

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JANUARY 13, 1975
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 led the assembly in the recitation of the Lord's Prayer. Following this, the Pledge of the Allegiance was led by Scout Charles Childress. Mayor Lee also recognized other scouts present in the audience and stated that they were working on their eagle rank badges.

Mayor Lee recognized and welcomed members of the Fayetteville Youth Council present in the audience to observe Council proceedings.

Mayor Lee then wished all those present in the Council Chamber a Happy New Year on this the first meeting of 1975.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, Minutes of the Regular Meeting of December 23, 1974 were approved as submitted by the Clerk.

First order of business was the reconsideration of the Kennedy Street paving assessment roll. This public hearing continued from several previous meetings. The City Manager presented this matter and stated that Kennedy Street between Person Street and East Russell Street had been paved without petition on order of the Council. Appraisals on each parcel of property abutting this street had been secured as ordered by Council and were shown on the assessment roll, Mr. Smith stated. He stated that some appraisals ran higher than and some lower than the assessment figure but Council could only consider the lower figure according to law. Mr. Smith then proceeded to read the assessment roll for Council's benefit. There was no opposition present.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF KENNEDY STREET BETWEEN PERSON STREET AND EAST RUSSELL STREET. ORD. NO. NS-1975-1.

Mr. Shaw introduced the foregoing ordinance and moved its adoption at 8:15 P.M. and that the assessment roll be confirmed for Kennedy Street at the lower rate of either the appraisal or assessment. Motion seconded by Mrs. Finch and carried unanimously. A copy of the foregoing ordinance is on file in the Clerk's office in ordinance book #NS-1975.

Council next reconsidered the Edgar Street paving assessment roll. This public hearing had been continued from several previous meetings. Again the City Manager presented background information on the assessment roll. He reminded Council of the Ervin Veazie complaint about closing Dewey Street and of the City Engineer's report at the last meeting that a driveway access had been provided to Dewey Street. Dewey Street is not a city street.

Mr. Veazie was again recognized and requested Council not to close Dewey Street but to provide curbs for access to his property.

Following some discussion, Mr. George offered motion that the city open the right-of-way to Dewey Street from Edgar Street to a width of 50 feet. Motion seconded by Mrs. Beard and carried by the following vote: FOR: Mr. Kelly, Mrs. Beard, Mrs. Finch and Mr. George; AGAINST Mr. Godwin and Mr. Shaw.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF EDGAR STREET FROM JASPER STREET TO AMYE STREET. ORD. NO. NS-1975-2.

Mr. Shaw introduced the foregoing ordinance and moved its adoption at 8:30 P.M. and that Edgar Street assessment roll be confirmed as listed. Motion seconded by Mr. Godwin. Mr. George offered an amendment that the value of the rights-of-way given to the city by the property owners be a credit to offset the assessment. The amendment received no second and was lost. Mayor Lee called for vote on the motion as originally stated and it carried by the following vote: FOR: Mr. Kelly, Mr. Godwin, Mrs. Finch, and Mr. Shaw; AGAINST: Mrs. Beard, Mr. George. A copy of the foregoing ordinance is on file in the City Clerk's office in Ord. Book #NS-1975.

Council next reconsidered confirmation of the assessment roll for the paving and sidewalk on Langdon Street between Big Cross Creek and Murchison Road. This public hearing continued from several previous meetings. The City Manager presented this matter and stated that all work had now been completed.

Council recognized Attorney James. W. Swindell, law partner for Attorney Mitchell Gadsden, who stated that Mr. Gadsden could not be present this evening due to illness but that he requested a continuance of this public hearing to February 10. Mr. Swindell stated that Mr. Gadsden

represented several property owners in the area.

Council also recognized Mr. Charles Thigpin, a Langdon Street resident, representing the Langdon Street citizens committee in opposition to the assessment rate.

Following some discussion, Mr. George offered motion to continue this matter to February 10, seconded by Mrs. Beard. The motion failed by the following vote: FOR: Mrs. Beard, Mr. George; AGAINST: Mr. Kelly, Mr. Godwin, Mrs. Finch and Mr. Shaw.

Following some further discussion, Mr. Shaw offered motion to continue this matter to the meeting of January 27, motion seconded by Mr. Kelly and carried unanimously.

Council next gave reconsideration to the granting of a special use permit for an activity center for older adults in an R5 Residential District as provided in the zoning ordinance regarding Charitable Institutions and located at 1505 Ft. Bragg Road. Public hearing had been published for the meeting of December 23 on this matter and continued to this date. In a memorandum to Council, the City Attorney ruled that this special use permit must be authorized by Council as it is not a permitted ordinarily. There was no opposition present.

Following brief discussion, Mrs. Beard offered motion to grant the foregoing special use permit as requested. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave reconsideration to a petition for 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. This hearing was originally set for December 23 and continued to this meeting. Planning Board recommended approval of the rezoning. Council recognized Attorney Duane Gilliam for the petitioners, Pleasant Incorporated, and requested P2 zoning instead of C3.

Mr. Joe Peters, owner of a lot at the corner of Parnell and Breezewood, was recognized for approval of anything other than residential rezoning. A Mr. Claude Darling, Breezewood Ave., was recognized for commercial zoning.

The following persons were present and recognized in opposition to the proposed rezoning: Mr. Ray Espy, Marlborough Road; Mr. Bill Shaw, Arlington Ave.; Mr. Norman Snellgrove, Arlington Ave.; Mr. Jack Hinson, Marlborough Road; Mrs. Raymond Espy, Mrs. Joseph Decar, Mrs. J. Middleton Mr. Conner Holland and Mr. Harry Morley all of Marlborough Road. Including the aforementioned approximately 35 persons stood in opposition to the proposed rezoning.

Following considerable discussion, Mr. Godwin offered motion to follow the recommendation of the Planning Staff and rezone the foregoing area from R6 and R5 to P2 Professional. Motion seconded by Mr. Kelly. Mayor Lee called for vote and the motion was lost by the following vote: FOR: Mr. Kelly, Mr. Godwin, Mr. Shaw; AGAINST: Mrs. Beard, Mrs. Finch, Mr. George and Mayor Lee casting the deciding vote. Mayor Lee then declared the rezoning lost.

In view of the numerous complaints cited in the objections by the Marlborough Road residents on the previous matter regarding hazardous traffic in their area, Mr. Godwin offered motion that the City post speed signs in the area and prohibit thorough truck traffic, motion seconded by Mr. Kelly. Following some discussion, the City Engineer was requested to study this matter and come back to Council with a recommendation and Mr. Godwin and Mr. Kelly withdrew their motion and second respectively.

A public hearing had been published for this date and hour on confirmation of the assessment roll for the paving of the Franklin Street Alley. The alley is located off Franklin 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 Appliance Company at 120 Gillespie Street and Gupton's Sandwich Shop at 112 Franklin Street.

The Mayor read a certificate from the Clerk stating that all property owners had been mailed due and proper notice of this public hearing. The City Manager presented the matter. There was no opposition present.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF FRANKLIN STREET ALLEY. ORD. NO. NS-1975-3.

Mr. Godwin introduced the foregoing ordinance and moved its adoption at 10:00 P.M., 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-1975.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, a public hearing was set for February 10 on a petition for the annexation of an area located on the northwest corner of the intersection of Pamalee Drive and Blanton Road under the "old law".

PUBLIC WORKS COMMISSION MATTERS

Council recognized Mr. Joe Stowe of the Public Works Commission. Mr. Stowe requested approval by the Council of an encroachment agreement between Seaboard Coastline Railroad Company

and PWC for a 16 inch water main beneath the railroad tracks on Plymouth Street.

Mr. Kelly moved for approval of the foregoing request and that the Mayor and Clerk be and they hereby are authorized and directed to sign said encroachment agreement for the city. Motion seconded by Mr. Godwin and carried unanimously.

Mr. Stowe next requested for PWC approval of a water extension to an existing residence on Law Road; The property of Mr. Trellis Stanford at 519 Law Road. In a memo, the City Engineer stated that Mr. Stanford's property abutts the city boundary line on the east side and he has filed an annexation petition for his property a single lot on which he resides. His water pump has stopped working and he wants to pay a tapping fee for city water (the main is in front of his property) rather than repair his pump. The City Engineer recommended that Mr. Stanford be furnished a tap immediately because of his emergency situation.

Mr. Shaw moved for approval of the water extension to Mr. Stanford as requested and recommended, motion seconded by Mr. Godwin and carried unanimously.

This concluded PWC matters.

Council next gave reconsideration for approval of a variance in the zoning ordinance regulating signs for Cross Creek Shopping Center. This matter was originally presented at the December 23 meeting and deferred to this time in order for Council to view a drawing of the proposed signs.

Council recognized Attorney Herb Thorp for Cross Creek Mall. Mr. Thorp stated that the specific request was for a 26 foot variance for two signs for the theaters in the Mall. In a memorandum to the City Manager, the Building Inspector it was desired to erect two signs at entrances to the Cross Creek Mall, one of which will be located on Morganton Road and the other on route N.C. 59. The signs are classified as ground signs and as such must be set back an equal distance from the right-of-way line with the formula of one foot for the first 30 feet in height and 1½ feet above 30 feet. The signs to be erected will have an overall height of 26 feet which would require a 26 foot set back. However, if the signs are set back 26 feet, they will in time be hidden from view by the Magnolia trees which have been planted along each entrance way to the Mall. These signs will be engineered to meet all requirements of the N.C. State Building Code, he stated. Mr. Thorp's request is for a variance to the entire 26 foot set back.

Following some discussion during which time the signs potential hazard to traffic movement was discussed, Mr. Shaw offered motion for denial of the request for the variance, motion seconded by Mrs. Finch.

Following some further discussion, Mr. Godwin offered substitute motion that the variance be allowed as requested, motion seconded by Mrs. Beard and carried by the following vote: FOR: Mr. Kelly, Mrs. Beard, Mr. Godwin and Mayor Lee; AGAINST: Mrs. Finch, Mr. George and Mr. Shaw.

Council next gave consideration of a proposal to lease the Jenkins property (the former E.C.T. building) located on the east side of Donaldson Street and adjacent to the present city parking lot for additional parking. The City Manager presented this matter and stated that the existing building would be demolished by the owner and the city would pay for the construction of the parking lot under a five year lease agreement at a rate of \$100.00 per month rental. The City Manager recommended approval of the lease agreement.

Following brief discussion, Mr. Godwin offered motion to follow the foregoing recommendation of the City Manager and authorize him to draw such lease agreement for the terms and amount stated and that the Mayor and Clerk be and they hereby are authorized and directed to sign said lease agreement for the city. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to a proposed resolution requesting an advance in funds from the Housing and Urban Development for Community Development application expenses. The City Manager presented this matter and recommended adoption of the resolution which requests an advance in the amount of \$20,000.00 to assist in the development of the city's application for community development.

RESOLUTION OF THE CITY COUNCIL REQUESTING PLANNING ADVANCE FOR COMMUNITY DEVELOPMENT
PLANNING. RES. NO. R-1975-1.

Mr. Kelly 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 Res. Book #R-1975.

Council next gave consideration to a contract for professional services in connection with assisting the city in the preparation of a Community Development Block Grant Program application by James B. Godwin, Consultant. In a memorandum to the Council, the City Manager stated the proposed contract for consulting services from Mr. Godwin and associates which is recommended by Mr. Charles Fairley for your approval contains the following significant features: (1) \$4,000.00 is to be paid for services for section D which is assistance in preparing the housing assistance plan part of our community development application and (2) charges for other consultant work for the application preparation of community development projects based

upon 2.5 times the consultants staff salaries and cost for materials travel and so forth with a maximum of \$18,000.00 and (3) the total cost for a an b above could be \$18,000.00. The City Manager recommended approval of the contract but that it be rewritten if necessary to provide for (1) \$4,000.00 to be paid for services as outlined in section D of the proposed contract and (2) the time and material charges be approved but that each work assignment be approved by the City Manager's office before Mr. Godwin does any work for which the city will be billed.

Following brief discussion, Mr. Godwin offered motion for the approval of the foregoing contract as recommended by the City Manager. Motion seconded by Mr. Shaw and carried unanimously.

Council next gave consideration to the awarding of bid contracts for storm drainage on Cool Spring Street and Brigadoon Lane. In a memorandum to the City Manager, the City Engineer stated that three bids were received on the above projects. The Cool Spring Street drainage is for the Law Enforcement Center and is divided into two sections. Section one is outside the Cumberland County Redevelopment project boundary and runs from Cross Creek to the northern margin of Person Street (project boundary). Section two runs from Person Street (northern right-of-way) to Flour Lane. The City Manager stated the low bidder on the aforementioned was Triple A Construction Company with a bid of \$62,163.00 for section one and \$67,875.60 for section two and is the bid recommended.

Following brief discussion, Mr. Godwin offered motion for approval of the bid of Triple A Construction Company for section one and section two if approved by the county. Motion seconded by Mrs. Beard and carried unanimously.

The City Manager stated that Triple A Construction Company was also the low bidder on Brigadoon Lane in an amount of \$17,658.87 and is the bid recommended.

Mr. Shaw offered motion for award of the foregoing contract to Triple A Construction Company in the amount bid as recommended by the City Manager. Motion seconded by Mr. Godwin and carried unanimously.

Mayor Lee then skipped to Item 17 on the agenda which was reconsideration of establishing policy and resolutions on Burglar Alarm Monitoring System in the Police Dept. This item continued from previous meetings.

The City Manager presented this matter and stated that at the last Council meeting, Council discussed proposals submitted from three burglar alarm companies which would have required the installation equipment by one company and at the last meeting it was proposed that Central Stations Equipment be installed, owned and operated by one company. The Central System would allow qualified customers to connect. The city would have no investment and no operational responsibilities. At the last meeting, Council stated that they wish to explore a different approach by getting proposals for the city to own the equipment and establish the charges to any connecting customer thereby removing any advantage the central system operator would have over competition for retail customers. The City Manager stated that bids were mailed to the three companies ADT, Holmes Electric and Robeson Alarm Company who now have installations in the Police Dept and who are certified by UL for Burglar Alarm Systems. In addition, proposals were mailed to Mr. Tommy Thomas and to Central Security Systems who are not now listed or certified by UL. Diebold is UL certified and submitted a proposal.

Attorney Stacy Weaver was recognized for Holmes Electric Service. A Mr. Harrington was recognized for Robeson Alarm Company. A Mr. Bob Coffman, owner of Phoenix Residential and Industrial Security was recognized. Mr. Tommy Thomas of Maximum Security Systems was also recognized.

Following considerable discussion and in response to query from the Council, the City Manager recommended that Holmes Electric Service own the system and not the city but with the understanding and agreement that the City may purchase the system at a later date if desired.

Mr. Shaw offered motion to follow the foregoing recommendation of the City Manager, seconded by Mrs. Beard and carried unanimously.

Mayor Lee then returned to Item #10 on the agenda which was a request by the County Commissioners for city participation in the construction of the parking deck and alternations to the floor in the dispatcher's office of the new law enforcement building. In a memorandum to the City Manager, the County Manager stated that the county commissioners at a recent meeting discussed the paving for the parking deck at the new law enforcement building. The board for sometime had been under the impression that a list of items on a memo dated April 20, 1972 from Dan McMillan and Bob Bennett were approved by the city in the construction of the law enforcement building. In a letter from Mr. Dan McMillan dated December 20, 1974, he listed the paving requirements for the building as well as the cost of the raised computer room type flooring for the radio and control room. In discussing these items with you, the County Manager stated in his memo, it is my understanding that the Council has not officially approved the items covered in the memo although the city has accomplished many of the items listed. Therefore, I would appreciate it if you would bring these two matters to the attention of the Council. Our specific request is for the paving of the parking deck and the area under the parking deck as well as Council's consideration of bearing 1/2 the cost of the raised flooring

for the radio and control room.

Following brief discussion, Mrs. Beard offered motion for city participation in the construction of the parking deck items 1 and 2 of Mr. McMillan's memo of December 20, 1974, item 1 being asphalt paving under the parking deck and item 2 being asphalt paving over the concrete parking deck in an amount not to exceed \$6,500.00 and that item 3, the raised computer room flooring, be deferred until a later date for more information. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to a request by the Airport Commission to amend the FAA grant agreement. In a letter to the City Manager, the Airport Manager stated that prior FAA regulations limited payments to sponsors to 90% of construction cost until final audit was completed. At times this has taken two or three years for the sponsor to receive the final 10% payment amounting to several thousand dollars.

New FAA regulations permit the sponsor to apply for and be paid 100% of construction cost with necessary adjustments made after final audit as to over payment or under payment. For example, this will now permit us to apply for an additional \$56,000.00 for the Fire Station projects which previously we could not do. The adoption of Amendment #3 would change the city's grant to permit the Airport Commission to use the new procedures.

We request City Council approve the amendment and authorize the Mayor, Clerk and City Attorney to execute the necessary document by the adoption of a resolution.

RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING AND RATIFYING THE EXECUTION OF AMENDMENT #3 TO GRANT AGREEMENT FOR PROJECT #8-37-0021-01 BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF FAYETTEVILLE, NORTH CAROLINA. RES. NO. -1975-1A.

Following brief discussion, Mr. Shaw introduced the foregoing resolution and moved its adoption and that the Mayor, Clerk and City Attorney be and they are authorized and directed to execute said documents 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 Res. Book #R-1975.

Council next considered a resolution adopted by the County Commissioners for a joint effort to apply for discretionary funds through Community Development which was forwarded to the Mayor by Mr. E.J. Edge, Chairman of the Board of County Commissioners, who stated in his memorandum that the Commissioners would be honored to discuss this matter further with the Council. A joint meeting was set for Wednesday, January 22, at 7:30 P.M. in the Council Chamber in the Kyle House and the County Commissioners were to be so informed.

Council next gave consideration to a proposed ordinance amending Chapter 28 "Taxicabs" of the Code and to a proposed ordinance granting to a Mr. Johnny McGee, a franchise to operate a limousine service.

Following brief discussion, both of the foregoing items (Items 13 and 14 on the agenda) were deferred until the next regular meeting on January 27).

Council next gave consideration to a proposed ordinance amending Section 17-14.1 (e) "Issuance of License"- Massage Parlors-of the City Code. The City Attorney presented this ordinance and stated that the change would route applications for such licenses through the City Manager's office for approval and then to the City Tax Collector.

AN ORDINANCE OF THE CITY COUNCIL AMENDING CITY CODE SECTION 17-14.1 (e) MASSAGE PARLORS ORDINANCE NO. S-1975-1.

Following brief discussion, Mr. Shaw introduced the foregoing ordinance and moved its adoption with the correction that the word "and" be substituted for the word "as" in the first line of the ordinance. Motion seconded by Mrs. Finch and carried by the following vote: FOR: Mr. Godwin, Mrs. Finch, Mr. Shaw and Mr. George; AGAINST: Mr. Kelly, Mrs. Beard. A copy of the foregoing ordinance is on file in the Clerk's office in Ord. Book #S-1975.

Council next considered the setting of a date for the revocation of a massage parlor license issued to the Garden of Eden Massage Parlor. It was recommended that this matter be heard at the January 27 regular meeting of the Council.

Upon motion by Mrs. Finch, seconded by Mr. Godwin and carried unanimously, public hearing was set on the foregoing matter for the regular meeting of January 27.

Council next gave consideration to the approval of the issuance of a massage parlor license; Such application being made for Peggy's Health Club at 720 Bragg Blvd, the owners being Robert J. Thompson and Peggy N. Thompson doing business as Pero Enterprises, Inc.

Mr. Kelly offered motion that this matter be deferred to the next regular meeting on January 27, seconded by Mrs. Beard and carried by the following vote: FOR: Mr. Kelly, Mrs. Beard, Mr. Godwin, Mrs. Finch and Mr. George; AGAINST: Mr. Shaw.

Council next gave consideration to a proposed resolution for the condemnation of an easement for a right-of-way along Jasper Street over certain land owned by Luther R. Jeralds and JoAnne Jeralds as recommended by the City Attorney.

PRELIMINARY CONDEMNATION RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR A RIGHT-OF-WAY FOR JASPER STREET IN UPON AND OVER CERTAIN LAND OWNED BY LUTHER R. JERALDS AND JOANNE JERALDS. RES. NO. R-1975-2.

Following brief discussion, Mr. Shaw introduced the foregoing resolution and moved its adoption, seconded by Mrs. Finch and carried by the following vote: FOR: Mr. Kelly, Mrs. Beard, Mr. Godwin, Mrs. Finch and Mr. Shaw; AGAINST: Mr. George. A copy of the foregoing resolution is on file in the office of the City Clerk in Res. Book R-1975.

Council next gave consideration to two appointments. One to the Human Relations Advisory Commission, Mrs. Esther Dept has resigned and one appointment to the Board of Trustees, North Carolina Firemens Relief Fund the term of Mr. Gene Plummer expires in January, and he does not wish to be reappointed. Both of these appointments were deferred until the next meeting.

There were no delegations present in the audience responding to the invitation of Mayor Lee for recognition.

CITY MANAGER REPORTS

The City Manager reported the resignation from the Fire Dept. of the following named: Gary R. McDaniel and Leroy McLamb. Council noted the resignations.

The City Manager reported that some of the ministers in the city had requested permission to ride along with the Police Officers in the police cruisers to implement a cooperative need. The City Manager stated that the ministers were willing to sign waivers for this privilege and if this was satisfactory and there were no objections from Council, it would be permitted. The City Attorney stated that he foresaw no difficulty and there was no objection from Council to this request.

The City Manager reported that three condemned houses on Simmons Street had been removed.

The City Manager reported on the need for repairs on Middle Road and stated that the City Attorney had succeeded in obtaining for the City a drainage easement along this road. The City Manager then requested authorization to proceed with badly needed and necessary repairs.

Mrs. Beard offered motion that the City Manager be and he hereby is authorized and directed to proceed with repairs on Middle Road as requested. Motion seconded by Mr. Kelly and carried unanimously.

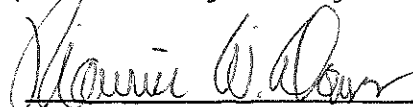
MATTERS OF INTEREST TO THE CITY COUNCIL

Mr. Shaw was recognized and requested that Council review the accomplishments of Council and the budget at a conference meeting to be held after the joint meeting with the County Commissioners on Wednesday, January 22. He stated that he would also like to discuss with the County Commissioners the downtown area problems and tax problems to assist with the revitalization program.

Mayor Lee stated that a special meeting was needed for Monday, January 20, in the Council Chamber in the Kyle House for preliminary screening of projects recommended under the community development act as a result of the hearings and this was scheduled.

Mayor Lee asked for a motion to set a public hearing on February 3, in the City Hall on review of the Community Development Program to discuss the applications with the public. Mrs. Beard so moved, seconded by Mr. Godwin and carried unanimously.

Thereafter, all matters of business having been completed, the meeting was adjourned at 12:00 midnight upon motion made and duly seconded.


Maurice W. Downs
City Clerk

SPECIAL MEETING
COUNCIL CHAMBER-KYLE HOUSE
JANUARY 20, 1975
9:45 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

Mayor Lee called this special meeting to order following a conference meeting on the Community Development projects for the purpose of considering a request from the North Carolina Department of Transportation for approval of a Municipal Agreement. Mayor Lee call on City Manager Smith to make the presentation.

City Manager Smith stated that the Department of Transportation has agreed to implement the Hay Street-Winslow Street one-way pair project for the Downtown Circulation Plan.

The Department of Transportation has prepared a Municipal Agreement for this project-Project No. 8.6062004 and 9.7062003 (9.8062060)- and requests that the City of Fayetteville enter into the agreement with the DOT to participate one-fourth of the right of way cost. Total estimated cost of the project being \$435,000.00 and one-fourth, estimated at \$108,000.00 being the City's share.

