered by Monseigneur Charles O'Connor, St. Patrick's Catholic Church. Following the invocation, the Mayor led the assembly in the Pledge of the Allegiance to the Flag.

Upon motion by Mr. Kelly, seconded by Mrs. Finch and carried unanimously, Minutes of the Regular Council Meeting of December 9, 1974 were approved as submitted by the Clerk.

A public hearing was held as continued from previous meetings on confirmation of assessment roll for the paving of Kennedy Street from East Russell Street to Person Street. The City Manager recommended continuance of this public hearing to January 13, 1975 in order to complete the appraisals procedure as directed by Council at the last regular meeting.

Mr. Godwin offered motion, seconded by Mrs. Beard that this public hearing be continued to January 13, 1975. Motion carried unanimously.

A public hearing was held as continued from previous meetings on confirmation of the assessment roll for the paving of a segment of Buxton Blvd from Old Wilmington Road to Dead End. The City Manager recommended cancellation of this matter due to continuing negotiations procedures which would require several additional weeks.

Mr. Kelly offered motion, seconded by Mr. Godwin to cancel this procedure.

Following brief discussion, Mr. Shaw offered substitute motion to continue this public hearing to January 27, 1975. Motion seconded by Mrs. Finch and carried unanimously.

A public hearing was held as continued from previous meetings on confirming the assessment roll for the paving of Edgar Street from Jasper Street to Amye Street. This public hearing had been continued from the meeting of December 9 in order to give the City Engineer an opportunity to check an allegation by Mr. Ervin Veazie that driveway access was not provided into Dewey Street right-of-way to his property.

In a memorandum to the City Manager, the City Engineer stated that Mr. Veazie had complained that driveway access was not provided into his property along Dewey Street.

The City Engineer stated that it was their usual procedure for establishing driveways during new street construction is to contact the owner and put in the driveway at their desired location. Mr. Thomas Wood, City Engineering Dept. Construction Inspector, on this project contacted first Mrs. Veazie and then Mr. Veazie about driveways for his property. Two driveways were constructed abutting this lot plus another was constructed for his exclusive use abutting Dewey Street.

Dewey Street has never been opened as a public street. There are no properties depending on Dewey Street for access and the City Engineer stated he saw no public need for it to be opened.

Following brief discussion, Mr. George offered motion to continue this public hearing to January 13, 1975. Motion seconded by Mrs. Beard and carried by the following vote: FOR: Mrs. Beard, Mrs. Finch, Mr. George and Mayor Lee; AGAINST: Mr. Kelly, Mr. Godwin and Mr. Shaw.

A public hearing was held as continued from the regular meeting of November 25 on the rezoning from R6 Residential District to M2 Industrial District or to a higher classification of an area on the north side of Filter Plant Drive between Murchison Road and Ames Street. The Public Works Commission is the petitioner in this matter and desires to construct an office building on the Filter Plant site that would serve as an operation center for the water department. Planner Mitchell stated that PWC and the President of Fayetteville State University request that this matter be referred back to the Planning Board for further consideration.

Following brief discussion, Mrs. Beard offered motion that the foregoing matter be referred back to the Planning Board as recommended and this public hearing continue to January 27, 1975. Motion seconded by Mr. George and carried unanimously.

A public hearing was held as continued from the last regular meeting on a petition for the annexation of property located on both sides of Boone Trail, from Fargo Drive to a point 750 feet southwest. Planning Board recommended approval. A Mrs. Phyllis Elroy was recognized in favor of the annexation. The City Clerk reported that the petition calling for a referendum on this matter submitted at the last meeting was valid.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL CALLING FOR A REFERENDUM FOR THE EXTENSION OF THE FAYETTEVILLE CITY BOUNDARIES ON PROPERTY LOCATED ON BOTH SIDES OF BOONE TRAIL FROM FARGO DRIVE TO A POINT 750 FEET SOUTHWEST. RES. NO. R-1974-69.

Mr. Shaw introduced the foregoing resolution and moved its adoption. Motion seconded by Mr. Kelly and carried unanimously.