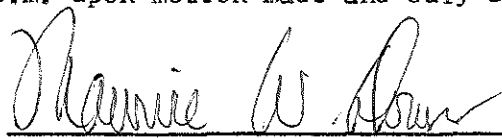
Following brief discussion Mr. Shaw offered motion that the City enter into the foregoing agreement with the Department of Transportation and participate in the right of way not to exceed one-fourth of the cost, and that the Mayor and Clerk be and they hereby are authorized and directed to sign said Municipal Agreement by the adoption of the following Resolution. Motion seconded by Mr. Kelly and upon being put to vote carried unanimously.

The Resolution title appears below:

RESOLUTION OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA FORMALLY APPROVING A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR DOT PROJECT NO. 8.6062004 AND 9.7062003 (9.8062060). RESOLUTION NO. R1975-3.

A copy of the foregoing resolution is on file in the Clerk's office in Resolution Book R1975.

This special session was then adjourned at 9:50 p.m. upon motion made and duly seconded.


Maurice W. Downs
City Clerk



JOINT MEETING
OF THE CITY COUNCIL
AND THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS
WEDNESDAY
JANUARY 22, 1975
7:30 P. M.

- Present: Mayor Jackson F. Lee
- Council Members: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly
- Chairman: Mr. E. J. Edge
- Commissioners: Bill Tyson, Tom Bradford, Billy Horne, Luther Packer
- Others Present: Mr. Guy Smith, City Manager
Mr. Carter Twine, County Manager
Mr. Heman Clark, County Attorney
Mr. Billy Clark, City Attorney
- Also Present: Mr. William Thomas, III, Assistant City Manager
Mr. Jim Gray, Administrative Assistant to the City Manager
Mr. Milton Bluhm, Assistant City Engineer
Mr. Charles Fairley, Executive Director, Fayetteville Redevelopment Commission
Mr. J.T. Gibson, Chairman, Fayetteville Redevelopment Commission
Mr. A.J. McCoy, Dean of Men, FSU
- Also: Mr. J.W. Pate, a builder and developer, Mr. Ed DeGutis, Senior Citizens

Mayor Lee called this Joint Special Session to order and welcomed Chairman Edge and the other County Commissioners.

Mayor Lee stated that the purpose of this meeting was to form a Joint Community Development Agency to apply for federal discretionary funds.

Mayor Lee recognized Chairman Edge who read the following resolution which was adopted by the County Commissioners relatively to this matter;

COUNTY OF CUMBERLAND
RESOLUTION

THAT the Board of County Commissioners and the City Council of Fayetteville, by concurrent Resolutions, create a Joint Agency to be called the Fayetteville-Cumberland Community Development Agency.

THAT the purpose of the Joint Agency shall be to make joint City-County effort to take full advantage of the provisions of the Federal Housing and Community Development Act of 1974 relative to discretionary funds to meet the needs of the total community.

THAT the membership of the Joint Community Development Agency shall consist of all members of the City Council and all members of the Board of County Commissioners.

THAT the Joint Agency employ a Director and staff, responsible to the Joint Agency to perform all needed administrative services required to effectively carry out its joint effort.

THAT both governmental units reserve the right to withdraw from the Joint Agency at anytime subject to completion of any project jointly undertaken.

FURTHER, it is understood that the Joint Agency does not in anyway conflict with the authority or responsibility of either the City or County to make separate applications for hold harmless funds available under the Federal Act.

/s/ E.J. EDGE, JR.
E,J, EDGE, JR., CHAIRMAN
Board of County Commissioners

The County Attorney commented on the formation and functions of the Community Development Staff. Mr. Shaw reviewed the recommendation of the Liaison Committee from last November.

Mayor Lee reviewed City Council's action in adopting the recommendation of the Liaison Committee and the employment of Mr. Charles Fairley as Director of the City Agency.

Considerable discussion then followed with Mayor Lee stating that he had talked to a Mr. Barnwell, Chief of HUD in Greensboro, who informed him that there was still a question on

discretionary funds but that the Council and County Commissioners could appoint a Joint Agency to be ready to apply for such funds when the regulations are released.

Following some further discussion, Mr. Godwin urged the group to proceed with the program tonight and if changes are needed later, they could be made at that time by this group. Commissioner Packer agreed with this suggestion.

Mr. Fairley was recognized and stated that the discretionary funds is one of a problem, not funds, and final decisions must rest with the individual governing bodies.

Mr. Shaw reviewed the table of organization on Community Development as proposed and recommended by the Liaison Committee and as adopted by the Council and County Commissioners.

Mr. Shaw stated that the Joint Agency would be responsible for the Community Development Staff.

Mr. Pate and Mr. McCoy were recognized and offered general comments.

Following some further discussion, Chairman Edge called the Board of Commissioners into official session and they adopted a resolution establishing the Joint Agency as displayed on the chart and that the Director be hired by the Joint Agency and that the final paragraph as adopted by the County Commissioners in their resolution be incorporated in this motion and that the County appoint five members to the Advisory Commission.

Mayor Lee then called the City Council into official session and Mr. Godwin offered motion that Council set up a Joint City-County Agency as set forth on the chart and the Director be hired by the Joint Agency and the last paragraph of the resolution adopted by the County Commissioners be incorporated in the motion and that the City Council appoint five members to the Advisory Commission for two year staggered terms each. Motion seconded by Mr. Shaw.

Following some further discussion, Mr. George offered an amendment to the foregoing motion that the Community Development Staff would be responsible to the Joint Agency and that the Community Development Staff would coordinate its work with City and County Administration. Motion seconded by Mrs. Beard and carried unanimously.

Mayor Lee then called for vote on the main motion and it carried unanimously.

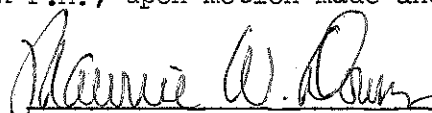
Chairman Edge then called the Board of County Commissioners back into session and they adopted the foregoing amendment.

Following some further discussion, Chairman Edge moved to appoint Mayor Lee as temporary Chairman for this session of the Joint meeting. Motion seconded by Mr. Kelly and Mr. Horne and carried unanimously.

Following some further discussion, Mr. George offered motion that Mr. Charles Fairley be appointed Director of the Joint Agency subject to the rules and regulations that are subsequently adopted by the Joint Agency. Motion seconded by Mrs. Finch and carried unanimously.

Following some further discussion, Mayor Lee offered suggestion that the City and County Attorneys be requested to draw a set of bylaws and present them at the next meeting of this agency and Mr. Packer so moved, seconded by Mr. Shaw and carried unanimously.

Thereafter, this meeting was adjourned at 10:10 o'clock P.M., upon motion made and duly seconded.



Maurice W. Downs
City Clerk

SPECIAL MEETING
THURSDAY, FEBRUARY 20, 1975
COUNCIL CHAMBER KYLE HOUSE
9:00 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. William Thomas, Assist. City Manager
Mr. Charles Fairley, Executive Director of Community Development Dept.

This special session of the council was called to order by the Mayor following a lengthy discussion of the proposed Community Development Act Program Areas and the refinement and changes to same. Mayor Lee stated the purpose of this meeting was to consider the adoption of the resolution authorizing the filing of the grant application.

Mayor Lee then proceeded to introduce the resolution which is as follows:

RESOLUTION OF THE CITY OF FAYETTEVILLE
PERTAINING TO FUNDING UNDER COMMUNITY
DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, the City of Fayetteville is applying for a grant for funding under the Community Development Block Grant Program from the U.S. Dept. of Housing and Urban Development; and

WHEREAS, the U.S. Dept. of Housing and Urban Development requires certain certifications and assurances from the City of Fayetteville, as applicant; and

WHEREAS, the City of Fayetteville possesses legal authority to apply for the grant to carry out the proposed programs;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fayetteville that:

1. The City of Fayetteville is hereby authorized to file an application for said grant, including all understandings and assurances contained therein;
2. That the Mayor of the City of Fayetteville is hereby directed and designated the applicant's chief executive officer as the authorized representative of the applicant to act in connection with the application and to provide such additional information as may be required.

Adopted this 20th day of February, 1975.

Following the introduction of the resolution, Mr. Godwin offered motion for the adoption of same, seconded by Mrs. Beard and carried unanimously.


On a further matter, Mayor Lee stated that he had received a request from the Art Museum and the Fayetteville Cumberland County Historical Society for permission and authorization to lease from the City the Kyle House which they wish to take over and maintain as Historical and Art Museums and for the construction of an Art Gallery at the rear of the lot. Mayor Lee stated that the Police Dept. will be moving out of City Hall in the near future and the City Offices now in the Kyle House will move to the City Hall. Following some discussion of this matter with general favor being expressed, it was decided to place this matter on the agenda for presentation and discussion at the regular meeting of Council on Monday, February 24, 1975.

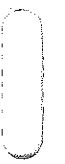
On an additional matter, a conference meeting was scheduled for Thursday, March 6, 7:30 P.M. in the Council Chamber in the Kyle House for a discussion of the 1974-75 Budget review and also the 1975-76 Budget suggestions.

On a final matter, Mr. Fairley requested formal approval of the Council for submission of the Community Development Grant Application.

Mr. Shaw then offered motion, seconded by Mr. George that we approve and authorize subject to the changes the submission of the Community Development Grant Application. Motion carried unanimously.

Thereafter, all matters of business having been completed, this special session was adjourned at 9:30 P.M., upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JANUARY 27, 1975
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. Robert H. Butler, PWC Chairman
Mr. Ray Muench, PWC

Mayor Lee called the meeting to order and the invocation was offered by the Rev. Robert F. Moore of Christ United Methodist Church. Scout Thomas Chapman led the Pledge of the Allegiance.

Mayor Lee recognized the following city employees and presented them with service pins:

FIVE YEARS

David Jordan, Sanitation Dept.
James Martin, Finance Dept.
Taylor Tatum, Engineering Dept.
Alexander Tew, Sanitation Dept.
Jerry Williams, Sanitation Dept.

FIFTEEN YEARS

R.C. McDougald, Sanitation Dept.
Bob Bennett, City Engineer

Mayor Lee recognized members of the Fayetteville Youth Council in the audience to observe Council proceedings.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, Minutes of the Regular Meeting of January 13, 1975 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 January 20, 1975 were approved as submitted by the Clerk.

Approval of the Minutes of a Special Joint Meeting of the Council and County Commissioners held on January 22, 1975 were postponed until later.

A public hearing was held as continued from several previous meetings on confirmation of the assessment roll for paving and sidewalks along Langdon Street from Big Cross Creek to Murchison Road. The City Manager presented this matter and stated that this work had been accomplished pursuant to petition from the property owners and included sidewalks.

Dr. H.W. Vick was recognized and presented a petition of opposition to the widening of this segment of street and to the assessment for same.

A George B. Williams was also recognized in opposition and read a letter from Mr. Calvin Spence.

Following some discussion, Mr. George offered motion that no assessments be levied on Langdon Street. The motion received no second.

Following some further discussion, Mr. George offered motion that the property owners be assessed for the sidewalk improvement only but not for the street paving. Motion seconded by Mrs. Beard.

Following some further discussion, Mr. Shaw offered substitute motion to levy the assessments for the street paving and sidewalk as shown on the assessment rolls by the adoption of an ordinance at 8:25 P.M. 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.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLLS FOR THE PAVING SIDEWALKS AND OTHER IMPROVEMENT ON AND ALONG LANGDON STREET FROM BIG CROSS CREEK TO MURCHISON ROAD. ORD. NO. NS-1975-4.

A copy of the foregoing ordinance is on file in the office of the City Clerk in Ord. Book NS-1975.

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. The City Manager presented this matter and recommendation cancellation of this public hearing in view of negotiations with the property owners along this segment of street and commence again with this project at a later date if necessary. There was no opposition present.

Following brief discussion, Mr. George offered motion seconded by Mr. Shaw to cancel this public hearing as recommended by the City Manager. Motion carried unanimously.

Public hearings 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 matter being continued from previous meetings) and a request for a special use permit under Section 32-23 of the Fayetteville Zoning Ordinance to establish a parking lot in an R6 Residential District serving Public Works Commission facilities located on Filter Plant Drive between Murchison Road and Ames Street.

Planner Mitchell stated that PWC had amended their petition of rezoning from M2 Industrial District to P2 Professional District and also that the Planning Board offered no recommendations on these items inasmuch as their hearings resulted in tied votes.

PWC Attorney Richard Lewis was recognized and requested that both of the foregoing items (items 2c and d on the agenda be considered at the same time) and there was no objection from Council. Mr. Lewis then proceeded to present these matters to the Council requesting the granting of the special use permit for the parking lot and for the rezoning of the area from residential 6 to Professional 2. Mr. Lewis informed Council that the reason for these requests was due to the fact that PWC wanted to construct a office building on the site that would serve as an operation center for the water operation. He stated that PWC would construct a landscaped screen along the Murchison Road frontage in order that the operations building and attendant open yard storage would be screened from view from the road.

Dr. Charles Lyons, Chancellor of Fayetteville State University, was recognized and stated that the Board of Trustees of FSU were opposed to the rezoning and the special use permit because they did not want the storage building and operation center situated in front of the University due to esthetic purposes and increase traffic flow. He presented to Council a petition of opposition signed by 56 persons.

At this point, Mayor Lee directed the Clerk to enter into the record the following statement "That I am also Chairman of the FSU Board of Trustees and at the meeting of the Board of Trustees at which this matter was discussed, I excused myself during the discussion and was not a party to that petition".

Council then recognized the following named persons opposed to the rezoning and special use permit: Alexander Barnes, a member of FSU Board of Trustees; Barbara Holmes, FSU Director of Long Range Planning who stated the future mission of FSU; Frederick Jones, Business Manager FSU; Tommy Mitchell, President of FSU Student Body; W.E. Murphy, a resident of the area, Dave L. Evans, representing Mt. Sinai Church who also presented a petition of opposition; Randolph P. Dickens, FSU Dean of Continuing Education, W.C. Brown, Vice-Chancellor of Academic Affairs FSU; Theodore Balshe a private citizen, Leo Evans, a FSU alumnus and James Lyons, a private citizen.

At this point, Mayor Lee after examining the petition of opposition submitted by Dr. Lyons, declared the petition valid to require a 3/4 vote of the Council to pass the rezoning.

There was then considerable discussion of the matter.

Following this discussion, Mr. Godwin offered motion to follow the recommendation of the Planning Staff and rezoning this area to P2 zoning and grant the special use permit as requested by PWC. The motion was seconded by Mr. Shaw. Following some further discussion, Mayor Lee took the vote on the motion and the vote was as follows: FOR: Mr. Kelly, Mr. Godwin, Mr. Shaw: AGAINST: Mrs. Beard, Mrs. Finch and Mr. George. Mayor Lee declared the motion lost.

Following some further discussion, Mr. Shaw offered motion that PWC be requested to plant screening along Murchison Road. Motion seconded by Mrs. Finch and carried unanimously.

Council next gave consideration to an annexation matter. A public hearing had been published for this date and hour on the annexation by satellite provisions of Ascot Planned Neighborhood Development. Planning Board recommended approval.

Mr. J.W. Pate, representing Lexington Homes, was recognized as the petitioner for annexation. There was no opposition present.

AN ORDINANCE EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, COUNTY OF CUMBERLAND, STATE OF NORTH CAROLINA PURSUANT TO THE PROVISIONS OF N.C. GENERAL STATUTES 160-A-58 thru 160A-58.6 BY ANNEXING THERETO A CERTAIN NON CONTIGUOUS TRACT OF LAND TO AND NOT EMBRACED WITHIN THE PRESENT LIMITS OF THE CITY OF FAYETTEVILLE KNOWN AS ASCOT PLANNED NEIGHBORHOOD DEVELOPMENT. ANNEX. #150.

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 1975.

A public hearing had been published for this date and hour on a petition for the rezoning from R6 and R5 residential districts to C1 Local Business District or to a higher classification of an area located at 1425, 1427, 1501 and 1503 Camden Road and 1065, 1067 and 1069 Southern Ave. Planning Board recommended approval.

Attorney Larry Thompson was recognized for the petitioner and stated that the petitioners were owners of a drug store which was located adjacent to the property in question and that they were in need and had a demand to expand their business. Mr. Thompson also stated that a doctor's office was located in the same building and was also in need of expansion. He stated further that people in the area generally walk to their designations because many cannot afford transportation and bus service is poor. Mr. Thompson also explained that the surrounding property owners were contacted and no one was opposed to the request. County School Supt. Wayne Collier was also contacted and the County Schools were not opposed.

There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORD. AS FOLLOWS: REZONE FROM R6 AND R5 RESIDENTIAL DISTRICT TO C1 LOCAL BUSINESS DISTRICT AN AREA LOCATED AT 1425,1427,1501, 1503 CAMDEN ROAD AND 1065,1067 AND 1069 SOUTHERN AVE. ORD. NO. NS-1975-5

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-1975.

A public hearing had been published for this date and hour on a petition for the rezoning from R6 and R5 residential districts to C3 Heavy Commercial District or to a higher classification of an area located on Breezewood Ave. and Cheselka Street. Planning Board recommended denial. The City Attorney was recognized and stated that the petition was not signed and therefore is not valid and recommended cancellation of this hearing.

Following brief discussion, Mr. George offered motion that the foregoing petition for rezoning be denied, seconded by Mr. Shaw and carried by the following vote: FOR: Mr. Kelly, Mrs. Beard, Mrs. Finch, Mr. Shaw and Mr. George; AGAINST: Mr. Godwin.

Upon motion by Mrs. Finch, seconded by Mr. Godwin and carried unanimously, a public hearing was ordered published for February 10 pursuant to petition for paving Beverly Dr. from Melrose Road to Sandhurst Drive by the adoption of the following resolution.

PRELIMINARY RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION OF BEVERLY DRIVE FROM MELROSE ROAD TO SANDHURST DRIVE. RES. NO. R-1975-4.

A copy of the foregoing resolution is on file in the office of the City Clerk in Res. Book R-1975.

Upon further motion by Mrs. Finch, seconded by Mr. Godwin and carried unanimously, public hearings were set for February 24, 1975 on the following items:

- A. Initial zoning to C1P Shopping Center District and P2 Professional District or to a higher classification an area located along McPherson Church Road between Morganton Road and U.S. 401 by-pass.
- B. A request for a special use permit for the establishment of a private club facility in an R5 residential district as provided in the City of Fayetteville Zoning Ordinance section 32-23 (4-a) located at the intersection of Camden Road and Delcross Street.
- C. Initial zoning to R10 residential district or to higher classification of an area located east of Thamesford Drive and being Section II of the Country Club north subdivision.
- D. Initial zoning to R6 residential district and M2 industrial district and C3 Heavy Commercial District of an area located east of Southern Ave. and Progress St.

PLANNING BOARD MATTERS

Council heard recommendation from the Planning Board for approval of Hillendale West, Section II located off Rosehill Road subject to the conditions as outlined in Planning Board's memorandum to City Council dated January 27, 1975.

Following brief discussion, Mr. Godwin offered motion to give preliminary and final review to Hillendale West, Section II as recommended by the Planning Board. Motion seconded by Mr. Kelly and carried unanimously.

Council next heard recommendation for revision review of Mt. Siani Apartment Complex located off Murchison Road at the intersection of Murchison Road and Blue Street subject to the conditions as outlined in Planning Board's memorandum to the Council dated January 27, 1975.

Following brief discussion, Mr. Shaw offered motion for approval of the foregoing revision review of Mt. Siani Apartment Complex as recommended by the Planning Board. Motion seconded by Mr. George and carried unanimously.

This concluded Planning Board Matters.

Council next gave consideration to the revocation of the license of the Garden of Eden Massage Parlor. This hearing was set on this matter by the City Council at the last regular meeting on

January 13.

Council recognized City Attorney Clark who stated that this would be a show cause type hearing under the provisions of Section 17-14.1 of the Code of the City of Fayetteville. Attorney Clark stated that investigation by the Police Dept. reveals the following reasons for revocation of license: (1) health certificates of the employees have not been filed with Chief of Police as required by subsection G, (2) names of employees have not been filed with the Chief of Police as required by subsection H, (c) proper hours of operation have not been adhered to as required by subsection K, (d) persons of the opposite sex have treated and massaged others in violation of subsection L, (e) employees without licenses were permitted to perform massages without the direct supervision of a person having a license as a masseur or masseuse, (f) female employees massaged male customers while the female was nude or topless in violation of subsection J3. Mr. Clark stated that the licensee has been furnished a copy of these violations by registered mail.

Council recognized Attorney Sneed High, representing the Garden of Eden Massage Parlor, who moved for a bill of particulars on all charges. Mayor Lee reiterated to Mr. High that this was a show cause type hearing. Attorney High then moved for dismissal of all charges against his client. Mayor Lee ruled against this motion for dismissal and requested Mr. Clark to call his witnesses.

The City Attorney then called Mr. J.D. McCall, City Tax Collector, who was sworn and stated that according to his records the employees had not secured the necessary licenses.

Attorney High objected to all questions put to Mr. McCall and his objection was noted.

The City Attorney then called Mrs. Ann Napoleon, Secretary to the Chief of Police, who was sworn. Attorney High again objected to all questions. Mrs. Napoleon stated that according to the records of the Police Dept. the names of the employees had not been filed with the Chief of Police.

The City Attorney then called Officer William L. Johnson of the Fayetteville Police Dept. who was sworn. Again Mr. High objected to all questions and his objection was noted. Officer Johnson testified that the proper hours of operation had been adhered to by the Garden of Eden Massage Parlor.

The City Attorney then called Officer Ted Bradley of the Fayetteville Police Dept. who was sworn. Again Mr. High objected to all questions. Officer Bradley testified as to the charge that female employees massaged male employees while the female was nude or topless in violation of the ordinance.

The City Attorney then stated that this completed the city's case against the massage parlor.

Attorney High was then recognized and stated that he had no testimony to offer in this case.

Following brief discussion, Mr. Shaw offered motion that the license of the Garden of Eden Massage Parlor located at 4001 Murchison Road be and the same is hereby revoked effective immediately. Motion seconded by Mr. Godwin and carried unanimously.

Council next gave consideration to the approval of the issuance of a massage parlor license to Peggy's Health Club located at 720 Bragg Blvd. owned by PERCO Enterprises, Inc. (this matter had been continued from the last meeting of the Council on January 13.)

Attorney Sneed High was recognized for the applicant and requested issuance of the license.

Following brief discussion, Mr. Kelly offered motion that this matter be referred to the City Manager for consideration in accordance with the provisions of the ordinance adopted on January 13, 1975. Motion seconded by Mr. Godwin and carried unanimously.

Council next recognized Mr. John E. Raper, Chairman of the Cumberland County Bicentennial Commission on a request for funds for the activities proposed by the commission in celebration of the Nation's Bicentennial Event. Mr. Raper provided Council with the following schedule of events: May 18, 1975 - Sunday on the Square at the Market House, June 22, 1975 - Liberty Point Resolves commemoration at which Mr. Randal Thompson's Testament of Freedom is to be performed by the Fayetteville Symphony and a local choral group and presentation of a dramatic performance by the Fayetteville Little Theatre commemorating the proclamation of the Liberty Point Resolves, June 22, 1975 - Dedication of N.C. Arsenal Park by the City of Fayetteville, June 22, 1975 - Dedication of Heritage Square, February 22, 1976 - Commemoration of the marching out of local citizens to Moore's Creek Bridge for battle by parade of Whig, Tory, and Highland Marching units and bands. This would also be the opening night of Paul Green's presentation of the Highland Call in Cumberland County Memorial Auditorium. In 1975 and 1976 the Cumberland County Minutes of the Court of General Sessions and Common Pleas from 1752 to 1791 is to be published. From June 22, 1975 to November 1989, the implementation of the Person Street preservation project to restore the 13 buildings in the first block of Person Street nominated for the National Registry for the N.C. Dept. of Archives and History.