A public hearing was held as continued from the last regular meeting on December 9 on a petition for the annexation of Borden Heights Subdivision located in the Cumberland Road area. Planning Board recommended approval. A Mr. Amos McCaskill was recognized in opposition. The City Clerk reported that the petition calling for a referendum on this matter submitted at the last meeting was valid.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL CALLING FOR A REFERENDUM FOR THE EXTENSION OF THE FAYETTEVILLE CITY BOUNDARIES OF PROPERTY LOCATED IN THE BORDEN HEIGHTS SUBDIVISION AREA. RES. NO. R-1974-70.

Mr. Shaw introduced the foregoing resolution and moved its adoption, motion seconded by Mrs. Finch and carried unanimously. Copies of the foregoing resolutions are on file in the office of the City Clerk in Res. Book R-1974.

A public hearing had been published for this date and hour on the initial zoning to C1P Shopping Center District or to a higher classification of an area located at the intersection of U.S. 401 North and Carvers Fall Road. Planning Board recommended approval.

Attorney Stacy Weaver was recognized for the petitioner, Dr. Jack Hill. Approximately 50 persons were present in the audience in favor of the C1P zoning. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY TO C1P SHOPPING CENTER DISTRICT AN AREA LOCATED AT THE INTERSECTION OF U.S. 401 NORTH AND CARVERS FALLS ROAD. ORD. NO. NS-1974-110.

Mrs. Beard introduced the foregoing ordinance and moved its adoption. Motion seconded by Mr. Kelly and carried unanimously. A copy of the foregoing ordinance is on file in the City Clerk's Office in Ord. Book NS-1974.

A public hearing was held as published on a request for a special use permit for an activity center for older adults in an R5 Residential District as provided in the Fayetteville zoning ordinance, section 32-24, Subsection (5), Charitable Institutions, located at 1505 Ft. Bragg Road. Planning Board recommended approval. Mr. Mitchell stated that the Rev. David Darnell, Minister of the First Christian Church, appeared before the Planning Board and stated the request would provide for an activity center for older adults who otherwise would be placed in Rest Homes. Rev. Darnell stated the center would be operated during the day from Monday thru Friday during which time the participants would be provided with one meal, various recreational activities, two snack periods and picked up by their families at the end of the day. Planner Mitchell stated that the Planning Staff recommended approval based on the following conditions (1) that the proposed day care center for older adults is non-profit charitable institution, (2) that the existing church facility is adequate for the proposed day care center and is in accordance with standards of the zoning ordinance and (3) that the day care center for older adults be operated in accordance with the plan submitted with the special use permit application.

There was no opposition present.

Following brief discussion, Mr. Kelly offered motion for approval of the foregoing permit as requested and as recommended. Motion seconded by Mrs. Beard.

Following some discussion, Mr. Godwin offered substitute motion to continue this matter to January 13, 1975 for further study. Motion seconded by Mrs. Finch and carried by the following vote: FOR: MR. Godwin, Mrs. Finch, Mr. Shaw and Mr. George; AGAINST: Mr. Kelly and Mrs. Beard. Mayor Lee suggested that in the meantime that the City Attorney find this use to be not in conflict with the code provisions that this use be permitted.

A public hearing had been published for this date and hour on the rezoning from R6 and R5 Residential Districts to C3 Heavy Commercial District or to a higher classification of an area located at 2909 thru 2943 on the south side of Breezewood Drive. Planning Board recommended approval.

Attorney Duane Gilliam was recognized representing the petitioners.

A Mr. Ray Esbee, a resident of Marlborough Road south of the area, was recognized in opposition to the rezoning and stated that such rezoning would increase the traffic flow from Raeford Road to Marlborough Street and that the amount of garbage and trash accumulated would increase. Mr. Earl Bandy, a property owner in the area, Mr. Bill Shaw of 2722 Arlington Street, Mr. B.C. Condlin of Arlington Street and Mr. Wilbur Wyman were recognized in opposition to the granting of the rezoning petition for the same reasons as Mr. Esbee. Planner Mitchell stated that the Planning Staff recommended denial of C3 Heavy Commercial and approval of P2 Professional District.