Mr. Raper stated that the request for funds would be for \$7,750.00 for 1974-75 and \$32,400.00 for 1975-76. Of these two amounts, the County Commissioners have agreed to participate in the amount of 60%. Therefore, the City Council was requested to fund the remaining 40% which amount to \$3100.00 for 1974-75 and \$12,960.00 for 1975-76. Mr. Raper stated that the city would

be reimbursed its proportionate amount of advance from ticket sales for the Highland Call, the sale of the Highland Call book and the sale of the Court Minutes which is anticipated at a total of \$39,000.00.

Following brief discussion, Mr. Shaw offered motion to grant Mr. Raper's request for the balance of this fiscal year for \$3,100.00, seconded by Mr. Kelly and carried unanimously. (Council agreed to consider Mr. Raper's request for the \$12,960.00 for 1975-76 at this year's budget sessions.)

Mayor Lee then skipped to Item 15 on the agenda in view of the lateness of the hour and because a number of persons had been waiting. This item was the consideration of a proposed ordinance prohibiting through traffic on Parnell Drive and/or Marlborough Street. The City Manager stated that this ordinance had been drawn in response to the citizens request for this action as presented at the last regular meeting of the Council on a rezoning matter.

Mr. Rey Espy, a resident of Marlborough Road, was recognized and stated that the residents were more interested in the reduction of the speed limit along this street than in a truck traffic ordinance. The City Manager replied that their request was being studied at this time for presentation to Council at a later date along with several other streets in the city.

Following some discussion, Mrs. Finch offered motion that Council act on the residents' request for speed control at the next regular meeting of the Council on February 10 and that Council adopt the ordinance prohibiting through trucks along Parnell Drive and/or Marlborough Street. Motion seconded by Mr. Shaw and carried unanimously.

The title of the ordinance appears below:

AN ORDINANCE OF THE CITY OF FAYETTEVILLE SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE #15 THROUGH TRUCKS PROHIBITED ALONG PARNELL DRIVE AND/OR MARLBOROUGH STREET FROM RAEFORD ROAD TO VILLAGE DRIVE. ORD. NO. NS-1975-6.

A copy of the foregoing ordinance is on file in the office of the City Clerk in Ord. Book NS-1975.

Council next gave consideration to a request by the County Commissioners for city participation in the cost of alternations to the floor of the dispatcher's room of the new law enforcement building. The City Manager presented this matter and stated that the County Commissioners request city participation in one half the cost of this flooring.

Following brief discussion, Mrs. Beard offered motion that the City participate 50% in the cost of this flooring up to \$7,000.00, seconded by Mr. Godwin and carried unanimously.

Council next gave consideration to the setting forth of a schedule of fees to be charged by wrecker services. The City Manager presented this matter and in a memorandum to Council stated that about a month ago Council adopted a wrecker ordinance controlling wreckers called upon by the police to remove abandoned cars on the street and to give service at the scene of a wreck.

The ordinance states that a schedule of maximum fees which may be charged shall be established by the Council. He stated that a meeting was held on Tuesday, January 14, 1975 at which the following recommended maximum fees were agreed upon by the wrecker companies at that time.

Normal day time call - \$35.00, Normal night time call - \$45.00, Use of dollie - \$15.00, Recharging fire extinguisher if used - \$10.00, labor charge for abnormal recovery - \$25.00 per hour, outside storage of vehicles - \$2.00 per day, inside storage of vehicles - \$2.00 per day.

Following some discussion, Mr. Kelly offered motion for approval of the foregoing fees including the storage fees. Motion seconded by Mr. Shaw and carried unanimously.

Council next gave consideration to an ordinance amending the parking facility operating budget ordinance. The City Manager presented this matter and stated that this amendment (amendment #2) dealt with the establishment of rates, fees and charges on municipally owned parking lots.

1974-1975 PARKING FACILITY OPERATING BUDGET ORDINANCE -AMENDMENT #2 ORD. NO. NS-1975-7.

Following brief discussion, 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-1975.

Item Number 11 on the agenda had been removed.

Item Number 12 on the agenda was to be a presentation by Mr. James A. Lewis to request an ordinance for speed control on Murray Hill Drive. The City Manager reported that Mr. Lewis was ill and unable to attend tonight but would present his request at the next regular meeting.

Council next gave consideration to a proposed ordinance which would affect a lien against property located at 412½ South Cool Spring Street for the demolition of a substandard structure. In a memorandum to the City Manager, the Chief Housing Inspector stated that this dwelling was ordered demolished by Council on February 12, 1973. The dwelling was demolished by Bernard Van on December 13, 1974 at a cost of \$136.00 Adoption of the proposed ordinance will affect a lien

against the real property for the demolition cost incurred.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL ESTABLISHING A LIEN IN THE AMOUNT OF \$136.00 AGAINST PROPERTY LOCATED AT 412½ S. COOL SPRING STREET OWNED BY THE JOSHUA WHITE, HEIRS, MR. AND MRS. BILLY BAGLEY, ORD. NO. NS-1975-8.

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 office of the City Clerk in Ord. Book NS-1975.

Council next gave consideration to a proposed ordinance requiring the owners of 132 Wayde Street to remove the partially dismantled non-operating vehicles from the property.

The City Manager stated that this was the first of this type of ordinance dealing with junk cars and that the owners of the property were listed as Mr. and Mrs. B.W. Lee and that the Building Inspector had served a letter order with requiring such owners to remove said vehicles and that the owners had failed to do so.

Council recognized Mr. J.W. Pate who identified himself as the owner of the property located 132 Wayde Street but the owner of the vehicles, such vehicles being owned by his tenants, Mr. and Mrs. B.W. Lee, Mr. Lee being an employee of the PWC. Mr. Pate requested Council to give him the opportunity to contact Mr. Lee and ask him to remove the abandoned vehicles.

Following brief discussion, Mrs. Finch offered motion that Mr. Pate be requested to contact his tenants and have them remove the vehicles in question from the property within 60 days. Motion seconded by Mrs. Beard and carried unanimously.

Item 15 on the agenda had been considered earlier.

Council next gave consideration to a proposed ordinance prohibiting parking on Gables Drive, both sides, from Country Club Drive (U.S. 401 by-pass) to its Dead End. In a memorandum to the City Manager, the City Engineer stated that this parking prohibition ordinance had been instigated by the owner and manager of Green Valley Manor Apartments. The LaFayette College (Business Career Institute) is located on the corner of Country Club Drive and Gables Drive. They have a large enrollment of students and are unable to require their students to park in an off-street parking lot provided by the school. Many of their patrons of the institute park on Gables Drive to the extent of causing congestion at the intersection and at the several driveways into the apartments. It is believed that the best solution is to prohibit parking on the street thereby giving the police authority to ticket and/or tow away so that students will have an incentive to use the students parking lot.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE #11-PARKING PROHIBITED ON GABLES DRIVE, BOTH SIDES, FROM COUNTRY CLUB DRIVE (U.S. 401 BY-PASS) TO ITS DEAD END. ORD. NO. NS-1975-9.

Following brief discussion, 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-1975.

Council next gave consideration to a taxi cab driver permit application. Such application, filed by Mr. John R. Johnson, was recommended for approval by the City Taxi Cab Inspector, Chief of Police and City Manager.

Following brief discussion, Mr. Godwin offered motion for approval of the foregoing permit for Mr. Johnson as recommended. Motion seconded by Mr. Shaw and carried unanimously.

Council next gave consideration to two appointments.

An appointment to the Human Relations Advisory Commission to replace Mrs. Esther Dept. who has resigned was deferred until the next regular meeting of the Council.

The second appointment was to the Board of Trustees, North Carolina Firemen's Relief Fund - the term of Mr. Gene Plummer expiring in January. (Mr. Plummer had requested that he not be considered for reappointment).

Mr. Shaw nominated Mr. Godwin for this position. Mr. Kelly then moved that nominations be closed and Mr. Vardell Godwin appointed to the N.C. Firemen's Relief Fund for a two year term of office said term expiring in January 1977 by acclamation vote. Motion seconded by Mr. Shaw and carried unanimously. Mr. Godwin abstained to vote.

On item 19 on the agenda, no delegations responded to the invitation for recognition extended by Mayor Lee.

On item 20 on the agenda, the City Manager offered no reports.

Mayor Lee then raised the question of approval of the Minutes of the Joint Meeting of the Council and County Commissioners held on Wednesday, January 22 and for any discussion pertaining thereto. This matter had been deferred until this time at the beginning of the meeting.

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Mr. George stated that in his opinion there appeared to be some question as to exactly what action the Council had taken concerning the Community Development Program. Mayor Lee reviewed the Minutes of January 22 for Council's benefit and asked if there was discussion of same.

Following brief discussion, Mr. George offered motion that the director of the Community Development Program be hired by and responsible to the City Council and that he coordinate his work and activities with the City Manager. Motion seconded by Mrs. Beard and following some further discussion was approved by the following vote: Mr. Kelly, Mrs. Beard, Mrs. Finch and Mr. George; FOR; AGAINST: Mr. Godwin and Mr. Shaw.

Mr. George then offered motion for approval of the Minutes of the Joint Meeting of the Council and County Commissioners on January 22, 1975. Motion seconded by Mrs. Beard and carried by the following vote: FOR: Mr. George, Mrs. Finch, Mr. Godwin, Mrs. BEard and Mr. Kelly; AGAINST Mr. Shaw.

MATTERS OF INTEREST TO THE CITY COUNCIL

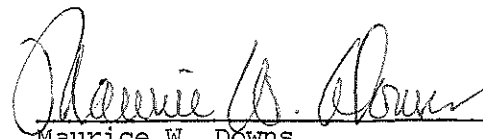
Mr. George stated that he had received a number of complaints about police protection in the downtown area of the City and in certain residential areas and suggested that Council give consideration to the hiring of more police officers.

Mr. George also mentioned the new and unfilled city positions and suggested that we fill no new or unfilled positions until they are approved by Council as a belt tightening measure.

Mr. George also mentioned the new rule on accident reports not being made available to the citizens from the City. The City Manager stated that the law does not require keeping such reports for damage under \$200.00 and that such reports are available from the Dept. of Motor Vehicles in Raleigh. Mr. George suggested that the City continue to provide such accident reports until the end of this year.

Mrs. Finch mentioned the need for a pedestrian cross-walk at Ft. Bragg Road and Morganton Road near the bank and the City Engineer was requested to check this matter out and place signs reading "Watch out for pedestrians".

Thereafter, all matters of business having been completed, this meeting was adjourned at 12:40 o'clock A.M., upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
FEBRUARY 10, 1975
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 invocation was offered by Chaplain (Major) Turpin C. Ashurst, Assistant 18th Air Borne Corps Chaplain, U.S. Army, Ft. Bragg, N.C. Following the invocation, Mayor Lee led the assembly in the Pledge of the Allegiance to the Flag.

Mayor Lee recognized Fayetteville Youth Council Members Toni Dye, Allen Oakley and Caren Streetman present in the audience to observe Council proceedings.

Upon motion by Mrs. Beard, seconded by Mr. Godwin and carried unanimously, Minutes of the Regular Meeting of January 27, 1975 were approved as submitted by the Clerk.

The first order of business was a public hearing of the paving of Beverly Drive between Melrose Road and Sandhurst pursuant to petition. A public hearing had been published for this date and hour on this matter. Mayor Lee read a certificate from the Clerk stating that all property owners had been mailed due and proper notice of this hearing. The City Engineer stated that this matter was before the Council due to a valid petition being submitted.

recognized
Council Attorney Joe McLeod, representing an owner, a corporation owning extensive frontage on this street and not joining the petition, who requested continuance of this public hearing to a later date in order to confer with his client on this matter.

Following brief discussion, Mr. George offered motion that this public hearing be continued to February 24, 1975. Motion seconded by Mr. Shaw and carried unanimously.

A public hearing had been published for this date and hour on the annexation of an area located on the northwest corner of the intersection of Pamalee Drive and Blanton Road pursuant to petition and under the provisions of the "old law". Planning Board recommended approval.

A Mr. Nathan Blanton, a property owner in the area, was recognized and stated that he had petitioned for annexation of his property at this location in 1968 but the petition had been denied. He stated that he was not opposed to annexation but felt that he was due a refund of utility tapping fees because his request for annexation was denied in 1968. PWC Manager Muench stated that there was a three year limitation on this policy.

AN ORDINANCE EXTENDING THE CITY LIMITS TO INCLUDE AN AREA LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF PAMALEE DRIVE AND BLANTON ROAD. ANNEX. #151.

Mr. Godwin moved for approval of the foregoing annexation as recommended by the Planning Board by the adoption of the foregoing ordinance. 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 Annexation Book 1975.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, a public hearing was set for March 24, 1975 on the proposed satellite annexation of an area located on NC Highway 87 - the Retired Military Association property.

PRELIMINARY RESOLUTION REQUIRING THE PAVING AND SIDEWALKS WITHOUT A PETITION OF AND ALONG OLIVE ROAD BETWEEN MORGANTON ROAD AND FORT BRAGG ROAD. RES. NO. R-1975-5.

Mr. Kelly offered motion for the setting of a public hearing on February 24, 1975 on the foregoing matter by the adoption of the foregoing resolution. 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 R-1975.

PRELIMINARY RESOLUTION REQUIRING THE LAYING OF A SIDEWALK WITHOUT A PETITION ON HILLSBORO STREET ON THE WEST SIDE THEREOF BETWEEN DAVIE AND WALTER STREETS. RES. NO. R-1975-6.

Mr. Kelly moved a public hearing on the foregoing matter for February 24, 1975 by the adoption of the foregoing resolution. 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 Res. Book R-1975.

PLANNING BOARD MATTERS

Council gave consideration for water and sewer utilities to serve the proposed Mill Creek Run Apartments on the west side of U.S. 401 North, north of Ascot Subdivision. Planner Mitchell stated that the Planning Board recommends denial of this utility extension until annexation process is

initiated and completed.

Mr. Shaw offered motion to follow the recommendation of the Planning Board and deny the foregoing water and sewer utility extension until the annexation process is initiated and completed. Motion seconded by Mrs. Finch and carried unanimously.

PUBLIC WORKS COMMISSION MATTERS:

Council recognized PWC Manager Ray Muench on a request for approval of connection of Ponderosa waste treatment plant to the City of Fayetteville sanitary sewer system via proposed construction of one sanitary sewer lift station and cast iron force main extending to Bragg Blvd. The estimated total cost of the proposed construction is \$60,000.00 which will be paid by Cumberland Water Company. Monthly sanitary sewer bills for all sanitary sewer services will be submitted to Cumberland Water Company. Mr. Muench stated that PWC had been requested by the North Carolina Dept. of Natural and Economic Resources (Office of water and air resources) to provide such sanitary sewer service. The PWC has been designated the regional facilities planning agent for the Cumberland County Complex for sanitary sewer services and has agreed to provide sanitary sewer services to the Cumberland County Complex where ever possible as a condition of its offer and acceptance of Federal and State grants in the amount of 80% of the 9.2 million dollar projects under construction.

Attorney Rudy Singleton, Jr. was recognized, representing Mr. John Huske, owner of Lake Valley property, in opposition to this proposed construction and to the proposed condemnation of his client's property for such construction to cross.

Following considerable discussion, Mr. George offered motion that the City Attorney cooperate with the PWC Attorney and that a legal opinion on the foregoing matter be made to the City Council prior to February 24 and that this matter be continued to February 24. Motion seconded by Mrs. Finch and carried unanimously.

Council heard further request from PWC for approval of a proposed letter agreement with Laramore, Douglass and Popham of New York (consulting engineers) for a definitive engineering study covering economics of proposed peak shaving generation for the city such study to include the following: (A) confirmation of the number and size of gas turbine units, cost and type of fuel to be fired, recommended general site location, and the transmission facilities required to interconnect such generation to the Fayetteville system and the Carolina Power and Light Company; (B) Assistance in discussions with Carolina Power and Light Company to resolve what rate would be best suited for a peak shaving application, including examining the possibility of eventual combined cycle application to cover mid-range part of PWC's electric load curve; (C) Report, complete with construction cost estimates, future economic projections, final recommendation, and such other information as will be required for financing the project by revenue or general obligation bonds.

Mr. Muench stated two current previous preliminary studies in simplistic form, which were conducted on the General Electric Company and Westinghouse Electric Company computers, indicated economic feasibility of the project at the present time in the range of \$750,000 to \$1,000,000 savings, compared to the current cost of bulk electric power.

The cost of said study by Laramore, Douglass and Popham would be two times the payroll of LDP (payable monthly), limited to a maximum total cost of \$30,000.

Following brief discussion, Mr. Godwin offered motion to follow the recommendation of PWC and approve the proposed letter agreement as requested. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to an ordinance changing the speed limit on Marlborough Road and/or Parnell Street from Raeford Road to Village Drive to 25 m.p.h.

Mr. Ray Espy, a resident of Marlborough Road, was again recognized and presented statistics concerning the traffic problems along this segment of city street and requested passage of the proposed ordinance. There were approximately 50 additional persons present in support of the passage of this ordinance.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE #8 SPEED CONTROL-MARLBOROUGH ROAD AND/OR PARNELL STREET FROM RAEFORD ROAD TO VILLAGE DRIVE.
ORD. NO. NS-1975-10.

Mr. Godwin introduced the foregoing ordinance and moved its adoption and that the city also erect signs and enforce the ordinance. Motion 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-1975.

On a matter not scheduled on the agenda, Mayor Lee recognized a Mrs. Clyde Saunders, who requested that the Cochran Avenue, Kirkland Drive and Brainerd Avenue be declared a depressed area and requested Council to recognize their spokesman in this matter.

Council then recognized Mr. Percy Warren, a resident in the foregoing area, representing himself and a small delegation of persons from the area. Mr. Warren stated that the streets in this section are in deplorable condition and that they have severe flooding problems. He displayed pictures taken in the area and following a lengthy presentation, requested Council to improve the streets and alleviate the drainage problems.

At the conclusion of Mr. Warren's presentation, Mayor Lee informed him and the other delegates that this area may qualify for funds under the Community Development Act to solve their problems and stated that he would request the City Manager and City Engineer to investigate, report and make recommendation in the near future.

Council next gave consideration to a proposed ordinance which would prohibit vehicular parking at all times on both sides of Trade Street from Southern Avenue southwardly to the southern corporate limits. The City Engineer presented this matter stating that the Dept. of Transportation recommended passage and that if passed, they will erect the appropriate signs. The City Engineer stated he also recommended passage inasmuch as this was a very congested area and vehicular traffic was hazardous.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE #11 PARKING PROHIBITED ON TRADE STREET, BOTH SIDES THEREOF, FROM SOUTHERN AVENUE SOUTHWARDLY TO THE SOUTHERN CORPORATE LIMITS. ORD. NO. NS-1975-11.

Following brief discussion, 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 NS-1975.

Council next gave consideration to the approval of right-of-way encroachment agreements on all roadways within the City of Fayetteville. The City Manager presented this matter and stated that its passage by Council would designate the City Manager or the City Engineer to execute for the city any and all department of transportation right-of-way encroachment agreements on all roadways within the City.

Following brief discussion, Mr. Shaw offered motion for approval of the foregoing, seconded by Mr. Godwin and carried unanimously.

Council next gave consideration to the adoption of a resolution by the Transportation Advisory Committee on the Fayetteville Urban Transportation Study Planning Area. Councilman Godwin, as a member of the committee, presented this matter. This resolution if adopted, he stated, would approve a Memorandum of Understanding between the City of Fayetteville, Town of Hope Mills, Town of Spring Lake, County of Cumberland and the N.C. Board of Transportation with the United States Dept. of Transportation which would implement a coordinated comprehensive cooperative transportation planning process to be maintained in this Fayetteville Urban Area to insure that the transportation system is maintained on an efficient and economical basis commensurate with the public health, safety and welfare.

RESOLUTION PASSED BY THE CITY COUNCIL OF CITY OF FAYETTEVILLE APPROVING A MEMORANDUM OF UNDERSTANDING REGARDING THE TRANSPORTATION PLANNING PROCESS IN THE FAYETTEVILLE URBAN AREA. RES. NO. R.-1975-7.

Mr. Godwin then 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-1975.

Council next gave consideration to a proposed ordinance which would amend the Taxicab Ordinance. Mayor Lee presented this matter and stated that the present code prohibits a passenger from riding in the front seat of a taxicab when the back seat of such cab is unoccupied. He stated he had been requested by several taxicab companies to amend the ordinance eliminating this requirement for the safety of the taxicab driver and also because elderly and infirm persons have difficulty getting into the back seat of a taxicab. The passage of this ordinance would permit a passenger to ride in the front seat of a taxicab whether or not the back seat is occupied.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 28 "TAXICABS" OF THE FAYETTEVILLE NORTH CAROLINA CODE OF ORDINANCES. ORD. S-1975-2, BY RESCINDING SECTION 28-56 OF THE CODE.

Following brief discussion, Mr. Kelly 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 S-1975.

Council next gave consideration to a request from Mr. Richard M. Lewis, Jr., Attorney for the Fayetteville Redevelopment Commission, requesting that Council accept for the city the dedication of an alleyway in the Cumberland County Redevelopment project area on Dick Street. The City Manager presented this matter and stated that in a letter to him, Mr. Lewis advised that in checking with the City Engineer the alleyways have never been accepted by the City and that the reason for asking the city to consider accepting the dedication is that the Cumberland Redevelopment Commission desires to acquire these alleyways because when the property is sold to the County, the Courthouse is proposed to be constructed over the southern portion of the 12 foot alley running perpendicular to Person Street. Also if the city would accept the dedication of the alleys, they could be closed under the statute which would give the ownership of the closed alleys to the adjacent land owners, in this case being the Cumberland Redevelopment Commission, it being the owner of the property on both sides of both alleys. The City Manager concluded by recommending that the city accept dedication as requested.

Following brief discussion, Mrs. Beard offered motion to follow the foregoing recommendation of the City Manager and accept dedication of these two alleys on Dick Street. Motion seconded by Mr. Godwin and carried unanimously.

Council next gave consideration to a request from Mr. J.M. Thornton, President of Patterson Bonded Warehouse Corporation, for the city to participate in the costs for tiling a ditch across

their property on Silk Lane. Council recognized Mr. Jim Paul, representing Patterson Warehouse. Mr. Paul stated that in January of 1974 Council had approved participation in a portion of this tiling and that he was back before Council on a request for reconsideration of a request for city participation in the costs of approximately 242 feet of storm drainage pipe south of Silk Lane.

Following brief discussion, Mr. George offered motion that the city participate 50% per cent in the cost of such installations subject to verification of such cost by the City Engineer. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to the passage of an ordinance which would effect a lien against the real property for the demolition cost incurred for a dwelling located at 342 Vanstory Street. In a memo to the Council, the Chief Housing Inspector Tony Maccy, stated that the structure had been demolished and the cost of such work was \$200.00.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE EFFECTING A LIEN IN THE AMOUNT OF \$200.00 AGAINST PROPERTY LOCATED AT 342 VANSTORY STREET AND OWNED BY MRS. ANNA F. GANTT FOR THE DEMOLITION OF A SUBSTANDARD STRUCTURE . ORD. NO. NS-1975-12.