Following considerable discussion, Mr. Shaw offered motion to continue this public hearing to January 13. Motion seconded by Mr. Kelly and carried unanimously.

The City Manager and the City Engineer informed Council that the assessment roll for the paving of Franklin Street Alley had been completed and was ready for confirmation.

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF THE FRANKLIN STREET ALLEY. RES. NO. R-1974-71.

Mr. Kelly introduced the foregoing resolution and moved its adoption and that public hearing be set on this matter for January 13, 1975. Motion seconded by Mrs. Beard and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Res. Book R-1974.

Upon motion by Mr. Godwin, seconded by Mrs. Finch and carried unanimously, public hearings were set on the following matters for January 27, 1975.

- A. Consideration of a proposed satellite annexation - Ascot Planned Neighborhood Development.
- B. The rezoning from R6 and R5 Residential Districts to C1 Local Business District or to a higher classification an area located at 1425, 1427, 1501, 1503 Camden Road and 1065, 1067, and 1069 Southern Avenue.
- C. The rezoning from R6 and R5 Residential Districts to C3 Heavy Commercial District or to a higher classification of an area located on Breezewood Avenue and Cheselka Street.
- D. A request for a special use under section 32-23 of the City Zoning Ordinance to establish a parking lot in an R6 Residential District serving PWC facilities located on Filter Plant Drive between Murchison Road and Ames Street.

PLANNING BOARD MATTERS

Council heard recommendation for preliminary group development review of Three Colonies Townhouses located south of Cliffdale Road and East of McPherson Church Road. Planner Mitchell stated that Mr. Hunter Chadwick, representing Barrett Builders, appeared before the board and requested that the board grant a variance from the subdivision ordinance provision which would require four tot lots in the Three Colonies Development. Mr. Chadwick stated that the developer desired to provide only two tot lots. Mr. Chadwick stated the variance was justified on the grounds that the developer's experience to date was that there were few families with children moving into the development. Furthermore, lots were being deeded to owners on which individual owners could erect play apparatus for their children. For these reasons the developer feels that only two tot lots are necessary for the development.

Planning Board recommended approval subject to the following: (1) That the water and sewer plans be approved by PWC, (2) That all state and local Sedimentation Control Ordinances be complied with; (3) That the developer provide for two additional tot lot areas in the northern quadrant of Section II and in the southwestern quadrant in compliance with the requirements of the City Subdivision Ordinance governing recreational areas in group developments.

Following brief discussion, Mr. Shaw offered motion to follow the foregoing Staff and Planning Board recommendation for approval subject to the conditions and requiring four tot lots in the Three Colonies Development, motion seconded by Mrs. Finch and carried unanimously.

Council next gave consideration to a utility extension for 12" and 20" water mains along U.S. 401 By-Pass and Camp Ground Church Road to serve the Belk Hensdale Warehouse property on Camp Ground Church Road. Planning Board recommended approval.

Mr. Godwin offered motion for approval of the foregoing utility extension as recommended. Motion seconded by Mrs. Beard and carried unanimously.

PUBLIC WORKS COMMISSION MATTERS

Council recognized Mr. Joe Stowe, Administrative Assistant, to the PWC Manager.

Upon motion by Mrs. Finch, seconded by Mr. Godwin and carried unanimously, an application by Pearl Brock for a 1-inch water connection to an existing water main on Airport Road outside the city was approved.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, the negotiated low bid of Crowell Construction, Inc. in the amount of \$40,729.90 for construction of part of an interceptor sanitary sewer along Buckhead Creek, north of Raeford Road was approved and the Mayor and City Clerk authorized and directed to execute the contract documents for same.

Council next gave reconsideration to the establishing of a policy and resolutions on a Burglar Alarm Monitoring System in the Police Department. This matter was presented originally at the December 9 meeting and deferred to this time. The City Manager presented the matter again. He stated that at the last meeting he submitted recommendation for a central system to be installed in the Police Dept. to be operated by one company and that there are 15 different companies which have installations in the Police Dept. He submitted a draft copy of the conditions to which any company would have to agree if awarded the contract by Council to own and operate the system. He stated that ADT, Holmes Electric Company or Robeson Alarm Company now operating systems in the Police station would be qualified to operate a central system. He stated that Robeson Alarm Company had submitted a proposal for consideration. He stated further that service beyond that which can be spelled out in an agreement is available with Holmes Electric Company situated locally with a staff employed in the electrical contracting business. In addition the company officials living here would have other reasons beyond the legal conditions to give good service.