Mr. Kelly introduced the foregoing ordinance and moved its adoption at 9:30 o'clock, seconded by Mr. Godwin and carried unanimously. A copy of the ordinance is on file in the office of the City Clerk in Ord. Book NS-1975.

Council next gave consideration to two ordinances for the demolition of substandard structures located on N. Water Street and owned by the E. U. Breece, "Heirs". In a memorandum to the Council, the Chief Housing Inspector stated that this matter had been before Council on November 11, 1974 and Council at that time had recognized Mr. Robert W. Breece one of the Heirs on a request for a 90 day extension to correct the deficiencies. Such extension had been granted but the deficiencies had not been corrected, so stated the Chief Housing Inspector.

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 130 N. WATER STREET AND OWNED BY THE E.U. BREECE, "HEIRS". ORD. NO. NS-1975-13.

Mr. Shaw 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 130 A & B N. WATER STREET AND OWNED BY THE E.U. BREECE, "HEIRS". ORD. NO. NS-1975-14.

Mr. Godwin introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried unanimously. Copies of the foregoing ordinances are on file in the Clerk's office in Ord. Book NS-1975.

Council next gave consideration to further ordinances for the demolition of substandard structures as recommended by the Chief Housing Inspector.

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 118 B. STREET AND OWNED BY MR. Z.D. JACKSON "HEIRS". ORD, NO. NS-1975-15.

Mr. Godwin 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 AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 1203 MURCHISON RD. AND OWNED BY MISS BETTY LEE RAIFORD. ORD. NO. NS-1975-16.

Mrs. Finch 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 AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 527 ORANGE STREET AND OWNED BY MR. JOHN H. COOK. ORD. NO. NS-1975-17

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 LOTS 47-50 THAD STREET AND OWNED BY MR. JAMES MCNEILL AND LYNN J. MCNEILL. ORD. NO. NS-1975-18.

Mr. Kelly 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 438 RAY AVENUE AND OWNED BY MRS. INEZ MCDUFFIE. ORD. NO. NS-1975-19

Mr. Godwin 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-1975.

Council next gave consideration to approval of Taxi cab driver permits.

Upon motion by Mr. Kelly, seconded by Mrs. Beard and carried unanimously, taxi cab driver permits were approved for the following as recommended by the Taxi Cab Inspector, Chief of Police and City Manager: FRED R. HUMES, GROVER E. MYERS AND WILLIAM L. TABRON.

Appointments to various Boards and Commissions.

One appointment to the Human Relations Advisory Commission, Mrs. Esther Dept, resigned, was deferred to the next regular meeting. Also one appointment to the Joint Civil-Military Commission on Alcoholism and Drug Abuse was deferred until the next regular meeting for action.

No delegations responded to the invitation for recognition as issued by Mayor Lee.

CITY MANAGER REPORTS

The City Manager called on the City Attorney to present a matter and the City Attorney presented a preliminary condemnation resolution and requested Council's adoption of same.

PRELIMINARY CONDEMNATION RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR JASPER STREET RIGHT-OF-WAY OWNED BY THE H.L. DAWSON "HEIRS" AND BEING LOT #52 ON TOPEKA STREET. RES. NO. R-1975-8

Mr. Godwin 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 Res. Book R-1975.

The City Attorney reminded Council members of the Downtown Revitalization Committee meeting to be held at 2:00 P.M. tomorrow in the Council Chamber.

MATTERS OF INTEREST TO THE CITY COUNCIL.

Mr. Kelly raised a question on the progress being made on the wrecker service and the City Manager replied that five had made application and been approved to date.

Mrs. Beard requested a report on the bus company and the City Manager replied that they were still operating in the red and that he would request a conference meeting at which time he would provide additional detail information.

Mrs. Finch requested a report from the City Engineer on the cross-walk along Ft. Bragg Road which she proposed at the last regular meeting. The City Engineer stated that a cross-walk did exist on the Morganton Road side at Branch Bank but that one did not exist on the Ft. Bragg Road side and it was his recommendation that one be installed.

Mrs. Finch then offered motion that a pedestrian cross-walk be installed on Ft. Bragg Road on the north side of Branch Bank as recommended. Motion seconded by Mr. Kelly and carried unanimously.

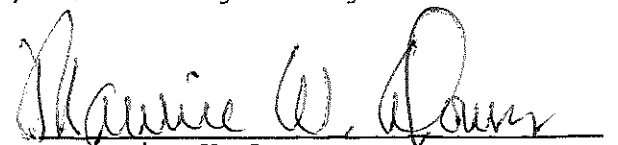
Mrs. Finch also requested the City Engineer to have "watch for pedestrians" signs installed at these locations also.

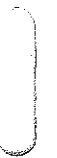
Mr. George inquired as to whether or not the Ad Hoc Committee appointed by the Mayor to study street assessments had a report. Mrs. Finch replied that the committee had met but had taken no action as yet.

Following some discussion of this matter, Mr. George offered motion that the City Council participate 1/3 in the paving on all streets up to 37 feet in width. Motion seconded by Mrs. Beard and failed by the following vote: FOR: Mrs. Beard and Mr. George; AGAINST: Mr. Shaw, Mrs. Finch, Mr. Kelly, and Mr. Godwin.

Mayor Lee then offered some comments on a report from Mr. Charles Fairley, Executive Director of Community Development Dept., and reminded Council of the public meeting to be held on this subject on Monday, February 17, at 8:00 P.M. in the Council Chamber.

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


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
FEBRUARY 24, 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 led the assembly in the recitation of the "Lord's Prayer". The Pledge of the Allegiance to the Flag was led by Boy Scout Steve Fermanidas. Following the pledge, Mayor Lee stated that Scout Fermanidas and Scout Craig Young were present in the audience tonight to observe Council proceedings for credit on their Citizenship Merit Badges.

Council recognized Fayetteville Youth Council Members Toni Dye, Susan Summerell and Caren Streetman 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 February 10, 1975 were approved as submitted by the Clerk.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, Minutes of a Special Meeting of February 20, 1975 were approved as submitted by the Clerk.

A public hearing was held as continued from the February 10 meeting on the paving pursuant to petition of Beverly Drive from Melrose Road to Sandhurst Drive. This hearing had been continued from the last meeting at the request of Attorney Joe McLeod, representing one property owner. The City Manager stated that a valid ^{petition} had been received for this paving.

Mr. McLeod was again recognized and stated that his client was not opposed to this paving. There was no opposition present.

FINAL RESOLUTION REQUIRING THE PAVING PURSUANT TO PETITION OF BEVERLY DRIVE FROM MELROSE ROAD TO SANDHURST DRIVE. RES. NO. R-1975-10.

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-1975.

A public hearing had been published for this date and hour on the paving and the laying of sidewalks on both sides of Olive Road from Morganton Road to Ft. Bragg Road. The City Manager presented this matter and stated that the property on the west side of Olive Road was owned by private companies and the property on the east side of Olive Road was owned by the City of Fayetteville on which is situated the Fire Station. The Mayor read a certificate from the Clerk stating that all property owners had been mailed due and proper notice of this hearing.

Mr. Ed Grannis, Jr., a property owner on the west side of Olive Drive was recognized, not opposed to the paving but opposed to the construction of the sidewalk on the west side because the two business firms located on this side had paved parking lots serving their businesses and in his opinion there was no necessity for a sidewalk being constructed on this side. The City Engineer stated that the assessment rate would run \$29.50 if the construction was installed as proposed; that is paving and sidewalks on both sides.

Brief discussion then followed.

FINAL RESOLUTION REQUIRING THE PAVING AND SIDEWALK WITHOUT A PETITION OF AND ALONG OLIVE ROAD, BETWEEN MORGANTON ROAD AND FT. BRAGG ROAD. RES. NO. R-1975-11

Mr. Godwin introduced the foregoing resolution and moved its adoption and that the City pave this segment of Olive Road between Morganton Road and Ft. Bragg Road with a sidewalk laid along the east side but not on the west side. Motion 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-1975.

A public hearing had been published for this date and hour on the laying of a sidewalk without petition along Hillsboro Street, the west side thereof, between Davie Street and Walter Street. The Mayor read a certificate from the Clerk stating that all property owners subject to assessment had received due and proper notice of this hearing. The City Manager presented this matter and stated that a majority petition for this sidewalk could not be obtained but that one or more of the property owners desire this construction to upgrade this area of the City. Under the city's present policy, the city would pay 1/3 of the cost and assess the remaining 2/3rds.

The City Engineer stated that the State Highway Dept. has announced their intention to resurface this portion of Hillsboro Street on a March 1975 contract. A review of the State's plans shows that no sidewalk would have to be torn up by the State project and that he believes

this is one step in upgrading the downtown area that needs to be accomplished and recommended proceeding with the ordering of this sidewalk construction. The City Engineer also stated that the Highway Dept. was the owner of the tract of land at the north end of this block at the intersection of Walter Street and Hillsboro Street and planned to upgrade this corner of Walter Street.

Mr. L.C. Oliver, owner and operator of a Barber Shop in this area was recognized, and requested Council to build this sidewalk. There was no opposition present.

FINAL RESOLUTION REQUIRING THE LAYING OF A SIDEWALK WITHOUT PETITION AND PURSUANT TO ORDER OF THE COUNCIL ALONG HILLSBORO STREET, THE WEST SIDE THEREOF, FROM DAVIE STREET NORTHWARDLY 340 FEET TO THE SOUTHERN MARGIN OF THE N.C. DEPT. OF TRANSPORTATION PROPERTY. RES. NO. R-1975-12.

Mr. Godwin 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 Res. Book R-1975.

A public hearing had been published for this date and hour of the initial zoning to C1P Shopping Center District and P2 Professional District or to a higher classification of an area located along McPherson Church Road between Morganton Road and U.S. 401 By-Pass. Planner Mitchell of the Planning Dept. stated that there are five tracts involved in this zoning matter and that Planning Board recommends as follows: Tract 1: C1P; Tract 2: P2; Tract 3: located on the west side of McPherson Church Road as proposed and denial of the request for C1P Shopping Center District for Tract 3 located on the east side of McPherson Church Road and approval of P2; Tract 4: P2 and Tract 5: C1P. Planner Mitchell stated that the owner of the property on the east side of McPherson Church Road in Tract 3, Mr. Tim Newton, had petitioned for C1P zoning of this tract.

Attorney Joe McLeod was recognized for his client, Mr. Tim Newton, owner of the eastern portion of tract 3 and requested C1P zoning.

Councilman Godwin requested and received permission to discuss this matter but to abstain from voting due to a conflict of interest.

Mayor Lee stated that Council would consider the zoning of tract 3 first and discussion followed.

Following discussion, Mrs. Beard offered motion that tract #3 be initially zoned C1P Shopping Center District in its entirety. Motion seconded by Mr. George and carried by the following vote: FOR: Mr. Kelly, Mrs. Beard, Mr. Shaw and Mr. George; AGAINST: Mrs. Finch, abstaining Mr. Godwin.

Council then considered tracts 1, 2, 4 and 5 and Mr. George offered motion to follow the recommendation of the Planning Board and zone these tracts as follows: Tract 1: C1P Shopping Center District; Tract 2: P2 Professional District; Tract 4: P2 Professional District and Tract 5: C1P Shopping Center District. Motion seconded by Mrs. Beard and carried unanimously by the adoption of an ordinance amending the zoning ordinance and such title appearing below:

AN ORDINANCE OF THE CITY COUNCIL ZONING INITIALLY TO C1P SHOPPING CENTER DISTRICT AND P2 PROFESSIONAL DISTRICT AN AREA LOCATED ALONG MCPHERSON CHURCH ROAD BETWEEN MORGANTON ROAD AND U.S. 401 BY-PASS. ORD. NO. NS-1975-20.

A copy of the foregoing ordinance is on file in the office of the City Clerk in Ord. Book NS-1975.

A public hearing had been published for this date and hour on a petition for the granting of a special use permit for the establishment of a private club facility in an R5 Residential District located at the intersection of Camden Road and Delcross Street. Planning Board recommended approval.

A Mr. Thomas was recognized in behalf of this petition and stated that his civic group planned to build a Lions Civic Center at this location and requested Council's approval. There was no opposition present.

Following brief discussion, Mr. Kelly offered motion to grant the foregoing special use permit as recommended and as requested. Motion seconded by Mrs. Beard and carried unanimously.

A public hearing had been published for this date and hour of the initial zoning to R10 Residential District or to a higher classification of an area located east of Thamesford Drive and being Section II of the Country Club North Subdivision. Planning Board recommended approval of R10. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY R10 RESIDENTIAL DISTRICT AN AREA LOCATED EAST OF THAMESFORD DRIVE AND BEING SECTION II OF THE COUNTRY CLUB NORTH SUBDIVISION. ORD. NO. NS-1975-21.

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 Ord. Book NS-1975.

A public hearing had been published for this date and hour of the initial zoning to R6

Residential District and M2 Industrial District and C3 Heavy Commercial District of an area located east of Southern Avenue and Progress STREET. Planning Board recommended approval of R6 Residential District and M2 Industrial District and denial of C3 Commercial District. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY R6 RESIDENTIAL DISTRICT AND M2 INDUSTRIAL DISTRICT AN AREA LOCATED EAST OF SOUTHERN AVENUE AND PROGRESS STREET. ORD. NO. NS-1975-22.

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 Ord. Book Ns-1975.

and carried unanimously

Upon motion by Mr. Kelly, seconded by Mr. Godwin, public hearings were set for March 24, 1975 on the following matters:

- A. The initial zoning to C1 Local Business District or to a higher classification of an area located on the northwest corner of Pamalee Drive and Blanton Road.
- B. The initial zoning to PND Planned Neighborhood Development, R10 Residential District and P2 Professional District of an area located on U.S. 401 North in the northern most quadrant of the City of Fayetteville.

PLANNING BOARD MATTERS

Planner Mitchell presented Alpine Village Apartment Complex preliminary and final group development review (plat Approval) located on Blanton Road subject to the following conditions. (1) that plans be revised to indicate that interior driveways within 125 feet of each other will be aligned opposite each other; (2) that a tot lot plan be submitted and approved according to ordinance requirements; (3) that where walks are adjacent to parking lots such walks shall be at least 6 feet in width; (4) that drainage and streets be approved by City Engineer; (5) that utilities be approved by PWC; (6) that all state and local sedimentation and erosion control ordinances be complied with; (7) that aprons be placed and paved at the end of each parking area to allow maneuvering space for a car parked in the end parking space.

Mr. Dave Averette, Engineer for the developer, had appeared before the Board and stated the developer was in agreement with all requirements except the 6 foot walks. Mr. Averette stated that by reducing the walks to 4 feet would be a monetary savings and felt it was not necessary to have 6 foot walks because 2 feet remained for pedestrian use after the cars parked up to the curb. The Planning Board recommended approval of the plat subject to all of the foregoing recommendations of the Planning Staff with the exception of the 6 foot walks and that the walks be paved 4 feet wide with a 2 foot planting strip between the walk and the street.

Mr. Shaw then offered motion for approval of the foregoing plat as recommended by the Planning Board, seconded by Mr. Godwin and carried unanimously.

PUBLIC WORKS COMMISSION MATTERS

Council recognized Mr. Ray Muench, PWC Manager, on a request that approval of a connection of Ponderosa Waste Treatment Plant to City of Fayetteville sanitary sewer system via proposed construction of one sanitary sewer lift station and cast iron force main extending to Bragg Blvd. be continued until the March 10, 1975.

Mr. Kelly so moved approval of the foregoing request, seconded by Mrs. Beard and carried unanimously.

Upon motion by Mrs. Finch, seconded by Mr. Godwin and carried unanimously, an application was approved for Mary Bright for one inch water connection to an existing main in West Hudson Street to serve an existing residence outside the city.

Council heard further request from Mr. Muench for tentative approval of amendment #2 to the PWC 1974-75 Budget as contained in the City Budget. Mr. Muench stated that the reason for this second budget amendment are: (1) to reflect increased cost of bulk electric power from C.P. & L. Companies rate increase including fuel adjustment cost; (2) to reflect increased revenue from PWC's rate increases; (3) to increase budget appropriations and to prevent over expenditures of any accounts insofar as possible.

Following brief discussion, Mr. Kelly offered motion that tentative approval be given to the foregoing amendment #2 to PWC's subject to a budget ordinance being presented. Motion seconded by Mr. Godwin and carried unanimously.

Thereafter, Mr. Muench was excused from the meeting.

Council next recognized Mr. Dan Stout, a local citizen, who stated he appeared as a private citizen to present views on the long controversial Interstate 95 matter. Excerpts from his statement appear below.

"The topic is the location of Interstate 95 at Fayetteville".

I come only as a private citizen grateful for the opportunity to present his views on the long controversy surrounding the route I-95 will ultimately follow at Fayetteville.

I will attempt a brief review. In the early 1960's the Highway Planners in Raleigh designed

a By-Pass route for I-95 which lies east of the City and only comes within five miles of Fayetteville at its nearest point. This route was soon questioned by a group of local citizens primarily on the grounds that a by-pass so far away from town was detrimental to the economy of the city, and particularly to the convention and tourist industry.

Instead of this proposed by-pass, they recommended that I-95 be built on an elevated highway over the existing I-95 -301 route within the city limits.

In answer to the question of the economic impact, the highway officials published figures to show that it was cheaper to build a four lane interstate highway 17 miles long with twin bridges over the Cape Fear River than it was to build an elevated highway 1.9 miles long within the city limits. The question of the location of Interstate 95 began as an honest disagreement between honest factions and in most quarters, it remains an honest disagreement between honest men but this honest disagreement soon deteriorated into an issue which can be traced, I believe, to about the time when the local press changed its position from a supporter of the through-city route to an outspoken champion of the proposed by-pass.

Despite the present status of the dispute, the basic issue remains, which is: "What route is best for the City of Fayetteville and all of her Citizens?"

Tourism and the convention business is recognized everywhere as an industry and in Fayetteville and Cumberland County amounts to some 46 million dollars every year. No one here can question that an overwhelming percentage of this 46 million dollars is generated by Interstate 95. Those who favor the far away by-pass and who argue that it "makes no difference where the road goes" simply do not understand the mind and the habits of the motoring public. To sum up: the location of I-95 bears an importance to all of us of the first magnitude, and the loss of this highway artery would be an economic blow to this community from which it may never recover.

We, the people of Fayetteville are also concerned. In answer to the argument that the route is fixed; its final; its going ahead; nothing could be further from the truth.

Our present highway officials are far too knowledgeable to insist that the public cannot influence their decisions. We are now questioning this decision and we will continue to question this decision.

Perhaps it would be illuminating if we examined an alternate possibility of routing I-95 past Fayetteville. Ladies and Gentlemen of the Council, you are aware that, while the Cape Fear River flows generally from west to east, here in Fayetteville it flows north to south. This is the same general direction followed by I-95, and due to this fortunate geographic coincidence it is entirely possible and quite practical to route I-95 adjacent to and parallel with the river as they both pass Fayetteville. I am sure that you can picture the interstate highway running through a landscaped, park-like setting from which the traveler can actually see the city and from which he can easily enter the city. At the same time, the existing I-95 - 301 route could be the main artery for local traffic. In other words, Fayetteville has the distinct and, perhaps, unique possibility of having twin parallel highways - one to serve the thru-motorist, and one to serve us. Surely this arrangement for highways is superior to two bands of asphalt locked between two fences, as wide as a football field is long, and splitting our county in half.

We are asking that the planners not completely take away the highway system that we have, but to improve it. All we should ask, and if necessary, demand, is that Fayetteville not be punished in this unnecessary manner by having her interstate highway taken away, and the City eliminated from the interstate highway system.

I ask you, is it not better to examine the issue logically and arrive at the answer most beneficial to all of the people of this area than to be panicked into acquiescence by the shouting of a managed press? Is it not better to postpone a final decision until such time as the true implications of the By-Pass route are well known to the public? Certainly, it is time to review the question in the light of the ultimate effect on our city.

In my opinion, it is time, for example, our airport commission approaches the department of transportation, not with hat in hand, but the firm conviction that their airport will not be left out-of-bounds as the present proposed route will leave it. It is time that the planners recognize the economic value of Interstate 95 to Fayetteville and to her economy. Most importantly, it is time for the general public - the man in the street - if you please - to be shown that the proposed by-pass route of I-95 will isolate Fayetteville from the Interstate highway system and relegate her to a second-class status. It is time the general public is shown that the proposed route of I-95 will not only "By-Pass" their city, it will pass it by. It is unnecessary; we ought not to be asked to permit it.

It is time, I believe, for the leaders of our community to point out to the highway planners that a very serious mistake has been made. The highway planners are honest and reasonable men, and their intentions are honorable and I believe they will be willing to at least compromise their position if they are given a logical and honest reason to do so.

The time is now for the leaders of this community, both in and out of government, to take a hand in this situation. It is my hope that these leaders will re-think and re-examine this entire matter. The question remains open: "Which route should I-95 take which will be best for the majority of the citizens of Fayetteville?" It is surely not the proposed way-out by-pass route.

There are a great many people here in Fayetteville and the surrounding areas who feel as I do. While there are many citizens who believe that to eliminate Fayetteville from the Interstate highway system is wrong, it seems simply that Dan Stout is the only one to date with little enough sense to say so in this way. Thank you members of the City Council.*

Mayor Lee then offered the comment that the County Commissioners are also concerned about the access route for I-95 and the airport and he, Mayor Lee, wrote to Mr. Billy Rose of the Dept. of Transportation about this, when he, Mayor Lee, was a member of the Airport Commission. Mayor Lee also stated that he had comments to make on this subject when the Dept. of Transportation held on a hearing on this matter in 1973 at the County Auditorium. Mayor Lee again thanked Mr. Stout for his comments and Mr. Stout excused himself.

Council then recognized a Mr. James A. Lewis, a resident of Murray Hill Drive, who presented and read a petition signed by 57 persons for enforcement of the city speed laws and requested the lowering of speed limits and the installation of four way stop signs for Murray Hill Drive due to the traffic situation. Mr. Lewis also voiced objection to the placement of no parking signs at Murray Hill Road and Cliffdale Road intersection.

A Mr. Ben Wilkins was also recognized, representing the 3300 block of Jura Drive in McPherson Estates, and read a petition signed by 23 names requesting 25 m.p.h. speed zone and stop sign enforcement for Jura Drive due to traffic situation.

Following discussion of these requests, Mr. Shaw offered that the City Engineer study both of these streets and report back to the Council at the next meeting on March 10 with recommendations. Motion seconded by Mr. Kelly and carried unanimously.

Council then recognized Mr. Monroe Evans, representing the Fayetteville Museum of Art, on a request that the Council appoint the Museum of Art Board of Trustees as a Commission of the City to operate and maintain the Kyle House and its environs as a Cultural Center and Art Museum once it is vacated by the city and the offices located there are relocated in the City Hall.

Council also recognized Mrs. Nancy Adams, representing Cumberland County Historical Museum, Inc. who made a similar request to the Museum of Art to use the Kyle House as a History Museum.

Following these presentations, Mrs. Finch suggested that these requests be considered at a conference meeting.

Mayor Lee offered the comment that the Downtown Revitalization Committee approves of such a move for the use of the Kyle House.

Following further brief discussion, Mayor Lee requested Mr. Evans or his representative confer with the City Attorney and draw up specific information supporting their request for the use of the Kyle House for consideration at a conference meeting on March 6, 1975.

Council then recognized a Mr. George H. King, Jr., a local wrecker owner-operator, on an appeal from the decision of the city wrecker inspector denying a wrecker operator's license to him. He requested reconsideration of his application by Council. Mr. King stated that he did not understand why his approval was turned down as he was of the opinion that his wrecker was of the required size and weight to meet city's specifications.