Council recognized Mr. Tommy Thomas, representing Maximum Security Systems, A Mr. Floyd with the Robeson Alarm Company and Mr. Luke Wheeler, representing Holmes Electric Company.

Following some discussion, Mr. Godwin offered motion to defer this matter to January 13, seconded by Mrs. Beard and carried unanimously. Meanwhile the City Manager was requested to investigate the lease or purchase of this equipment by the City and report back to the Council.

Council next gave consideration to a variance in the Fayetteville Zoning Ordinance regulating signs for Cross Creek Shopping Center. The City Manager presented this matter and explanation and stated that the sign under consideration was a pedestal type sign but that he had no drawing or rendering of such sign for Council to see.

Following brief discussion, Mrs. Finch offered motion to defer this matter to January 13, motion seconded by Mr. Shaw and carried unanimously.

Council next gave consideration to a proposed ordinance regulating temporary signs. This matter was continued from the November 25 meeting. Mayor Lee requested and received permission to be excused from voting in this matter.

The City Attorney stated that the proposed ordinance would regulate the use of temporary lighted signs.

The following named persons were recognized from the audience in opposition to the passage of this ordinance. Mr. Chet Kendrick, representing Jessup-Harden Corporation, Mr. R.B. Stone, of Stone Sign Company and Mr. Don Harris, President of Carolina Electric Sign Association.

Following some discussion of this matter, Mr. George offered motion to take no action on this matter. Motion seconded by Mrs. Finch and carried by the following vote: FOR: Mr. Kelly, Mrs. Beard, Mr. Godwin, Mr. George and Mrs. Finch; AGAINST: Mr. Shaw. Mayor Lee abstained to vote.

Council next gave consideration to a proposed ordinance concerning wrecker and tow service. The proposed ordinance was presented by City Attorney Clark and City Manager Smith.

Mr. Clark stated that he saw no need for the provision in the ordinance which required the owner of a wrecker service to provide an attendant on duty at all times for the purpose of receiving calls and receiving and releasing stored vehicles. Mr. Clark suggested that the wording at all times be deleted and the wording during regular business hours be substituted as it pertains to an attendant.

Mr. G.H. King, service station operator, was recognized and Mr. J.W. Ezzell, owner of a wrecker service and body shop was recognized.

Following some discussion, Mr. Kelly offered motion for adoption of the ordinance as written but substituting during regular business hours in place of at all times in the first line of the first paragraph at the top of page 3 of the ordinance. Motion seconded by Mr. Shaw and carried unanimously. The Ordinance title appears below.

ORDINANCE OF THE CITY COUNCIL CONCERNING WRECKER AND TOW SERVICE. ORD. NO. S-1974-13.

A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book #S-1974.

Council next gave consideration to a request for a massage parlor license by the Touch of Magic Health Club located at 520 1/2 Hay Street and owned by Stephen Edwin Scott.

Following some discussion of the application, Mr. Godwin offered motion to approve the application and grant the license as requested. Motion seconded by Mr. Shaw and carried by the following vote: FOR: Mr. Kelly, Mr. Godwin, Mr. Shaw and Mayor Lee; AGAINST: Mr. George, Mrs. Beard and Mrs. Finch.

Council next gave consideration to a petition for the paving of Hull Road from Churchill Drive to the Cul-de-sac. The City Engineer stated that the total street frontage was 638 feet. The total frontage signing the petition was 180 feet or 28.22%. The number of owners was six and the number of owners signed was three constituting 50% of the property owners. Mr. William O. Bellamy was recognized and stated that although the petition did not constitute a majority of owners owning a majority of the front footage they desired that Council order this segment of Hull Road paved.

Mr. Ray Dawkins, Mr. Nathan Mills and Mr. S.T. Horn were recognized opposed to the paving. Mrs. Finch stated that the Ad Hoc Committee appointed by the Mayor to study street paving policy would take this request under consideration during their various meetings and make a recommendation.

No action was taken on the petition.

Council next gave consideration to several proposed traffic ordinances.

AN ORDINANCE OF THE CITY COUNCIL SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE #11 PARKING PROHIBITED ON SOUTHERN AVENUE. ORD. NO. NS-1974-111.

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

AN ORDINANCE OF THE CITY COUNCIL SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE #11 PARKING PROHIBITED ON MURRAY HILL ROAD. ORD. NO. NS-1974-112.

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

AN ORDINANCE OF THE CITY COUNCIL SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE #8 SPEED CONTROL-COUNTRY CLUB DRIVE AND PAMALEE DRIVE. ORD. NO. NS-1974-113.

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

AN ORDINANCE OF THE CITY COUNCIL SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE #8 SPEED CONTROL-EASTERN BLVD. ORD. NO. NS-1974-114.

Mrs. Finch introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Beard and carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL SECTION 20-106 AMENDING ORDINANCE ON TRAFFIC SCHEDULE #8 SPEED CONTROL-RAMSEY STREET. ORD. NO. NS-1974-115.

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

AN ORDINANCE OF THE CITY COUNCIL SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE #8 SPEED CONTROL -SOUTHERN AVENUE. ORD. NO. NS-1974-116.

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

AN ORDINANCE OF THE CITY COUNCIL AMENDING ARTICLE IV, SECTION 20-38 (C) (1) TRAFFIC CONTROL SIGNAL LEGEND RED ALONE, OR "STOP" RIGHT TURN ON. ORD. NO. S-1974-13A.

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

Copies of all of the foregoing ordinances are on file in the City Clerk's office in Ordinance Books S-1974 and NS-1974.

Council next gave consideration to several bids.

Upon motion by Mrs. Beard, seconded by Mr. Godwin and carried unanimously, the low bid of Gray and Creech Inc. in the amount of \$5,279.27 for one bond paper copying machine was approved as recommended.

Upon motion by Mrs. Beard, seconded by Mrs. Finch and carried unanimously, the low bid of D.R. Allen and Son in the amount of \$65,045.20 for the construction of a box culvert at Campbell Avenue for Blounts Creek was approved.

Council next gave consideration to a proposed ordinance regarding the display of Motor Vehicle city license decals. The City Manager explained that the city was changing from metal license plate to windshield decals for the calendar year 1975 and the city code made no provision for the placement of such license decals on motor vehicle windshields. The proposed ordinance would do this.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, N.C. AMENDING ARTICLE II, CITY REGISTRATION OF VEHICLES SECTION 20-18. ORD. NO. S-1974-14.

Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ord. Book #S-1974.

Council next gave consideration to several proposed ordinances for the condemnation of substandard buildings and the demolition of same as requested by the Building Inspector's Office.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BLDG. INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 1913 PAMALEE DRIVE AND OWNED BY MRS. A.H. PHILLIPS AND MRS. MARGARET P. BICE. ORD. NO. NS-1974-118.

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

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BLDG. INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 2304 EDGAR STREET AND OWNED BY MR. HAROLD HAYWOOD. ORD. NO. NS-1974-119.

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

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BLDG. INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 434 LAFAYETTE STREET, LOT 18 AND OWNED BY Mr. GENE W. MCLEAN . ORD. NO. NS-1974-120.

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

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BLDG. INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 1012 WEISS AVENUE AND OWNED BY MRS. NELLIE MCNEILL "HEIRS". ORD. NO. NS-1974-121.

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

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BLDG. INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT LOT #3 EAST SIDE OF NORTH STREET EXTENSION AND OWNED BY MISS CORDELIA GIBBS. ORD. NO. NS-1974-122.

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

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BLDG. INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 617 WILMA STREET AND OWNED BY MR. TOM A. PIERCE "HEIRS". ORD. NO. NS-1974-123.

Mrs. Beard introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously. Copies of the foregoing ordinances are on file in the City Clerk's office in Ord. Book NS-1974.

Council next gave consideration to an application for a taxi cab driver permit.