Sgt. Warner of the Fayetteville Police Dept, the city wrecker inspector, was then recognized, presented some statistics concerning wreckers and stated that Mr. King's vehicle does not qualify according to the wrecker and tow service ordinance because of its weight and GVW rating.

Considerable discussion then followed. Mr. George then offered motion to grant Mr. King a license and that consideration be given to amending the wrecker ordinance. Motion seconded by Mrs. Beard but failed to carry by the following vote: FOR: Mrs. Beard and Mr. George; AGAINST: Mr. Shaw, Mrs. Finch, Mr. Godwin and Mr. Kelly.

Following some further discussion, Mrs. Finch offered motion that Council review the wrecker and tow service ordinance and consider the modification of same and to direct that Sgt. Warner be present to present explanations at the next regular meeting of the Council. Motion seconded by Mr. Godwin and carried by the following vote: FOR: Mrs. Beard, Mr. Godwin, Mrs. Finch, Mr. George; AGAINST: Mr. Kelly and Mr. Shaw.

Council next gave consideration to the final adoption of a condemnation resolution for an easement for a street right-of-way across the property of MR. A.C. Perry and wife, Thelma Perry. The City Manager stated that the purpose of this easement was for the improvement of Temple Avenue. Following considerable discussion of this resolution, Council decided to continue discussion and action on it to the next regular meeting and this was so moved by Mr. George, seconded by Mrs. Beard and carried unanimously.

Council next considered the awarding of a bid for city contract #169 for Dick Street, Olive Road and Temple Avenue. The City Engineer stated that bids were opened on February 20, 1975 for construction of the foregoing streets. The bids received were Triple A Construction Company \$158,277.50; Crowell Constructors, Inc. \$160,301.60; Cumberland Paving Company \$164,328.00; C.W. Matthews Contracting Company \$164,974.05. The City Engineer stated the final contract price will vary somewhat depending on conditions during instructions. The City Manager and City Engineer recommended awarding the contract to the low bidder, Triple A Construction Company.

There then followed a lengthy discussion on these streets and particularly on Dick Street and the proposed Franklin Street extension and where Dick Street was proposed to cross Person Street over and through Liberty Point.

Following this discussion, Mr. Shaw offered motion for approval based on unit price on Dick Street and Olive Road and the continuance of Temple Avenue to the next regular meeting and that the design of Dick Street with its crossing through Liberty Point be reviewed by City Council at its next conference meeting. Motion seconded by Mrs. Finch.

Following some further discussion, Mr. George offered substitute motion that the Council continue this matter 'til the next regular meeting on March 10. Motion seconded by Mr. Godwin and carried unanimously.

Council next gave consideration to applications for Taxi Cab Driver Permits and following brief discussion Mr. Kelly offered motion, seconded by Mr. Godwin and carried unanimously that Taxi Cab Driver Permits be approved for the following named as recommended by the City Taxi Cab Inspector, Chief of Police and City Manager: GLEN EDWARD MCKNIGHT, ROY LEE SMITH, JOHN H. HOUSER, JR AND ALBERT STEPHEN AUTRY.

Council next gave consideration to two appointments. The first appointment was to the Human Relations Advisory Commission to replace Mrs. Esther Dept who had resigned. Mrs. Beard nominated Mr. David Hall.

Mr. Shaw moved that nominations be closed and that Mr. Hall be appointed to the Human Relations Advisory Commission by acclamation to serve the balance of the term of Mrs. Esther Dept, resigned, said term to expire in March 1976. Motion seconded by Mr. Godwin and carried unanimously.

Council next gave consideration to an appointment to the Civil Military Commission on Alcoholism and Drug Abuse to fill a one year position left vacant by the resignation of Mr. C.P. Booker.

Mr. George nominated Mrs. Willie E. (Allie) Harlow. Mr. Godwin moved to close nominations and that Mrs. Harlow be appointed by acclamation, seconded by Mrs. Beard and carried unanimously.

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

Council recognized the City Manager who stated that Police Officer W.L. Davis had been certified by the Civil Service Commission for promotion to the rank of Sergeant.

Following brief discussion, Mrs. Finch offered motion that Officer Davis be promoted to the rank of sergeant as recommended. Motion seconded by Mr. Kelly and carried unanimously.

The City Manager stated that eight appointees to the Police Dept. had been certified by the Civil Service Commission. They were as follows: RONALD K. NAPOLEON, STEWART G. DALTON, HENRY R. MASCIA, STEVEN R. SKIDMORE, DONALD J. LIZOTTE, GEORGE H. LEWIS, JAMES F. MARSHALL AND GEORGIA F. EVANS.

Following brief discussion, Mr. Kelly offered that all of the aforementioned be appointed to the Police Dept, as certified by the Civil Service Commission. Motion seconded by Mr. Godwin and carried by the following vote: FOR: Mr. Kelly, Mrs. Beard, Mr. Godwin, Mrs. Finch and Mr. Shaw; AGAINST: MR. George.

MATTERS OF INTEREST TO THE CITY COUNCIL

MR. Godwin requested that the Inspection Dept. check a lot in Bordeaux Shopping Center which was being used as a through street and parking. The City Manager replied that he would have Inspection Dept. check this.

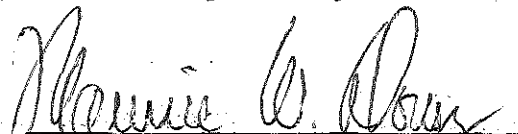
Mr. Godwin also suggested to the Mayor the limiting of debate on matters to eliminate repetition and cut down on the lateness of the Council meetings.

Mrs. Beard asked about the report on the bus company and the City Manager stated that he would give this at the March 6 conference meeting.

Mayor Lee requested the City Engineer to check traffic problems at LaFayette College on Country Club Drive. Mr. Bennett acknowledged the request.

Mayor Lee encouraged Council Members to attend a meeting with the Cumberland County Delegation and the Dept. of Transportation in Raleigh tomorrow at the Legislative Building concerning funds for Cumberland County.

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


City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MARCH 10, 1975
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. James I. Murphy of Campbell College, formerly of Eutaw Heights Baptist Church, offered the invocation. The Pledge of the Allegiance was led by Eagle Scout Steve Phillips. Mayor Lee also recognized as special visitors present tonight Air Force Captain Joe Schreiber and several other Air Force Officers from Pope Air Force Base who are studying a course in Human Relations at the University of Eutaw Extension at Pope Air Force and who were present this evening in the audience to observe Council proceedings.

Mayor Lee also recognized Fayetteville Youth Council Members Toni Dye, Maggie Clay and Kathy Keator present to observe Council proceedings.

Mayor Lee outlined a new Council policy on hearing speakers from the floor and setting time limits on their presentations.

The first order of business was approval of minutes. Upon motion by Mr. George, seconded by Mrs. Beard and carried unanimously, Minutes of the Regular Meeting of February 24, 1975 were approved as submitted by the Clerk.

Council next considered certification from the Board of Elections of the March 3, 1975 referenda for annexation of the Borden Heights and Boone Trail areas and consideration of the proposed Boone Trail annexation ordinance. However, the City Manager stated that such certification had not been received from the Board of Elections and these matters were deferred until the next regular meeting on March 24 upon motion by Mrs. Finch, seconded by Mrs. Beard and carried unanimously.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, a public hearing was ordered published for April 14, 1975 on a 100% petition on the annexation of the Trellis Stanford property located on Law Road.

PUBLIC WORKS COMMISSION MATTERS

Council recognized PWC Manager Ray Muench who requested a reconsideration of Council on the approval of the connection of Ponderosa Waste Treatment Plant to the PWC sanitary sewer system via proposed construction of one sanitary sewer lift station and cast iron force main extending to Bragg Blvd. (this matter continued from two previous meetings) Mr. Muench stated that this matter had come back before Council because the question was raised as to whether or not PWC had the legal right to condemn in this instance across the property of Lake Valley Estates. Council then recognized PWC Attorney Richard M. Lewis, Jr., who presented this matter for Council's consideration, stating that in his opinion the Commission did have the legal right to condemn since this was for a public purpose. Mr. Lewis then proceeded to request authorization of Council for PWC to proceed to negotiate a contract with Cumberland Water Company for the connection of Ponderosa Waste Treatment Plant to the PWC system.

Attorney Herb Thorpe, representing the Cumberland Water Company, was recognized and stated that his client was ready to proceed with the agreement.

Attorney Rudolph Singleton, representing Mr. John Huske and Lake Valley Estates, was recognized in opposition. Among the questions raised by Mr. Singleton for his client were: What is the agreement? What are the rates proposed to be charged for such sewer service and What is the general purpose of the connection? Mr. Singleton registered stringent opposition to the proposed condemnation action across his client's property. Mr. Singleton also proposed an alternate route for this proposed connection to the south.

Mr. Lewis was again recognized and stated that the Commission is obligated to make this connection in view of the Federal Funding involved and that the proposed connection will serve not only the Ponderosa area but also all of the area to the west.

Following considerable discussion of this matter, Mr. Shaw offered motion, seconded by Mr. Kelly to approve PWC's request and that they be and hereby are authorized to proceed to negotiate a contract with Cumberland Water Company for the proposed Ponderosa Waste Treatment Plant connection. The motion carried by the following vote: FOR: Mr. Kelly, Mr. Godwin, Mrs. Finch and Mr. Shaw; AGAINST: Mr. George and Mrs. Beard.

Council next heard request from PWC for the approval of an application by Mr. C. Lewis Williams for one 1-inch water connection outside the city to an existing water main to serve an existing residence at 775 Legion Road.

Mr. Kelly offered motion to approve the foregoing application as recommended by PWC, seconded by Mr. Godwin and carried unanimously.

Mrs. Finch then offered the suggestion that a member of the Public Works Commission, the Commission duly appointed by the Council, be present at subsequent Council meetings to present the PWC matters and Mayor Lee agreed to write a letter to the PWC Chairman concerning this. Thereafter, the PWC representatives were excused from this meeting.

Council next gave consideration to the approval of bids received on the construction of Dick Street, Olive Road and Temple Avenue. (This matter continued from the February 24 meeting) The City Manager presented this matter and stated that the engineering was completed and recommended award of a contract to the low bidder, Triple A Construction Company for their bid of \$158,277.50 on Olive Road and Temple Avenue now and hold Dick Street until the next time. In view of the changes proposed by Council at the Dick Street-Person Street intersection and the proposed change to Liberty Point as discussed at the last conference meeting.

Following brief discussion, Mr. Shaw offered motion to follow the recommendation of the City Manager and award the bid to Triple A Construction Company for the Olive Road paving and sidewalk on the east side and the Temple Avenue paving. Motion seconded by Mr. Godwin. During the discussion that followed, a Mr. Edward Taylor of 213 Temple Avenue, was recognized concerned with the proposed \$53.00 assessment rate which he stated he had read about in the local newspaper. The City Manager replied that theoretically the assessment could be \$26.00 per foot for property owners on each side of the street but the before and after appraisal would give Council the limit to which it may assess such property depending upon the amount to which each tract is benefited.

Mr. Shaw then asked that he be permitted to amend his foregoing motion to add that if any change is made to the street paving policy which is now under consideration by the Mayor's committee appointed to study this matter, that it be made retroactive until tonight. The amendment was accepted by Mr. Godwin and the vote called and the motion passed by the following vote: FOR: Mr. Kelly, Mr. Godwin, Mrs. Finch, Mr. Shaw and Mr. George; AGAINST: Mrs. Beard.

AIRPORT COMMISSION MATTERS

Council recognized Mr. Bernard Stein, Airport Commission Chairman. Mr. Stein stated that bids had been received for the airport administration building concourse enclosure and the low bids received were as follows: General Contractor: Pleasant's Inc - \$39,000.00; Electrical Contractor: Dixie Industrial Electric - \$12,967.00 and these were the bids recommended by the Commission.

Following brief discussion, Mr. Kelly offered motion for approval of the foregoing low bidders as recommended by the Airport Commission, seconded by Mr. Godwin and carried unanimously.

Mr. Stein also requested approval of the application to FAA for the Airport Master Planning Grant Study total cost \$33,804.00; FAA - \$22,536.00; State - \$5,634.00; Airport - \$5,634.00. Mr. Stein requested approval by the Council to (1) authorize the Mayor to sign the application; (2) authorize the Mayor and Clerk to execute FAA grant agreement and State contract agreement by separate motions for respective participation.

Following brief discussion, Mr. Kelly offered motion, seconded by Mrs. Beard to authorize the Mayor to sign the application. Motion carried unanimously.

Mrs. Finch then offered motion, seconded by Mr. Godwin and carried unanimously, to authorize the Mayor and Clerk to execute the FAA grant agreement.

Mr. Kelly then offered motion, seconded by Mr. Godwin and carried unanimously, to authorize the State Contract agreement.

Mr. Stein then stated as Chairman of the Downtown Revitalization Committee he wished to commend the Council on their action on the inner city loop and to urge the Council to acquire the site for housing of the elderly and for the establishment of the Art Museum in the Downtown Fayetteville Area.

Mayor Lee thanked Mr. Stein for his expression and Mr. Stein then excused himself from the meeting.

Council next gave consideration to a request by Mr. Luther Martin for street improvements on West Oak Street. Attorney Cyrus Faircloth was recognized representing Mr. Martin, and stated that West Oak Street was now unpaved and in very bad condition and requested Council to place stone and soil in the street to stabilize it from its muddy condition and construct a ditch and pipe to drain water to alleviate the conditions.

In a memorandum to the Council, the City Manager stated that West Oak Street is a short dead end running northwesterly from Southern Avenue. The right-of-way of W. Oak Street is 29.8 feet in width and the five or six houses fronting are on the street are close to the right-of-way lines. Mr. Martin, a PWC employee, has attempted several times to get petitions for street improvement signed but have been unable to get a sufficient number of owners to sign. While the condition of this street is better than the average dirt street, there is no way the city can maintain it to the satisfaction of the abutting property owners. Any grader maintenance by the city would

be disproportionate to the maintenance of other unpaved streets.

The only relief we can suggest is paving the street by order of the City Council. Before this should be done, it is suggested that you let the City Engineer take you on an inspection of the street and give more detail background.

The City Engineer informed Council that piping could be installed along this street as a temporary measure to give the residents some measure of relief under the city's present policy but that it would only be a temporary measure and the piping would have to be removed if and when the street is paved.

Following some discussion, Mrs. Beard suggested that Mr. Faircloth contact the residents of this street and get their feelings about the paving and piping across the driveways and that the City Engineer investigate this matter and make a report to Council at the next regular meeting.

Council next gave consideration of request for the use of the Kyle House.

Mr. William Fields was recognized, representing the Fayetteville Art Museum and stated that their proposal for the use of the Kyle House were included in a memorandum to the Mayor and Council from the Art Museum. Their proposal as contained in the memorandum is as follows:

When the offices of the City which are now located in the Kyle House are moved out, we suggest that:

The City Council appoint a commission of 14 people made up of the Board of Trustees of the Art Museum (a registered non-profit corporation) and a member of the City Council to control the operation of the Kyle House building and its property as a Art Museum and Cultural Center.

The Art Museum would have the responsibility of:

- (1) To preserve and maintain the interior of the building in keeping with its historical designation;
- (2) To pay utility bills;
- (3) To maintain insurance on the contents and sufficient tenants liability insurance;
- (4) To properly staff the operation based on an anticipated budget of approximately \$15,000.00 a year which would be funded by the Museum;
- (5) To report regularly to the City Council on the operation of the Museum.

The Museum will lease the Kyle House for three years and at the termination thereof will review the situation to determine possible continuation.

We suggest that the City maintain casualty insurance on the building, continued to keep up the grounds and maintain the exterior and structural soundness of the building as has been so cooperatively done with the Market House.

With acceptance of the Kyle House, The Fayetteville Art Museum would surrender the use of the Market House.

Signed by the Fayetteville Museum of Art and Inc., Monroe E. Evans, Treasurer.

Mrs. Anna Sherman was also recognized, representing the History Museum, and requested Council allow them to share in the use of the Kyle House.

Following some discussion, Mrs. Finch offered a suggestion that Council set a conference meeting to consider the foregoing proposal of the Art Museum as presented in their memo. Mr. George suggested that Council receive similar proposals from any other groups interested in using the Kyle House and a conference meeting was set to discuss this matter on Monday, March 17, 1975 at 7:30 P.M. in the Kyle House.

Mayor Lee then skipped to Item 10 on the agenda which was a report by the City Engineer on Murray Hill Drive and Jura Street.

The City Engineer stated that he had made a study of the two streets as directed by Council in response to petitions submitted by the residents of these streets for a lowering of the speed limit to 25 m.p.h. and the installation of four way stop signs in an effort to reduce the traffic hazards on these streets. Mr. Bennett stated that he had completed his study and recommended that Council not reduce the speed limit from its present 35 m.p.h. to 25 m.p.h. but enforce the speed limit on both streets and construct sidewalks along Jura Drive.

Mr. and Mrs. James Lewis and other residents were recognized and requested 25 m.p.h. speed limits.

Mr. Shaw suggested that Council not change speed limits throughout the city on a piecemeal basis but rather take action to enforce the present speed limits.

Following some discussion, Mr. Godwin requested that a 25 m.p.h. speed limit ordinance be drawn for Murray Hill Road and presented at the next Council meeting for consideration. This suggestion was accepted.

Returning to Item 9 on the agenda, Council next gave consideration to a Supplemental Municipal Agreement by the N.C. Dept. of Transportation. The City Manager stated that in a

prior agreement approved in January 1975, the City agreed with the Dept. of Transportation for the construction of the Cross Creek connector, Hay-Cashwell Street connector and the Hay-Franklin Street connector and paragraph 6 of that agreement provided for the establishment and maintenance of traffic operating controls on the project and that it is now desired to amend paragraph 6 of that agreement to provide for deleting the provision for traffic control signals at the intersection of Cashwell Street and Bragg Blvd.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL APPROVING THE ENTERING INTO A SUPPLEMENTAL MUNICIPAL AGREEMENT WITH THE N.C. BOARD OF TRANSPORTATION PROVIDING FOR THE DELETION OF THE PROVISION FOR TRAFFIC CONTROL SIGNALS AT THE INTERSECTION OF CASHWELL STREET AND BRAGG BLVD. RES. NO. R-1975-13.

Mrs. Beard 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-1975/

Council next gave consideration to a final condemnation resolution on the Luther Jeralds property on Jasper Street for street right-of-way.

FINAL CONDEMNATION RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR RIGHT-OF-WAY FOR JASPER STREET IN UPON AND OVER CERTAIN LAND OWNED BY LUTHER JERALDS AND WIFE, JOANNE JERALDS. RES. NO. R-1975-14.

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-1975.

Council next gave consideration to a preliminary condemnation resolution on the Willie Curry property on Jasper Street for street right-of-way.

PRELIMINARY CONDEMNATION RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR RIGHT-OF-WAY FOR JASPER STREET IN UPON AND CERTAIN LAND OWNED BY WILLE CURRY. RES. NO. R-1975-15.

and moved its adoption,

Mr. Godwin introduced the foregoing resolution, 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-1975.

Council next gave consideration to a report on the present utilization of a vacant lot on Boone Trail for the purpose of parking vehicles. A report on this had been requested by Mr. Godwin at the last regular meeting. The City Manager presented this matter in a report from Mr. M.G. Lamar, Zoning Administrator, in the Inspection Dept. Mr. Lamar stated that the vacant lot which is located between the Yates Black residence 3120 Boone Trail and the office of the Bordeaux Shopping Center, 3110 Boone Trail, is lot 8, Block J of the addition to and the revision of part of Bordeaux 5. Lot 8 along with another portion on Boone Trail was annexed to the City on Sept. 9, 1974 and zoned R10 Residential District on December 9, 1974. Mrs. Yates Black made a complaint to the effect that the Bordeaux Shopping Center is using lot 8 for the purpose of parking vehicles. Investigation revealed that TBA, Inc. was in fact utilizing lot 8 for the parking of vehicles. However, the Manager of Bordeaux Shopping Center produced a lease dated Sept. 28, 1972 whereby lot 8 was leased to TBA, Inc. for a parking lot.

If at the time of annexation the report concluded, the lot in question was being used as a parking lot the portion of the lot being so used would qualify as a valid non-conforming use.

Mrs. Yates Black was recognized on her complaint and stated to Council that this lot was being used as a parking lot prior to its annexation and zoning.

Following considerable discussion, Mayor Lee informed Mrs. Black that in view of the circumstances involved, the City Council has no authority in this matter and that she must seek what relief she can get through the courts.

Council next gave consideration to the discussion of the wrecker and tow truck ordinance. This matter continued from the last regular meeting. The City Manager introduced this matter and stated that it was back before Council for a report from the wrecker inspector as a result of the disapproval by the wrecker inspector of an application by George H. King, Jr, King's 66 Service, because Mr. King's wrecker did not meet the weight requirements of the ordinance.

Sgt. Warner of the Fayetteville Police Dept., City Wrecker Inspector, displayed comparison color slides of two ton and one ton wreckers.

Mr. King was again recognized in his behalf for an application.

Following some discussion of this matter, Mayor Lee stated that the difficulty in the ordinance seemed to be the wording in the first paragraph under section 20-143 definition which states that a wrecker must have a gross weight of two tons as rated by the manufacturer. The City Attorney read to Council an alternate definition of a two ton wrecker which stated that it was equal to 16,000 GVW chassis and attached crane and lifting apparatus rated at 32,000 pounds capacity or more.

Following some further discussion, Mr. Shaw offered motion that the wrecker ordinance be amended to include the definition as just stated by Mr. Clark that would mean the very same thing as the jargon of gross weight of two tons as appearing in our present ordinance and make this amendment

a part of this ordinance to further clarify the intentions of the Council to limit the wreckers to the gross weight of two tons and the definition as listed at 16,000 GVW and 32,000 pounds capacity. Motion seconded by Mr. Godwin and upon being put to vote carried by the following vote: FOR: Mr. Kelly, Mr. Godwin, Mrs. Finch and Mr. Shaw; AGAINST: Mr. George and Mrs. Beard.

The amending ordinance title appears below:

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE WRECKER AND TOW SERVICE ORDINANCE BY DEFINING WRECKER WEIGHT. ORD. NO. S-1975-3.

A copy of the foregoing amending ordinance is on file in the office of the City Clerk in Ord. Book S-1975.

Council next gave consideration to several bids. Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, the low bid submitted by Motorola Communications, Inc. in the amount of \$5,723.50 providing communication (radio) equipment for the Fire Dept was approved.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, bids for supplying (summer) uniforms for the police and fire departments were approved as follows.

POLICE DEPARTMENT

Shirts - Far East Fashions; Trousers and breeches - Gerber Uniform Company; Caps - Far East Fashions; Belts and Raincoats - Hub Uniform Company.

SCHOOL CROSSING GUARDS

Shirts, slacks, caps and raincoats - Gerber Uniform Company

FIRE DEPARTMENT

Dress Trousers - Gerber Uniform Company; Shirts (white and blue) Hub Uniform Company; Shirts (dark blue) Far East Fashions; Work trousers - Hub Uniform Company

Council next gave consideration to the award of bids on proposed renovations to the building located on Ann Street for use by the Recreation Dept. The City Manager stated that bids were received on February 27, 1975 for these renovations. Low bids were as follows.

General Construction - \$38,850.00 (D.W. Gore, Inc.); Plumbing - \$1,039.13 - Dixie Water Service and Supply; Electrical - \$4,473.00 Cain Electric Company; Heating and Air Conditioning - \$4,385.00 Refrigeration and Heating Inc. The total low bid \$48,747.13.

The budget appropriated about \$38,000.00 for this project, he stated.