Upon motion by Mrs. Beard, seconded by Mr. Godwin and carried unanimously, a taxi cab driver permit was approved for Jerry Ray Williams as recommended by the City Taxi Cab Inspector, Chief of Police and City Manager.

Council next gave consideration to appointments.

Upon motion by Mr. Godwin and seconded by Mrs. Beard and carried unanimously, Mr. A.J. Pindle was reappointed to the Fayetteville Redevelopment Commission for a five year term of office said term expiring in December 1979.

An appointment to the Human Relations Advisory Commission was deferred until the next regular meeting.

There were no delegations present.

CITY MANAGER REPORTS

The City Manager reported the following named had been certified for appointment to the Police Department by the Civil Service Commission: ALVIN E. BENTLEY, ROBERT D. FISHER, JR., MARY ANN HALES; SHEILA E. HARRISON, VERA ANN MCLAUCHLIN, JAMES M. MASSEI, THOMAS LINDSEY SPELL AND WILLIAM L. WARREN.

Mr. George offered motion for appointment of the aforementioned to the Police Dept. as certified. Motion seconded by Mrs. Beard and carried unanimously.

The City Manager reported the following named had been certified for appointment to the Fire Dept. by the Civil Service Commission: GREGORY ARNETTE, WILLIAM COLEMAN, JR., ERNEST B. E. HAMILTON, SHERMAN L. HOPKINS, JAMES M. LAMBERT, CHARLES F. LOGUE, BENJAMIN E. NICHOLS, BRIAN A. NORWOOD, KENNETH W. RHODES, HERBERT SMITH, THOMAS STOREY, MITCHELL L. WALKER, RICHARD L. WALKER, MITCHELL W. WARD AND MARSHALL F. WIGGS.

Mr. Shaw offered motion for appointment of the aforementioned to the Fire Dept. as certified. Motion seconded by Mrs. Beard and carried unanimously.

The City Manager next presented a preliminary condemnation resolution for a street right-of-way on Jasper Street owned by Broadell Homes, Inc. and requested its adoption.

PRELIMINARY CONDEMNATION RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR RIGHT-OF-WAY ON JASPER STREET IN UPON AND OVER CERTAIN LAND OWNED BY BROADELL HOMES, INC. RES. NO. R-1974-72.

Mr. Shaw introduced the foregoing resolution and moved its adoption, seconded by Mr. Godwin and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book #R-1974.

The City Manager requested authorization for himself and Mr. Fairley to negotiate for a consultant on the application for housing assistance program. Council without objection authorized the City Manager to negotiate and report back to Council.

MATTERS OF INTEREST TO THE CITY COUNCIL

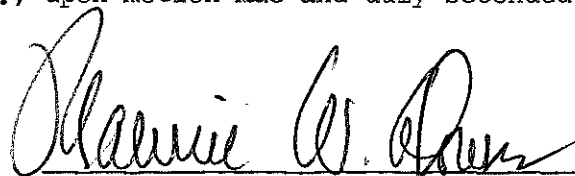
Regarding the street paving policy, Mr. George offered motion that Council substitute the word "Feeder Street" for Arterial Street and that we further add at the end of the paving policy that was presented and almost approved by Council that nothing contained in the foregoing statement would prohibit the Council from paving Feeder Street or other street to a width of 41 feet instead of 37 feet and that the paving policy as presented be approved with this modification. Motion seconded by Mrs. Beard and failed by the following vote: FOR: Mr. Kelly, Mrs. Beard and Mr. George; AGAINST: Mr. Godwin, Mrs. Finch, Mr. Shaw and Mayor Lee.

Mrs. Finch requested a report from the City Manager on the acquisition of property along Cross Creek.

Mr. Godwin raised the question on the Adams Street culvert and the City Engineer was requested to check but stated that this item is in the budget.

Mrs. Beard suggested that a conference meeting be held after the holidays to bring the Council up to date on Community Development.

Thereafter, all matters of business having been completed, Mayor Lee wished everyone a Merry Christmas and adjourned this meeting at 11:30 P.M., upon motion made and duly seconded.



Maurice W. Downs
City Clerk