After review of the bids we are of the opinion that the General Construction bids are too high for an investment in this particular building. The building specifications included a mansard type roof which could be deleted since the mansard roof cost we believe would be more expensive than any aesthetic value added.

We recommend that the general construction bids be rejected and we submit new specifications deleting the mansard roof. No action be taken on the plumbing, electrical and air conditioning bids until the new general construction bids are received and evaluated at the next Council meeting.

Mr. Shaw offered motion, seconded by Mr. Kelly to follow the foregoing recommendation of the City Manager and reject these bids. Motion carried unanimously.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, the low bid of D.R. Allen and Son, Inc. in the amount of \$98,178.03 for replacement of the old wooden bridge at Blue Street with a concrete box culvert was approved.

Council next gave consideration to the approval of State street system changes.

In a memorandum the City Engineer stated that the Dept. of Transportation requests Council's consideration of adding the following streets to the city's system.

- (1) Russell Street from U.S. 301 to U.S. 401 Business Route (Robeson Street)
- (2) Person Street from the Market House to Eastern Blvd
- (3) Service Road on the west side of U.S. 301 and north of Grove Street abutting the Barbecue Lodge.
- (4) Service Road (Alfalfa Street) on the east side of U.S. 301 north of Grove Street

We recommend accepting foregoing street 2, 3, and 4 but asking the Dept. of Transportation reconsideration of Russell Street. Plans were completed some time ago under the Topic Program for upgrading Person Street and Russell Street traffic signals. The Person Street signals were upgraded but the Russell Street signals were not because this project seemed to be on a low priority state listing. We believe this work could still be obtained; however, it will take some time to accomplish the work. The city should make every attempt to get this work accomplished by the state before accepting Russell Street.

There are other considerations for accepting any of the streets such as maintenance costs.

However, this is somewhat offset by the Powell bill funds received. Streets 3 and 4 are presently stripped paved in bad condition and will need considerable maintenance work in the very near future. Person Street will not need resurfacing for a few years.

A RESOLUTION OF THE CITY COUNCIL ACCEPTING FROM THE DEPT. OF TRANSPORTATION SYSTEM AND ADDING THE FOLLOWING STREETS TO THE CITY SYSTEM: (1) PERSON STREET FROM THE MARKET HOUSE TO EASTERN BLVD: (2) SERVICE ROAD ON THE WEST SIDE OF U.S. 301 AND NORTH OF GROVE STREET ABUTTING THE BARBECUE LODGE: (3) SERVICE ROAD (ALFALFA STREET) ON THE EAST SIDE OF U.S. 301 NORTH OF GROVE STREET. RES. NO. R-1975-16.

Mr. Godwin introduced the foregoing resolution and moved its adoption as recommended by the City Engineer. 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-1975.

Council next gave consideration to the approval of the assessment of liens on property to recover costs for demolition of substandard buildings.

AN ORDINANCE OF THE CITY COUNCIL ASSESSING A LIEN FOR DEMOLITION COSTS IN THE AMOUNT OF \$125.00 AGAINST PROPERTY LOCATED AT 434 LAFAYETTE STREET, LOT #18 AND OWNED BY MR. GENE W. MCLEAN. ORD. NO. NS-1975-23.

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

AN ORDINANCE OF THE CITY COUNCIL ASSESSING A LIEN FOR DEMOLITION COSTS IN THE AMOUNT OF \$275.00 AGAINST PROPERTY LOCATED AT LOT#3, EAST SIDE OF NORTH STREET EXT. AND OWNED BY Mrs. CORDELIA GIBBS. ORD. NO. NS-1975-24.

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

AN ORDINANCE OF THE CITY COUNCIL ASSESSING A LIEN FOR DEMOLITION COSTS IN THE AMOUNT OF \$130.00 AGAINST PROPERTY LOCATED AT 2309-B SLATER AVENUE AND OWNED BY MRS. HILDRED MCKOY. ORD. NO. NS-1975-25.

AN ORDINANCE OF THE CITY COUNCIL ASSESSING A LIEN FOR DEMOLITION COSTS IN THE AMOUNT OF \$130.00 AGAINST PROPERTY LOCATED AT 2309-C SLATER AVENUE AND OWNED BY MRS. HILDRED MCKOY. ORD. NO. NS-1975-26.

AN ORDINANCE OF THE CITY COUNCIL ASSESSING A LIEN FOR DEMOLITION COSTS IN THE AMOUNT OF \$130.00 AGAINST PROPERTY LOCATED AT 2309-D SLATER AVENUE AND OWNED BY MRS. HILDRED MCKOY. ORD. NO. NS-1975-27.

Mr. Godwin introduced the foregoing three ordinances and moved their 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-1975.

Council next gave consideration to taxi driver permits.

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

Upon motion by Mr. Godwin, seconded by Mrs. Finch and carried unanimously, taxi cab driver permits were not approved for the following named as recommended by the City Taxi Cab Inspector, Chief of Police and City Manager: PAUL EASTMAN AND ROBERT M. VANDUSER

Council deferred six appointments to the Human Relations Advisory Commission and three appointments to the Building Code Review Committee until the next regular meeting on March 24, 1975.

There were no delegations present responding to the invitation of Mayor Lee for recognition.

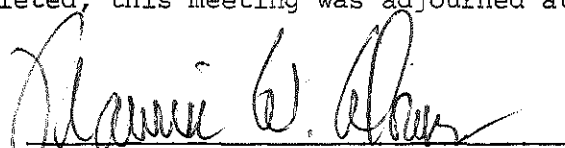
There were no City Manager reports.

MATTERS OF INTEREST TO THE CITY COUNCIL MEMBERS

Mrs. Finch requested a report from the new City Public Relations Manager on his activities at the next meeting of the Council.

Mayor Lee stated that there had been another death at the Old Wilmington Road*U.S. 301 intersection and suggested that Council again request the Dept. of Transportation to install a pedestrian overpass at this location. He stated if there was no objection he would write such a letter and Council was in tacit approval of this action.

Thereafter, all matters of business having been completed, this meeting was adjourned at 11:45 P.M., upon motion made and duly seconded.


Maurice W. Downs
City Clerk

SPECIAL MEETING
COUNCIL CHAMBER
MARCH 17, 1975
MONDAY
KYLE HOUSE
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. William Clark, City Attorney
Mr. William Thomas, Asst. City Manager

Mayor Lee called this special session to order; there being a quorum present, and there being no objection voiced by any member of the Council, to consider the adoption of a resolution authorizing the filing of an application with the Department of Transportation, for a grant under the urban Mass Transportation Act of 1964.


The City Manager presented this matter and explained that this action is requested at this time in connection with City's request for aid in the financing of the purchase of the Cape Fear Valley Coaches, Inc. and of additional new equipment necessary to effectively operate the City of Fayetteville Public Mass Transportation System. Mr. Smith then proceeded to present Council with some statistics concerning this matter.

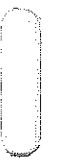
RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED. RES. NO. R-1975-17.

Following brief discussion, 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 in behalf of the City of Fayetteville. Motion seconded by Mrs. Beard and upon being put to a vote carried unanimously. A copy of the foregoing resolution is on file in the Clerk's office in Res. Book R-1975.

Mayor Lee then declared this special session in recess at 7:45 P.M. in the event it was desired to consider other official business later on this evening, and Council then proceeded to informally discuss requests for the use of the Kyle House by the Art Museum, and other matters.

However, no further official business was transacted and this session was adjourned at 9:00 P.M., upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MARCH 24, 1975
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 this meeting to order and Chaplain James Hall, First Church of Christ Scientist, offered the invocation. 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: Susie McDonald, Toni Dye, Kert Haefeli.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, Minutes of the Regular Meeting of March 10 were approved as submitted by the Clerk.

Upon motion by Mr. Kelly, seconded by Mrs. Beard and carried unanimously, Minutes of the Special Meeting of March 17, 1975 were approved as submitted by the Clerk.

Mayor Lee then called on the Clerk who presented the following certification from the Board of Elections of the March 3, 1975 referenda for annexation of the Borden Heights and Boone Trail areas.

ABSTRACT OF VOTES
BORDEN HEIGHTS AND BOONE TRAIL ANNEXATION REFERENDA

MARCH 3, 1975
FAYETTEVILLE, N.C.
CUMBERLAND COUNTY

TO: Fayetteville City Council

We, the undersigned Cumberland County Board of Elections, do hereby certify that we met in the office of the Board, on Monday, March 3, 1975 at 11 o'clock A.M., and did canvass the original return of the Registrar and Judges of Election of the votes cast in the Borden Heights and Boone Trail annexation referenda, and the following is a true and correct tabulation thereof:

BORDEN HEIGHTS

FOR EXTENSION OF CITY LIMITS 17
AGAINST EXTENSION OF CITY LIMITS 42

BOONE TRAIL

FOR EXTENSION OF CITY LIMITS 20
AGAINST EXTENSION OF CITY LIMITS 7

Given under our hand and seal, this 3rd day of March, 1975.

CUMBERLAND COUNTY BOARD OF ELECTIONS

CHARLES BURGARDT
MACK LANCASTER
CHARLES KIRKMAN

AN ORDINANCE EXTENDING THE CITY LIMITS (BOONE TRAIL AREA) ANNEXATION #152.

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 Annexation Book #1975.

Council then gave consideration to a proposed satellite annexation of the Retired Military Association property located on N.C. Highway 87.

Planning Board recommended denial of this annexation.

Attorney John Taylor, representing the Retired Military Association, was recognized and stated that data was not available on this matter and requested deferral until a later date for resubmission of the request.

Mayor Lee informed Mr. Taylor that this matter had been advertised for a public hearing for this time and that Council was bound to take action on it.

Mr. Shaw offered motion to follow the foregoing recommendation of the Planning Board and deny this annexation. Motion 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 or to a higher classification of an area located on the northwest corner of Pamalee Drive and Blanton Road. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: INITIALLY ZONE TO C1 LOCAL BUSINESS DISTRICT AN AREA LOCATED ON THE NORTHWEST CORNER OF PAMALEE DRIVE AND BLANTON ROAD. ORD. NO. NS-1975-28.

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 City Clerk's office in Ordinance Book #NS-1975.

A public hearing had been published for this date and hour on the initial zoning to PND Planned Neighborhood Development, R10 Residential District and P2 Professional District of an area located on U.S. 401 North in the northern most quadrant of the City of Fayetteville. - Ascot Subdivision. Planning Board recommended approval of PND for Tract 1, R10 for Tract 2 and P2 for Tract 3.

Mr. J.W. Pate of Lexington Homes, the owner and developer and petitioner, was recognized for this rezoning. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: INITIAL ZONING TO PND PLANNED NEIGHBORHOOD DISTRICT, R10 RESIDENTIAL DISTRICT AND P2 PROFESSIONAL DISTRICT OF AN AREA LOCATED ON U.S. 401 NORTH IN THE NORTHERN MOST QUADRANT OF THE CITY OF FAYETTEVILLE (ASCOT SUBDIVISION) OR. NO. NS-1975-29.

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 office of the City Clerk in Ordinance Book #NS-1975.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, public hearings were set on the following matters for April 28, 1975.

- A. Rezoning from R5 Residential District to C2 Central Business District or to a higher classification of an area located on the west side of Ann Street between Lamont Street and Grove Street.
- B. Request for a special use permit to construct parking facilities in an R10 Residential District located at Bordeaux West Shopping Center.
- C. Request for a special use permit for a child's care center in a P2 Professional District as provided for in the City of Fayetteville Zoning Ordinance, Section 32-24, Subsection (3) "Homes for the care of children" located at 2014 Ft. Bragg Road.
- D. Initial zoning to R10 Residential District or to a higher classification of an area located on both sides of Boone Trail and including Boone Trail from Fargo Drive to a point 750 feet southwest.

PLANNING BOARD MATTERS

Council heard recommendation from the Planning Board for approval of Cambridge, Section 5 Subdivision preliminary review located on U.S. 401 By-Pass subject to the following conditions: (1) that all state and local sedimentation and erosion control ordinances be complied with; (2) that the streets be approved by the City Engineer; (3) that water and sewer be approved by PWC and (4) that the final plat show rear lot easements.

Following brief discussion, Mr. Godwin offered motion for approval of Cambridge, Section 5 Subdivision preliminary review located on U.S. 401 By-Pass 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 W.R. Company preliminary ClP Shopping Center review located on McPherson Church Road subject to the following conditions: (1) that the plan be amended to include the following: (a) only two drives off McPherson Church; (b) a note be added that only one pole sign shall be permitted for the shopping area indicated on this site plan; (c) that lateral access to the south would be provided to the tract of land remaining between Vancouver Drive and the subject site; (d) that the first parking spaces adjacent to the entrance drive be replaced by either a concrete island or landscaped island to facilitate visual site clearance for motorists entering or exiting the driveways and (e) that a paved sidewalk be indicated along McPherson Church Road for which the city will participate in construction; (2) that the developer provide an evergreen hedge screen along the rear of the property to screen the parking area for the adjacent residential development; (3) that drainage plans be approved for the site by the City Engineer; such plans should not permit surface drainage over the sidewalk area and (4) that all state and local sedimentation and erosion control ordinances be complied with.

Mr. Dave Averitte, Engineer for the developer, was recognized in agreement to all of the foregoing conditions with the exception of the concrete island.

Following brief discussion, Mr. Shaw offered motion for approval of the foregoing W.R. Company

preliminary ClP shopping center review located on McPherson Ghurch Road as recommended by the Planning Board and in including the concrete islands. Motion seconded by Mrs. Finch and carried unanimously.

Council next heard recommendation from the Planning Board for approval of the Christus Victor Lutheran Housing Complex for an extension of approximately 1,300 feet of an eight inch sanitary sewer main to serve the proposed high rise home for the elderly at 1201 Hope Mills Road at the corner of Redwood Drive.

Following brief discussion, Mr. Godwin offered motion for approval of the foregoing sanitary sewer main extension for the Christus Victor Lutheran Housing Complex as recommended by the Planning Board. Motion seconded by Mr. Kelly and carried unanimously.

PUBLIC WORKS COMMISSION MATTERS

Council heard recommendation from Ray Muench, PWC Manager, for approval of one 1-inch water connection to an existing main to serve Lot #1 on Daytona Road, F.J. Reynolds Subdivision, for Mr. and Mrs. Irvin R. Wright outside the city.

Mr. Kelly offered motion, seconded by Mr. Godwin and carried unanimously for approval of the foregoing water connection as recommended.

Council next heard request from PWC for approval of a resolution authorizing the acquisition by condemnation of an easement for electric lines over land owned by Mr. & Mrs. Phillip C. Kropp.

RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR ELECTRIC LINES IN UPON AND OVER CERTAIN LAND OWNED BY PHILLIP C. KROPP AND DOROTHY M. KROPP, TRUSTEE FOR JAMES J. KROPP. RES. NO. R-1975-18,

Mr. Shaw introduced the foregoing resolution and moved its adoption as recommended by PWC, 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 R-1975.

The PWC representatives were then excused from the meeting.

Mayor Lee informed Council that he had received a letter of reply to his letter to the PWC Chairman relative to a Public Works Commissioner attending the City Council meetings. Following brief discussion, it was decided by Council without an objection to request members of the Liaison Committee and the Public Works Commission to meet together.

Council next gave consideration to a proposed ordinance for speed control on Murray Hill Drive. It had been requested at earlier meetings by the residents of Murray Hill Drive that Council install a 25 m.p.h. speed limit on this street. Mrs. James Lewis, a resident was again recognized and requested passage of the proposed ordinance.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, N.C. SECTION 20-106 OF THE CITY CODE, TRAFFIC SCHEDULE #8-SPEED CONTROL-MURRAY HILL DRIVE-25.m.p.h. ZONE. ORD. NO. NS-1975-30.

Mr. Godwin introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Beard and carried by the following vote: FOR: Mr. George, Mrs. Finch, Mr. Godwin, Mrs. Beard and Mr. Kelly; AGAINST: Mr. Shaw. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ord. Book NS-1975.

Council next recognized Mr. Mason Hicks, Mr. William Laslett, Mr. Walter Vick, local citizens and architects, who presented a very impressive narration and colored slide projection on a proposed Downtown Revitalization Plan. The presentation included (1) land use plan, (2) the street plan and (3) the green way plan with the ultimate emphases being placed on the people plan. Mr. Hicks pointed out that their proposal would be to make the downtown area pedestrian oriented rather than automobile oriented. The slide presentation included suggestions for pedestrian walkways along Cross Creek and the general beautification of bridges and buildings so as to be pleasing from an aesthetic value. The ultimate purpose in their purpose, Mr. Hick stated, would culminate in what he termed the 1984 center plaza in the downtown area. In reply to a question from Council as to how this would be financed, Mr. Hicks replied that it could be done with bond issues voted upon by the citizens of the City. Mr. Hicks concluded their presentation by requesting City Council to give serious consideration to the suggestions presented this evening. Following a brief discussion of the proposal presented, Mayor Lee thanked Mr. Hicks, Mr. Laslett and Mr. Vick for their presentation and their efforts in behalf of the city.

Council next gave consideration to several condemnation resolutions.

These resolutions were presented by the City Attorney who requested the passage of same.

FINAL CONDEMNATION RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR RIGHT-OF-WAY FOR JASPER STREET OVERLAND OWNED BY WILLIE L. REED AND RUBY BROWN THOMAS. RES. NO. R-1975-19.

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

FINAL CONDEMNATION RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR STREET RIGHT-OF-WAY ON FRANKLIN STREET OVER CERTAIN LAND OWNED BY JACK AND EDITH MENDELSON. RES. NO. R-1975-20.

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

PRELIMINARY CONDEMNATION RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR FRANKLIN STREET OVER CERTAIN LAND OWNED BY LUCILLE ELLIOTT. RES. NO. R-1975-21.

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

PRELIMINARY CONDEMNATION RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR FRANKLIN STREET OVER CERTAIN LAND OWNED BY MARION D. VARNEDOE, TRUSTEE. RES. NO. R-1975-22.

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

PRELIMINARY CONDEMNATION RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR MASON STREET OVER CERTAIN LAND OWNED BY HERBERT THORPE. RES. NO. R-1975-23.

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

Copies of all of the foregoing resolutions are on file in the office of the City Clerk in Resolution Book R-1975.

Mayor Lee stated that he had received a request from Mrs. Charlotte Blum Siek on a matter pertaining to her dance studio located on Ft. Bragg Road. Without objection from the Council, it was agreed to recognize Mrs. Siek. Mayor Lee read a letter written by the City Attorney to Mr. Hector McGeachy, Jr., owner of the property at which Mrs. Siek's dance studio is located informing Mr. McGeachy that this use was prohibited under the fire code - using a wooden building as a commercial use - and to terminate said use by March 31, 1975 (The applicable provision of the code is Section 12-17 which states in part that "No wooden or frame buildings therein (the fire district) shall be converted or used for a business or commercial purpose that may be converted and used for a religious charitable or educational purpose upon the approval of the Building Inspector and the Chief of the Fire Department.")

Attorney Richie Smith was recognized, representing Mrs. Siek, and described the present use being made of the building which was formerly a residence. Mr. Smith stated that the building is now being used for educational purposes to train public school teachers in the Arts of Dance and Gymnastics and as such in his opinion would qualify as an educational use.

Following considerable discussion of this matter, Mayor Lee suggested deferral of same to the April 14 meeting for additional information from the Fire Chief and City Building Inspector and that the Inspector refrain from enforcing the discontinuance and Mr. Kelly offered motion, seconded by Mr. Godwin and carried unanimously that this matter be deferred to April 14 for additional information from the Fire Chief, City Building Inspector and City Attorney and that the Inspector refrain from enforcing the discontinuance.

Council next gave consideration to drainage corrections at two locations on the south side of Ft. Bragg Road. The City Manager presented this matter and stated that in a memo from the City Engineer, there are two locations on the south side of Ft. Bragg Road that need drainage corrections. One is near the Haymount Grill and the other is near the Branch Bank and Trust Company. The nearest underground system to carry this drainage to is at the intersection at Ft. Bragg Road and Olive Road. To install a pipe line at this location to correct the problem is estimated at a cost of \$15,800.00. The City Manager and the City Engineer recommended that inasmuch as Olive Road between Ft. Bragg Road and Morganton Road is scheduled for repaving, curb and gutters and a side walk in the near future that this drainage be installed coincident with this work.

Following brief discussion, Mr. Godwin offered motion, seconded by Mr. Kelly and carried unanimously to approve the installation of this drainage line at the estimated cost of \$15,800.00.

Council next gave consideration to the confirmation of an assessment for one lot on the corner of Camden Road and Fair Street.

In a memorandum to the Council, the City Manager stated that at the Council meeting of Sept. 9, 1974 it was directed that the Berline J. Stevens property located at the corner of Camden Road and Fair Street be assessed for street improvements on the before and after appraisals basis rather than a front foot basis.

Assessment of the above property at the \$10.43 per front foot basis amount to \$2,391.91. The before and after appraisal reported by Mr. C.B. McKeithan and Mr. Paul A. Dawkins indicated an increase in property value of \$1,250.00.

Mr. Lloyd K. Swaringen, Attorney for Berline J. Stevens, has indicated that his client will accept an assessment equal to the appraised increase in property value of \$1,250.00.

Following brief discussion, Mr. Shaw offered motion to follow the foregoing recommendation of the appraisal and assess the Berline J. Stevens property for \$1,250.00 for the paving. Motion seconded by Mr. Godwin and carried unanimously.

Council next gave consideration to the award of bids for the City owned building on Ann Street to be used by the Recreation and Parks Department. The City Manager stated that new bids had been received for the renovations of a Recreation and Parks building at 240 Ann Street and recommended awarding the contract to each low bidder as follows: (1) Construction: REM Buiders-\$24,851.58; (2) Plumbing: Dixie Water Service-\$1,039.13; (3) Heating and Air Conditioning-Refrigeration and Heating Company-\$4,385.00; (4) Electrical- Cain Electric Company- \$4,473.00 for a total of all bids of \$34,748.71.

Following brief discussion, Mr. Shaw offered motion, seconded by Mr. Kelly and carried unanimously to award the foregoing low bids as recommended for a total amount of \$34,748.71 for renovation of the Recreation and Parks Building at 240 Ann Street.

Council next gave consideration to proposed changes to Chapter 14, City Code, "Garbage, Trash and Weeds".

In a memorandum to the City Council, the Assistant City Manager stated that the purpose of the amendments is to provide a general update of the ordinance in the following areas.

To require permits for private landfill operations and to designate the Superintendent of the Street and Sanitation Dept. as the inspector of such operations to insure compliance with the state requirements for solid waste disposal.

To revise the language of the ordinance to conform to our existing trash removal equipment, i.e. deleting "dumpster" and substituting "lodal."

To limit the free service collection to six 32 gallon garbage cans each scheduled collection.

To revise the schedule of fees for extra Sanitation Dept. services to include a cost estimate procedure rather than a flat-fee schedule for the removal of heavy debris and organic refuse of animal origin.

To delete Section 14-15 pertaining to the use of the municipal landfill by others. At the present time, the municipal landfill is operated solely for the City of Fayetteville. Should an agreement be arranged sometime in the future with Cumberland County for the joint use of the County and City landfills, this ordinance could then be amended to accomodate the terms of such an agreement.

To delete the references in Section 14-16 to the pre-purchased ticket system for municipal refuse service. After experimentation, the system was rejected as too complicated and payments for extra service have been paid by normal bill action.

If the proposed changes to Chapter 14 of the City Code meet with your approval, a proper amendment will be prepared for your approval at your next meeting.

Council then proceeded to review the proposed changes as contained in this amendment on a section by section basis and then instructed that the ordinance be prepared for consideration at the next regular meeting.

Council next gave consideration to a 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. The Assistant City Manager presented this matter and stated that the relative part of this resolution is that section which reads "Be it further resolved that the Fire Protection Employees of the City of Fayetteville shall work on a work period of 27 days in length".

A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO CLAIM EXEMPTION OF SECTION 7 (K) OF THE FAIR LABOR STANDARDS ACT RELATIVE TO OVERTIME WAGES FOR PUBLIC SAFETY PERSONNEL. RES. NO. R-1975-24.

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 Resolution Book R-1975.

Council next gave consideration to setting a special hearing date for the consideration of the revocation of a massage parlor license of PERO Enterprises, Inc., doing business as Peggy's Health Club, 720 Bragg Blvd. The recommended hearing date is April 14, 1975.

Following brief discussion, Mr. Kelly offered motion that a public hearing be set on the foregoing matter for April 14, 1975, motion seconded by Mr. Godwin and carried unanimously.

Council next gave consideration to a request by Mr. Williams of the City Optical Company that the Council permit him to lease parking spaces in city parking lot #4 located on Burgess Street.

The City Manager presented some background information on the leasing of spaces in city parking lots. He stated that beginning years ago the Council authorized the leasing of spaces. However, we have never leased spaces in lot #4. City Optical Company now wishes to lease 14 spaces on this

lot. This would appear to be ok, he stated, since it would not seriously interfere with other metered spaces. Peak periods would indicate the lot only partially filled. However, others now using lot #5 would probably want to do the same thing.

There was some discussion of this matter but Council took no action on the request.

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 driver permits were approved for the following named as recommended by the Taxi Cab Inspector, Chief of Police and City Manager: ROBERT J. HAMMER, ALEJANDRO VARGAS RAMIREZ, ALBERT ALGIE BANKS AND OSCAR ARMANDO CERVA.

Council next gave consideration to appointments to the Human Relations Advisory Commission. Mayor Lee stated that Mrs. McAllister, Mrs. Council, Rev. Vestal and Miss Cain had all agreed to serve again if reappointed. Councilman George nominated all of the foregoing for reappointment. Mayor Lee nominated Rev. Aaron J. Johnson for appointment.

Mrs. Beard then offered motion to close nominations and that the following named be appointed and reappointed to the Human Relations Advisory Commission by acclamation to serve two years term of office each said term expiring in March 1977. Motion seconded by Mr. Godwin and carried unanimously.

Mrs. Freddie D. (Mary) McAllister, Mrs. Thomas (Jeanette) Council, Rev. Max Vestal, Mrs. Alston G. (Mary Grace) Cain and Rev. Aaron J. Johnson.

Mayor Lee stated that one vacancy remained on this commission and it would be considered at the next regular meeting of the Council.

Council next gave consideration to the appointments to the Building Code Review Committee. Mayor Lee stated that Mr. McRaney, Mr. Haire and Mr. Moss had all agreed to serve again if reappointed.

Mr. Godwin then moved that the following named be reappointed to the Building Code Review Committee for three year terms of office each said terms expiring in March 1978, Motion seconded by Mrs. Beard and carried unanimously. HAROLD MCRAINEY, H.R. HAIRE AND J.B. MOSS, JR.

There was no delegations responding to the invitation of Mayor Lee for recognition.

Mayor Lee then presented a resolution of appreciation to Colonel (Retired) Stuart Wood who has served the City of Fayetteville as Assistant Director of the office of Civil Defense from October 2, 1961 to March 18, 1975. Mayor Lee asked that Council approve this resolution and that all Council Members sign it and that a copy be sent to Colonel Wood and spread upon the minutes of this meeting. Mr. Kelly introduced the foregoing resolution and moved its adoption, seconded by Mr. Godwin and carried unanimously.

RESOLUTION OF APPRECIATION

Colonel Stuart Wood has served the City of Fayetteville well as Assistant Director of Civil Defense from October 2, 1961 to March 18, 1975.

During this period he has been in the forefront in preparing the city for any emergencies that may arise and thus has made the City of Fayetteville a better place in which to live.

Therefore, the City Council of Fayetteville at its regular meeting of March 24, 1975, unanimously passes this Resolution of Appreciation to Colonel Wood and thank him on behalf of everyone in the City for his many contributions and his devotion to duty.

/s/ Jackson F. Lee
Jackson F. Lee, Mayor

/s/ Beth D. Finch

/s/ Harry F. Shaw

/s/ Marion C. George

/s/ Vardell Godwin

/s/ Glen W. Kelly

/s/ Marie W. Beard

CITY MANAGER REPORTS

Consideration was given to four appointments to the Fire Department. However, the City Manager requested deferral of this matter until the next regular meeting inasmuch as the list of names had been inadvertently left out of his information packet. The matter was so deferred.

The City Manager gave a report on street improvements to West Oak Street. (This matter deferred from the last regular meeting).

In a memorandum to the City Manager, the City Engineer stated that the 29.8 foot right-of-way of West Oak Street substantially limits the side ditching that can be accomplished and the

travel way remain wide enough for cars to meet. The utility poles are also located about 4 feet within the right-of-way on the south side which limits motor grader work to the full right-of-way width. The long range, most economical solution would be to order the street paved but it should be kept in mind that additional right-of-way will be needed.

The C.M. Luther and the Simmons' property on the north side of the street is the only property that is being eroded by water flowing from the street. As an interim improvement prior to paving, the Street Dept. is going to either open an existing pipe, install a new pipe to flow westerly under Cross Street, open up a drainage swale west abutting the four property owners on the west end. The ditch work will require constant attention; that is, after each heavy rain, but we believe this will substantially cut the erosion off from the Luther and Simmons' property.

Mr. Curtis Ridgen, a Cross Street resident, was recognized and requested whatever relief Council could give him and the residents of these streets.

Following some discussion of this matter, Mr. Godwin offered motion that the City Engineer be and he hereby is authorized and directed to accomplish those improvements stated in the second paragraph of his memorandum. Motion seconded by Mr. Shaw and carried unanimously.

The City Manager reported that he and the City Engineer are ready to go to bids on Jasper Street and in three or four months on East Franklin Street extension.


MATTERS OF INTEREST TO THE COUNCIL

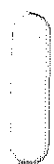
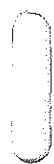
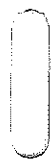
Mrs. Beard requested the City Manager to check on the light in the park. The City Manager stated that he would do so.

Mr. George reminded Council that Mr. Julius K. Powell of Columbus County and Whiteville, N.C. passed away last week and also recalled that he was the Father of the Powell Bill and stated he thought it would be appropriate if this Council would request city administration to draw an appropriate resolution for Council signatures and forwarding to the family. (This resolution would be presented for adoption at the next regular meeting).

Mr. George then moved that such resolution be drawn and presented to the Council for approval at the next regular meeting, motion seconded by Mr. Shaw and carried unanimously.

Thereafter, all matters of business having been completed, this meeting was adjourned at 10:40 P.M., upon motion made and duly seconded.


Maurice W. Downs
City Clerk



SPECIAL MEETING
COUNCIL CHAMBER KYLE HOUSE
MARCH 27, 1975
12:00 NOON
THURSDAY

Present: Mayor Jackson F. Lee

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

Others Present: Mr. W.J. Thomas, III, Assistant City Manager
Mr. William Clark, City Attorney
Mr. Jim Gray, Administrative Assistant
Mr. Bob Bennett, City Engineer

There being no objection voiced by any member of the Council to the calling of this special session and there being a quorum present, Mayor Lee called this special session to order for the purpose of considering a resolution.

Mayor Lee stated that he had received a letter yesterday from Division 6 of the North Carolina Dept. of Transportation concerning the letting of contracts for the west side traffic pair and it appeared that Council has never taken action to place several city streets in this area on the state street system. Mayor Lee then read the proposed resolution for Council consideration which would accomplish this purpose.

Following the reading of the resolution, Mr. Kelly offered motion for the adoption of same, motion seconded by Mr. Shaw and carried unanimously. A copy of the resolution is spread below and a copy has been placed on file in the office of the City Clerk in Resolution Book R-1975.

RESOLUTION

No. R1975-26

WHEREAS, the North Carolina Dept. of Transportation and Highway Safety plans to make improvements on several streets that are now on the City of Fayetteville street system; and

WHEREAS, the City of Fayetteville considers these improvements of an urgent nature in order to alleviate traffic congestion.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA:

That the following streets be deleted from the City system of streets and that they be added to the North Carolina Dept. of Transportation and Highway Safety's system of streets:


1. Hillsboro Street south from ramp of Rowan Street to Hay Street.
2. Winslow Street south from Hay Street to Rankin Street.
3. Rankin Street west from Winslow Street to Robeson Street.
4. Franklin Street west from Winslow Street to Robeson Street.
5. Walters Street west from Hillsboro Street to Bragg Blvd.
6. West Rowan Street west from Murchison Road to Bragg Blvd.

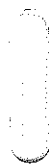
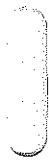
Adopted this 27th day of March, 1975.

Jackson F. Lee
Mayor

Maurice W. Downs
City Clerk

Following a general discussion of street priorities to be presented to the Dept. of Transportation and of right-of-way condemnation policy, this meeting was adjourned at 12:40 o'clock, upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
APRIL 14, 1975
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
Mr. Robert H. Butler, PWC
Mr. Richard M. Lewis, PWC Attorney

Mayor Lee called the meeting to order and the Rev. Allen W. Griffin, Pastor of Trinity Baptist Church, offered the invocation. Eagle Scout Glenn Traylor, Troop 797, Boy Scouts of America, led the assembly in the Pledge of the Allegiance to the Flag.

Mayor Lee then presented the City's Service Award Pins to the following city employees.

FIVE YEAR PIN

Ben Brady - Sanitation Dept.
Paul Butler, Sanitation Dept.
Burton Hyde - Police Dept.
Larry Royal - Fire Dept.
Joseph West - Police Dept.
Terry Winstead - Fire Dept.

TEN YEAR PINS

Willie McDougald- Street Dept.
Lorenzo Myers - Recreation Dept.
Luther Williams - City Buildings

FIFTEEN YEAR PINS

John Autry - Street Dept.
Robert Hardy- Street Dept.
James Strickland - Fire Dept.

Mayor Lee then expressed appreciation to all of the foregoing for their loyal and dedicated service to the city.

Mayor Lee then recognized other Scouts in the audience from Troop 797 and the Fayetteville Youth Council Representatives present to observe Council proceedings.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, Minutes of the Regular Meeting of March 24, 1975 were approved as submitted by the Clerk.

A public hearing had been published for this date and hour on the annexation pursuant to 100% petition of one lot, the property of Mr. Trellis Stanford located on Law Road. Planning Board recommended approval and there was no opposition present.

AN ORDINANCE EXTENDING THE CITY LIMITS TO INCLUDE THE TRELIS STANFORD PROPERTY LOCATED ON LAW ROAD. ANNEX. #153.

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 Annexation Book 1975.

Upon motion by Mr. Shaw, seconded by Mr. Godwin and carried unanimously, a public hearing was ordered published for May 12, 1975 on the satellite annexation of public works point of power delivery #2 located on S.R. 1723 by the adoption of the following resolution.

SATELLITE ANNEXATION RESOLUTION. RES. NO. R-1975-27.

A copy of the foregoing resolution is on file in the office of the City Clerk in Res. Book 1975.

PLANNING BOARD MATTERS

Council heard recommendation from the Planning Board for approval of an application for approximately 2,700 feet of 8-inch sanitary sewer main to serve Warrenwood Estates, Section IV, located adjacent to the Teabeaut property off Rosehill Road.

Following some discussion of this matter, Mr. Shaw offered motion to take no action pending

an application for annexation. Motion seconded by Mrs. Beard and carried unanimously.

PUBLIC WORKS COMMISSION MATTERS

Council recognized PWC Chairman Butler on a request for the adoption of a resolution authorizing the acquisition of a sanitary sewer easement by condemnation across the property of Mr. & Mrs. John Huske. Mr. Butler stated this easement is for a sanitary sewer main beneath the lake bed adjacent to Lake Valley Subdivision and is for the purpose of connecting the Ponderosa Waste Treatment Plant to the PWC system.

Attorney N.H. Person was recognized for Mr. John Huske, the property owner, opposed to this action. Mr. John Huske was also recognized in his own behalf.

Both PWC Manager Ray Muench and PWC Attorney Richard Lewis were recognized on this matter and presented detailed information and responded to questions from the Council regarding this proposed easement. Considerable discussion followed.

Following the discussion, Mr. Shaw offered motion for the adoption of the resolution as requested by PWC. Motion seconded by Mr. Godwin.

Mrs. Finch offered substitute motion to delay action on this matter until the next meeting on April 28, 1975. Motion seconded by Mrs. Beard. Mayor Lee called for vote on the substitute motion and it failed by the following vote: FOR: Mrs. Beard and Mrs. Finch; AGAINST: Mr. Kelly, Mr. Godwin, Mr. Shaw and Mr. George.

Mayor Lee then called for vote on the original motion and a tie vote resulted as follows: FOR: Mr. Kelly, Mr. Godwin, Mr. Shaw; AGAINST: Mrs. Finch, Mrs. Beard, Mr. George. Mayor Lee cast the deciding vote against the motion and declared it lost by a vote of three, For, and four, against.

This concluded PWC Matters and the PWC representatives were excused from the meeting.

Council next gave consideration to a request for the adoption of a Bicentennial Seal and recognized Thomas Hooper from the Fayetteville Youth Council who presented the request. Thomas explained that the Youth Council had been approached by the Bicentennial Commission to hold a contest for the purpose of designing such a seal for the City and County to use during the Bicentennial celebration and Councilwoman Finch had been requested and had consented to be a judge in the contest. Thomas presented the winning seal and stated that it had been designed by a student at Seventy-First High School. He requested approval of the proposed seal. The seal itself is circular in shape with the words Fayetteville-Cumberland at the top and in the center alternating red and white stripes, 7 red and 6 white running horizontally and 13 blue stars group around the inner circle. The bottom of the seal has the date June 20, 1775 which commemorates the Liberty Point Resolves and the date November 21, 1789 which was the date North Carolina ratified the U.S. Constitution and the word Bicentennial also appears at the bottom.

Mayor Lee stated that this seal if adopted could be used along with the City Seal on the City Stationery and for other purposes during the celebration. Thomas requested approval of the seal for use by the City and County.

Mr. Shaw then offered motion for adoption of the Bicentennial Seal as the official seal of the city for the Bicentennial. Motion seconded by Mr. Kelly and carried unanimously. Mayor Lee then thanked Thomas and the Fayetteville Youth Council for their diligence and effort in holding the contest to have such a seal as this designed.

Council next gave consideration to the revocation of a massage parlor license of PERO Enterprises, Inc., D/B/A Peggy's Health Club, 720 Bragg Blvd. Mayor Lee stated that this hearing had been set for this date at the last meeting but due to the fact that proper notice had not been given, a rescheduling was requested.

Mr. Godwin then offered motion, seconded by Mrs. Beard to reschedule the foregoing public hearing to May 12, 1975 and the motion carried unanimously.

Council next gave consideration to a proposed ordinance amending Chapter 14 of the City Code, "Garbage, Trash and Weeds".

The Assistant City Manager presented this ordinance and stated that the amendments incorporated were to bring the ordinance up to date since its adoption several years ago. A brief discussion of the points of the ordinance followed.

AN ORDINANCE OF THE CITY COUNCIL AMENDING CHAPTER 14 OF THE CITY CODE, "GARBAGE, TRASH AND WEEDS" OF THE FAYETTEVILLE NORTH CAROLINA CODE OF ORDINANCES. ORD. NO. S-1975-4.

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 S-1975.

A Conference Meeting was scheduled for Monday, April 21, 1975, 7:30 o'clock P.M. in the Kyle House to discuss a proposed ordinance rewriting Chapter 22 of the City Code, "Personnel".

Council next received a report from the Chief Housing Inspector concerning an abandoned

vehicle at 132 Wayde Street, the property of Mr. J.W. Pate. He stated that in compliance with instructions from the City Manager requesting a report as to the corrective action taken by Mr. Pate to correct the conditions existing at the above address an inspection was conducted on April 2 and said inspection revealed the following: All abandoned, immobilized vehicles were removed from the lot. This case was presented to the City Council on the 22nd day of January, 1975 and the City Council granted an extension of 60 days for the removal of the vehicle. Since this case is now in compliance with the code, it is suggested that this information be presented in favor of Mr. Pate.

Council received the report and took no action.

Council next gave consideration to an ordinance correcting conditions to property located at 438 Ray Avenue - a lien in the amount of \$400.00 for the demolition of a substandard dwelling which was ordered demolished by Council on February 10. Council postponed action on this matter to April 28.

Council also gave consideration to an ordinance correcting conditions to property located at 426 Vanstory Street - a lien in the amount of \$650.00 for the demolition of a substandard dwelling ordered demolished by the Council on May 27, 1974. Action on this matter was postponed to April 28.

Council next gave consideration to a final condemnation resolution for street right-of-way.

FINAL CONDEMNATION RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR STREET RIGHT-OF-WAY FOR FRANKLIN STREET EXTENSION OVER LAND OWNED BY JOEL FLEISHMAN, TRUSTEE. RES. NO. R-1975-28.

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

Council next gave consideration to another condemnation resolution for street right-of-way on Franklin Street extension.

FINAL CONDEMNATION RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR RIGHT-OF-WAY FOR FRANKLIN STREET EXTENSION OVERLAND OWNED BY JOEL FLEISHMAN AND BERNICE WOLFE. RES. NO. R-1975-29.

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

Council next gave consideration to an additional preliminary condemnation resolution for street right-of-way on Jasper Street.

PRELIMINARY CONDEMNATION RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR RIGHT-OF-WAY ON JASPER STREET OVER CERTAIN LAND OWNED BY ANNIE MAE LEE. RES. NO. R-1975-30.

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

All of the foregoing resolutions are on file in the Clerk's office in Res. Book R-1975.

Council next gave consideration to a request by Mr. Walter Moorman of Moorman and Little, Consulting Engineers, asking for city participation in the cost for the widening of Eastwood Avenue.

The City Manager requested the City Engineer to present this matter. The City Engineer stated that he had received a letter from Mr. Moorman regarding Eastwood Avenue extension which stated that he had completed his plans for the construction of Eastwood Avenue extension, the plans had been approved by Mr. Bennett and he had received bids and is now ready to begin construction. Mr. Moorman requested that the city pay the additional cost involved and constructing the street wider than the standard 29 foot section - that is the difference in cost of the standard 29 foot section and the 47 foot section requested.

Mr. Bennett explained that the purpose in the extra width of Eastwood Avenue is to serve a proposed housing project between the Cape Fear River and the Norfolk-Southern Railroad. Some years ago, Eastwood Avenue was paved by the city to a width of 47 feet. The extension is to serve a proposed group housing project on the east end between the railroad and the river. The reason for the extra width is that a shopping center existed on the north side of Eastwood Avenue and it was to serve the large undeveloped area between the shopping center and the river. The City Engineer recommended that the city participate in the extra width pursuant to present city policy. The estimated cost is \$15,000.00.

Following brief discussion, Mr. Shaw offered motion, seconded by Mrs. Beard to approve the foregoing request and participate in the street paving in the estimated amount of \$15,000.00 as recommended by the City Engineer. Motion carried unanimously.

Council next gave consideration to resurfacing city streets. The City Engineer presented this matter also. In a memorandum to the City Manager, the City Engineer listed the following streets recommended for resurfacing based on the deteriorated condition of the street and the additional cost in the future of base work if the resurfacing is delayed. The work includes some corrective

base work and renewing some sections of curb that are sunk down and ponding water.

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
S. Racepath Street	E. Russell Street	Person Street
"C" Street	E. Russell Street	McDaniel Street
S. Cool Spring Street	Campbell Avenue	Sam Cameron Avenue
McPhee Drive	McBain Drive	McGill Drive
MacRae Street	McGill Drive	McBain Drive
McGill Drive	McPhee Drive	New pavement at the Little Giant
Osceloa Drive	Courtney Street	Rosehill Road
Lewis Street	Poole Drive	Cul-de-sac
Manteo Street	Stamper Road	McGougan Road
Mohawk Street	McGougan Road	Rogers Drive
Cherokee Drive	Spruce Street	Stamper Road
Laurel Street	Beech Street	Dead End
Beech Street	Elm Street	Rogers Drive
Willow Street	Cul-de-sac	Bead End
Shamrock Drive	Rogers Drive	Cain Road

The City Engineer stated that this is not all of the streets that need resurfacing. Since it is near budget time for 1975-76, we would suggest that the contract be let immediately with the provision (the City's option) that it could be extended to include next year's resurfacing if the price seems favorable. A suggestive resurfacing list for next year will be submitted for review and approval prior to any of the work being done. A map is attached with this year's proposed resurfacing streets color-coded, and for your information, the streets resurfaced during the present budget year are also shown.

Following brief discussion, Mr. George offered motion, seconded by Mr. Shaw that the Council receive the foregoing report for information tonight and consider authorization at the meeting of Apr. 28. Motion carried unanimously.

Council next gave consideration to a proposed ordinance amending Article XI, Section 20-132 of the City Code dealing with city parking lots. The City Manager stated that he had received a request from Mr. C. David Warren, Director of the Cumberland County Public Library, that parking meters not be installed in the parking lot at the Frances Brooks Stein Memorial Library on Hay Street inasmuch as he was of the opinion that the parking area for library patrons might be controlled without the use of such meters. Mr. Warren stated that with the recent installation of signs indicating that the parking areas for library use, there have been few violators during operating hours.

AN ORDINANCE OF THE CITY COUNCIL AMENDING ARTICLE XI, SECTION 20-132 OF THE CODE OF ORDINANCES. ORD. NO. S-1975-5.

Following brief discussion of Mr. Warren's request, Mr. Godwin moved for the approval of same by the introduction of the foregoing ordinance and its adoption. Motion 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 S-1975.

Council next gave consideration as to whether to use decals or metal plates for 1976 city auto licenses. The City Manager presented this matter and stated that it was necessary to place the order now for the proposed licenses for the calendar year 1976 and he desired to know which Council preferred, the metal tag or decal, such as being used currently. He reminded Council that the decals are being used for the Calendar year 1975 because the Prison Dept. could not provide metal plates last year. He stated that the cost of decals is considerably less than metal plates. However, he had no preference and had received no complaints about the decals this year. He reminded the Council that the State is going to a five year tag with a replaceable tab and that Council may wish to do the same with the city tag at such time as the prison industry decides if it will follow the State's example.

Following brief discussion, Mr. Godwin offered motion for approval of metal plates for the calendar year 1976. Motion seconded by Mrs. Beard and carried by the following vote: FOR: Mr. Kelly, Mrs. Beard, Mr. Godwin, Mrs. Finch and Mr. Shaw; AGAINST: MR. George and Mayor Lee stated that the records show that Mr. George's opposition was for economic reasons.

Council next gave consideration to the award of a bid for a Modular Ambulance for the Fayetteville Fire Dept.

The City Manager stated that bids had been received for such ambulance and the low bid meeting specifications was submitted by Southern Ambulance Company in the amount of \$18,102.70 and is the bid recommended by the Fire Chief and the Purchasing Agent.

Following brief discussion, Councilman Kelly offered motion to accept the low bid of Southern Ambulance Company in the amount of \$18,102.70 for the Modular Ambulance as recommended subject to the approval of the Governor's Highway Safety program. Motion seconded by Councilwoman Beard and carried unanimously.

Council next gave consideration to the approval of Taxi Driver Permits. The City Manager presented this matter.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, taxi cab driver permits were approved for the following named as recommended by the Acting Chief of Police, Taxi Cab Inspector and City Manager: NESTOR VELAZQUEZ, RALPH W. MERRITT, WILLIAM M. AUSTIN, ALFRED M. GAINNEY AND MITCHELL L. WATROUS.

Council next gave consideration to appointments. One appointment remained to the Human Relations Advisory Commission as carried over from the last meeting. Mr. George nominated Mrs. George L. Butler. Mr. Shaw moved that nominations be closed and that Mrs. Butler be appointed by acclamation vote to the Human Relations Advisory Commission for a term of office of two years said term expiring in March 1977. Motion seconded by Mr. Godwin and carried unanimously.

Mayor Lee then extended an invitation to the recognition of any delegations present in the assembly and Mr. Curtis Ridgen, a Cross Street resident, was recognized. Mr. Ridgen reminded Council that he had been present some weeks ago when Council approved drainage and improvement for West Oak Street. Mr. Ridgen reminded Council that he was a resident of Cross Street at the west end of West Oak Street. He expressed appreciation for the start of improvements to West Oak Street and requested Council to consider the same improvements for Cross Street. He stated that he and the other resident of Cross Street were willing to make any necessary rights-of-way dedication for this improvement. He stated that he had talked to the City Manager about their problem and there may be some difficulty inasmuch as Cross Street is not a dedicated city street and extremely narrow.

At the end of Mr. Ridgen's presentation, Mayor Lee informed him that Council was under the impression that their action had corrected these problems and he requested the City Engineer and the City Manager to make a complete report of this situation at the next regular meeting.

CITY MANAGER REPORTS

Consideration of the approval of telephone confirmation of four appointments to the Fire Dept. The City Manager confirmed that the Civil Service Commission had certified the following named for appointment to the Fire Dept. and requested Council's approval of same. MITCHELL CARTER HENRY L. GADDY, BERNARD P. MCDONOUGH, JOHN S. THOMAS.

Mr. Kelly offered motion for approval and confirmation of the aforementioned to the Fire Dept. as recommended by the Civil Service Commission, Fire Chief and City Manager. Motion seconded by Mr. Godwin and carried unanimously.

The City Manager reminded Council of the Dept. of Transportation public hearing in Whiteville on April 18 on street funding. The City Manager read to Council a list of suggestions for street improvements to be submitted at this hearing. He stated that the City Engineer would attend to present these request to the Dept. of Transportation and that any additional suggestions should be submitted before then and that any other Council members are requested to attend this hearing if possible.

MATTERS OF INTEREST TO THE CITY COUNCIL

Mr. George suggested including at the conference meeting on April 21, a discussion on attempting an annexation contrary to the present state law.

Mrs. Finch strongly suggested that in view of the recent adverse publicity received by the Police Dept. that a strong expression of support for the Police Dept. be indicated by the Council. Council was in complete support of her suggestion and gave its unanimous tacit agreement to support of the Police Dept.

Mayor Lee informed Council that he received a 29 signature petition from the Colonel Robert Rowan Chapter of the Daughters of the American Revolution, favoring a traffic plan for downtown Fayetteville but which will not bisect Liberty Point. The petitioners stated that they wanted a plan which will not only be efficient but will make it possible for land to be used properly, preserving our historic places and increasing the natural beauty of Cross Creek.

Mayor Lee then read a Resolution of Appreciation to the Honorable Junius K. Powell, Father of the Powell Bill, and stated that it had been signed by all members of the Council and ordered it spread upon the minutes of this meeting. The resolution appears below and is numbered R-1975-31.

RESOLUTION

No. R-1975-31

WHEREAS, for many years Mr. Junius K. Powell served not only his City and County, but the State of North Carolina and;

WHEREAS, the citizens of all cities and towns in North Carolina have benefited because of his efforts and leadership in the State Senate in getting authorization enabling them to share in state gasoline taxes, making funding street improvements on a more equitable basis; and

WHEREAS, the Powell Bill is now recognized as one of the important sources of revenue for City improvements.

THEREFORE, be it resolved that the citizens of Fayetteville acknowledge the great service rendered by Mr. Powell. We acknowledge the loss of a friend of local government and extend our sympathy to the family of Mr. Powell on his passing.

This resolution passed unanimously by the Council of the City of Fayetteville regular meeting April 14, 1975, and is made a part of the permanent minutes of the meeting.

JACKSON F. LEE
MAYOR

Beth D. Finch

Vardell Godwin

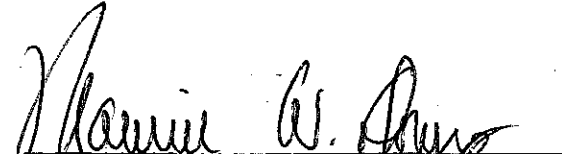
Harry F. Shaw

Glen W. Kelly

Marion C. George

Marie W. Beard

Thereafter, all matters of business having been completed, this meeting was adjourned at 10:15 P.M., upon motion made and duly seconded.


Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
APRIL 28, 1975
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
Mr. James Warner, PWC

Mayor Lee called the meeting to order and the invocation was offered by the Rev. L.E. Cumbee, Jr., Christus Victor Lutheran Church. The Pledge of the Allegiance was led by Miss Laurie Turner, Miss North Carolina Teenager.

Mayor Lee extended congratulations to Miss Turner for winning the North Carolina Teenager Contest and wished her luck in the finals and presented her with the City's Sweetheart Pin.

Mayor Lee also recognized members of the Fayetteville Youth Council and stated that next week was Youth Week and several of the youth council members would serve as City Officials.

Council then moved to the first order of business.

Upon motion by Mr. Godwin, seconded by Mrs. Beard, Minutes of a Special Meeting of March 27, 1975 were approved as submitted by the Clerk.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, Minutes of the Regular Meeting of April 14, 1975 were approved as corrected.

A public hearing had been published for this date and hour on the rezoning from R5 Residential District to C2 Central Business District or to a higher classification of an area located on the west side of Ann Street between Lamont Street and Grove Street. Planning Board recommended rezoning to C2P Central Business District. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R5 RESIDENTIAL DISTRICT TO C2P CENTRAL BUSINESS DISTRICT AN AREA LOCATED ON THE WEST SIDE OF ANN STREET BETWEEN LAMONT STREET AND GROVE STREET. ORD. NO. NS-1975-31.

Mr. Shaw introduced the foregoing ordinance and moved its adoption and that the area be rezoned C2P as recommended by the Planning Board. Motion seconded by Mrs. Finch and carried unanimously. A copy of the foregoing ordinance is on file in the Clerk's Office in Ord. Book NS-1975.

A public hearing had been published for this date and hour on a petition for a special use permit to construct parking facilities in an R10 Residential District located at Bordeaux West Shopping Center. Planning Board recommended approval.

Attorney Jerome Clark, representing Bordeaux Center, was recognized in behalf of this petition.

There was no opposition present.

Following brief discussion during which time it was discussed that one special use permit had already been granted for this area some time ago, Mr. Kelly offered motion to rescind the first special use permit. Motion seconded by Mr. Godwin.

Mr. Shaw then offered motion to amend to follow the recommendation of the Planning Board and grant this special use permit as outlined. Motion seconded by Mr. Godwin and carried by the following vote: FOR: Mr. Kelly, Mr. Godwin, Mrs. Finch, Mr. Shaw and Mr. George; AGAINST: Mrs. Beard.

Mayor Lee then called for vote on the main motion to rescind the first special use permit granted and it carried by the following vote: FOR: Mr. Kelly, Mr. Godwin, Mrs. Finch, Mr. Shaw and Mr. George; AGAINST: Mrs. Beard.

A public hearing had been published for this date and hour on a petition for a special use permit for a child care center in a P2 Professional District as provided for in the City of Fayetteville Zoning Ordinance, Section 32-24, Subsection (3) "homes for the care of children" located at 2014 Ft. Bragg Road. Planning Board recommended approval.

Attorney Larry Thompson was recognized for the petitioner. There was no opposition present.

Following brief discussion, Mrs. Finch offered motion to grant this foregoing special use permit as requested. Motion seconded by Mr. George and carried unanimously.

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 both sides of Boone Trail and including Boone Trail from Fargo Drive to a point 750 feet southwest. Planning Board recommended of R10. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY TO R10 RESIDENTIAL DISTRICT AN AREA LOCATED ON BOTH SIDES OF BOONE TRAIL AND INCLUDING BOONE TRAIL FROM FARGO DRIVE TO A POINT 750 FEET SOUTHWEST. ORD. NO. NS-1975-32.

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 Ns-1975.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, public hearings were ordered published for May 26, 1975 on the following matters:

- A. Rezoning from R5 Residential District to C2P Central Business District or to a higher classification of an area located at 115 and 119 Grove Street.
- B. Rezoning from R10 Residential District to P1 Professional District or to a higher classification of an area located at 531 Terry Circle.
- C. A request for special use permit for a medical office in an R6 Residential District as provided for in the City of Fayetteville Zoning Ordinance, Section 32-24 (4) of an area located at 1624 Ft. Bragg Road.

PLANNING BOARD MATTERS

Council heard recommendation from the Planning Board for approval of Pamalee Square Group Development Revision Review located on Pamalee Drive. Planner Mitchell stated that the revision was to result in two changes: (1) removal of 13 units known as Pamalee Square East and (2) relocation of the Recreation Amenity package from a flood plain area to the general location of the removed 13 units. Planning Board recommends conditional approval subject to the following: (1) that no parking be within 15 feet of any right-of-way line, (2) that all state and local sedimentation and erosion control ordinances be complied with during construction, (3) that the developer add underground drainage system subject to approval by the City Engineer.

Following brief discussion, Mr. Godwin offered motion for approval of the foregoing Pamalee Square subject to the conditions outlined. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to Lake Clair Apartments Phase II Group Development preliminary review located on Village Drive. Planner Mitchell stated that this revision was for the purpose of adding a swimming pool with club house and laundry facility to the original site plan. No additional living units were being considered at this time. Planning Board recommends conditional approval as follows: (1) that the City Engineer approve street and drainage plans including underground system, (2) that all state and local sedimentation and erosion control ordinances be complied with, (3) that the developer provide access (walks and easements) to open space and recreation facilities as required by Section 4.7 of the subdivision regulations.

Following brief discussion, Mr. Shaw offered motion for approval of the foregoing Lake Clair Apartments Phase II as recommended by the Planning Board. Motion seconded by Mrs. Beard and carried unanimously.

PUBLIC WORKS COMMISSION MATTERS

Council recognized Public Works Commissioner, Jim Warner, that consideration be given a request by the Board of County Commissioners to extend a water main to Slocumb Road Area off U.S. 401 North beyond the Kelly Springfield Tire Plant. This area is experiencing several water pollution problems, he stated. The plan is to extend a four inch water main to the Slocumb Road area to serve 38 families. The estimated cost of between \$37,000.00 and \$40,000.00 is to be paid for by the County. Public Works Commission is to own the main and collect the tapping fees and to remit them to the County. Commissioner Warner requested approval of the extension by the City Council.

Following considerable discussion of this matter, Mr. George offered motion, seconded by Mr. Shaw to follow the foregoing recommendation of Public Works Commission and approve the extension of a 4-inch water line down Slocumb Road. Motion carried unanimously.

Council next heard a report from Commissioner Warner and PWC Manager Ray Muench on proposed 208 Planning which is Water Quality Management Planning, Section 208 of the Federal Water Pollution Control Act. Commissioner Warner explained to the Council the three types of planning regarding Water Quality (statewide basin planning, regional facilities planning and area wide waste treatment planning).

He further stated that statewide basin planning and regional facilities planning are mandatory and on going by the City and PWC at this time.

He then explained that the proposed 208 planning program (waste treatment management plan) concerns "non-point" sources of pollution and as much more extensive planning covering storm drainage, agricultural pollution, erosion and etc. and in addition that such 208 planning involves much larger planning areas - in Fayetteville's case portions of Counties other than just Cumberland County.

Mr. Warner concluded by stating that since the primary concern of PWC is with "point" sources of pollution, the 201 facilities plan is satisfactory and the commission believes that the 208 planning is unnecessary.

Mr. Warner added that since there are other factors involved that do not relate to PWC

the decision regarding 208 planning is a determination to be made by the City Council.

There was discussion about the proposed 208 planning by members of the City Council, Commissioner Warner, PWC Manager Ray Muench and City Manager Guy Smith.

Following discussion of this matter, it was unanimously approved by Council that the Liaison Committee would meet with PWC on this and report back to Council at the next meeting.

The PWC representatives were then excused from the meeting.

Council next considered ordinances imposing a lien against property for demolition costs of substandard dwellings.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$650.00 FOR THE DEMOLITION AND REMOVAL OF A SUBSTANDARD DWELLING LOCATED AT 426 VANSTORY STREET AND OWNED BY JOHN H. SMITH AND JESSE LEE COUNCIL. ORD. NO. NS-1975-33.

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

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$400.00 FOR THE DEMOLITION AND REMOVAL OF A SUBSTANDARD DWELLING LOCATED AT 438 RAY AVENUE AND OWNED BY MRS. INEZ MCDUFFIE. ORD. NO. NS-1975-34.

Mrs. Finch 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 office of the City Clerk in Ord. Book NS-1975.

A request had been received to close a portion of Finnegan Street between Pearl Street and Cape Fear Avenue. However, the petitioners Attorney was not present at this time so this matter was deferred until later on in this meeting.

Council next heard a report from the City Manager on improvements to West Oak Street. In a memorandum to the City Manager, the Street Supt. reported that the following improvements had been made to West Oak Street: (1) approximately 1500 feet of open ditching to drain all of the area, (2) one - 40 foot pipe line across W. Oak running South West, (3) one - 40 foot line running South East, (4) 150 feet running due West, (5) one standard catch basin grate and frame, (6) one headwall on North Side, (7) 25 feet of pipe across the street (on Cross Street), (8) all water meters on street right-of-way, (9) three power poles on right-of-way, (10) two large trees in the right-of-way and the owners request that these be left.

Mr. Curtis Ridgen, a resident of Cross Street, was again recognized and requested City improvement to Cross Street. In response to question, Mr. Ridgen stated, however that only two persons had consented to date to sign a petition for such improvements.

Following brief discussion of this matter, Mayor Lee informed Mr. Ridgen that city administration would continue to work with him on this matter.

Council next gave consideration to final condemnation resolution for street rights-of-way. The City Attorney presented these resolutions and requested their adoption by Council.

FINAL CONDEMNATION RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR FRANKLIN STREET EXTENSION OVER LAND OWNED BY BRANCH BANKING AND TRUST COMPANY, TRUSTEE FOR W.A. VANSTORY, SR. RES. NO. R-1975-32

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

FINAL CONDEMNATION RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR FRANKLIN STREET EXTENSION OVER LAND OWNED BY MARION VARNEDOE, TRUSTEE. RES. NO. R-1975-33.

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

FINAL CONDEMNATION RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR FRANKLIN STREET EXTENSION OVER LAND OWNED BY LUCILLE ELLIOTT. RES. NO. R-1975-34.

Mr. Godwin introduced the foregoing resolution and moved its adoption, seconded by Mr. Kelly and carried unanimously. Copies of all of the foregoing resolutions are on file in the office of the City Clerk in Res. Book R-1975

Council next gave consideration to ordinances requiring the Building Inspector to correct conditions and demolish substandard dwellings as follows:

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 321½ VANSTORY STREET AND OWNED BY MRS. MARY WHITEHEAD. ORD. NO. NS-1975-35.

Mr. Godwin introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Finch 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 STANDARDS CODE OF THE CITY LOCATED AT 359 VANSTORY STREET AND OWNED BY MRS. ANNIE MAE CONNOR "HEIRS" MRS. GLORIA MAE HUNT. ORD. NO. NS-1975-36.

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 STANDARDS CODE OF THE CITY LOCATED AT 1039 ROBESON STREET AND OWNED BY MRS. MINNIE YOUNG "HEIRS". ORD. NO. NS-1975-37.

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 BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 1938 PAMALEE DRIVE AND OWNED BY R.M. POTTER AND STEVE PARIS. ORD. NO. NS-1975-38.

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 STANDARDS CODE OF THE CITY LOCATED AT 1932 PAMALEE DRIVE AND OWNED BY R.M. POTTER AND STEVE PARIS. ORD. NO. NS-1975-39.

Mr. Godwin introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Finch and carried unanimously. Copies of all of the foregoing ordinances are on file in the office of the City Clerk in Ord. Book NS-1975.

On a further substandard structure demolition matter, Council recognized Miss Ruth Adell Allison who requested an extension of 60 days to correct the substandard condition of a structure located at 813 Ashley Street.

Following brief discussion, Mr. George offered motion to grant a 60 day extension to Miss Allison to correct the substandard condition and report back to the Council. Motion seconded by Mr. Kelly and carried unanimously.

On a further substandard structure demolition matter, Council recognized Mr. Q.J. Scarborough, Jr. who requested a 60 day extension to allow for the correction of substandard conditions for a structure located at 1105 Norwood Street.

Following brief discussion, Mrs. Finch offered motion to grant a 30 day extension for the correction of the substandard conditions and motion was seconded by Mrs. Beard with the amendment that the Building Inspector issue a permit to Mr. Scarborough for the repair and construction of this structure. Motion carried unanimously.

Council next gave consideration to the scheduling of a conference meeting to discuss annexation procedures and a meeting was set for Monday, May 5, 1975 at 7:00 P.M. in the Kyle House for this purpose.

Council next gave reconsideration to the proposed street resurfacing list for the 1974-75 budget year which was submitted at the last regular meeting. The City Manager and City Engineer reviewed this list for Council's benefit and reiterated that the list shown was recommended for resurfacing based on the deteriorated condition of the street and the additional cost in the future of base work if the resurfacing is delayed. The City Manager reiterated that this is not all of the streets that need resurfacing however, but since it is near budget time for 1975-76 he and the City Engineer suggested that the contract be let immediately with the provision (the city's option) that it could be extended to include next year's resurfacing if the price seems favorable. Also a suggested resurfacing list for next year would be submitted for review and approval prior to any of the work being done.

Following brief discussion, Mr. Shaw offered motion that this list (the one submitted by the City Engineer dated April 10, 1975) be our street resurfacing list for the 1974-75 budget year and that we proceed with it immediately. Motion seconded by Mr. Godwin and carried unanimously. (A list of the streets submitted appears in the minutes of the meeting of April 14.)

The City Engineer was requested to study Mr. George's suggestion for resurfacing Cool Spring Street between Grove Street and Campbell Avenue.

Council then returned to Item 7 on the agenda - a request to close a portion of Finnegan Street between Pearl Street and Cape Fear Avenue. Mr. Von Autry, a member of Haymount United Methodist Church Board of Trustees, was recognized on this matter and requested Council to hold a public hearing to close one block of Finnegan Street between Cape Fear Avenue and Pearl Street so that the church might expand its existing church structure. Mr. Autry stated that there are only two owners on this segment of Finnegan Street - the church and a Mr. Owens and the church desires to close this segment of Finnegan Street in order to expand its building structure in the near future. Mr. Autry stated that access would not be blocked to Mr. Owen and his property. In a memorandum to the Mayor and Council, the City Manager recommended that this one block of Finnegan Street not be closed.

Following brief discussion, Mr. George offered motion to continue this matter to the next regular meeting on May 12 for additional information. Motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to a request for a sign variance by C.W. Manhattan Associates (the new K-Mart site on Owen Drive). In a letter to the Mayor and Council, Mr. P.T. Serebrenik, Project Manager for C.W. Manhattan, stated that he requested a variance to the ordinance for the placement of a pylon sign located at 208 Owen Drive at the new K-Mart site. The variance was requested for the following reasons: (a) the sign is a pylon type sign that is engineered and will be erected in accordance with the state building code; (b) the sign will have height of fifty two (52) feet. This height is permitted for signs located in our business location. (c) the sign will have an advertising surface of 282.5. (d) a permit was obtained from the Inspection Dept. of the City by a local Fayetteville sign erector who began erection of the sign, thinking the sign was a pole sign and not in violation of the set-back requirements of a ground sign; (e) the foundation and supports for the sign have been constructed and to move the sign to another location would involve the expenditure of funds in considerable excess of those funds that were budgeted for the erection of the sign.

Since the sign, according to its height, should set back from the street right-of-way a total of sixty three (63) feet, we are requesting a variance of 56 feet for the location of the sign. Your favorable consideration is requested.

In response to question, the Inspection Dept. Supt. favored the variance as requested.

Following brief discussion, Mr. Godwin offered motion to grant the variance as requested. Motion seconded by Mrs. Beard. Mayor Lee called for vote on the motion and it was as follows: FOR: Mr. Kelly, Mrs. Beard, Mr. Godwin; AGAINST: Mr. Shaw, Mrs. Finch and Mr. George. Mayor Lee then cast the deciding vote in favor of the motion and it carried.

Council next gave consideration to the approval of taxi cab driver permits. Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, the following named were granted taxi cab driver permits as recommended by the City Taxi Cab Inspector, Chief of Police and City Manager. JIMMY L. BARNES AND GRAHAM ROGERS.

Mayor Lee then asked if there were any delegations present who wished recognition and a Mrs. Thelma Overby was recognized. Mrs. Overby requested permission of the Council to submit a letter of appeal regarding her husband's dismissal from City Employment several years ago. Following Mrs. Overby's request, Council agreed to receive her letter of appeal for consideration.

CITY MANAGER REPORTS

The City Manager reported that the Jasper Street project was nearly complete.

The City Manager reported that "Sunday on the Square" would be held on May 18 and that the persons sponsoring this event wished to block off Hay Street, Gillespie Street, Person Street and Green Street for one block on each side of the Market House and that if Council had no objection this would be permitted. There was no objection voiced by Council to this proposal.

The City Manager reported that a Captaincy vacancy had been created in the Police Dept. due to the retirement of one of the Police Captains and that the following promotions had been certified by the Civil Service Commission due to this circumstance and the following are recommended for promotion: Lieutenant Fred Truitt to Captain, Sergeant O.J. Lee to Lieutenant and Patrolman L.D. McNair to Sergeant.

Mr. Shaw offered motion to accept the Civil Service Commission Certification and the Chief's recommendation for the foregoing promotions and approve the same. Motion seconded by Mr. George and carried unanimously.

MATTERS OF INTEREST TO THE CITY COUNCIL

MAYOR Lee informed Council that the application had been submitted to HUD for the Southeast Fayetteville Community Development Project to replace East Collier Drive.

Mayor Lee reported the resignation of Mr. William Sherman from the Housing Authority and that he had appointed Mrs. Charles Bruns to complete Mr. Sherman's term of office.

Mayor Lee submitted to Council a proposed ordinance which would amend Chapter 12 of the City Code by deleting Section 23 which now permits only employees to dispense flammable liquids at retail filling or service stations or places where gasoline or other inflammable liquid is sold or dispensed in the City. He explained the purpose of this ordinance is due to the fact that customers using self-service gasoline stations are now in violation of the law.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE REPEALING SECTION 12-23 OF THE CITY CODE, -FIRE PROTECTION AND PREVENTION. ORD. NO. S-1975-6.

Mr. Shaw introduced the foregoing ordinance and moved its adoption, seconded by Mr. Kelly and carried with Mrs. Finch abstaining to vote.

Mr. George was recognized on a suggestion that the City Attorney check the grievance procedure of the city.

Mr. Shaw was recognized with comments on the resignation of Mr. Charles Fairley as the Executive Director of the Fayetteville Redevelopment Commission and moved that Council accept Mr. Fairley's resignation with regret effective June 30, 1975. Motion seconded by Mr. George and carried unanimously.


Mrs. Beard stated that she had received numerous complaints about wrecker service charges and suggested that Sergeant Warner, the City Wrecker Inspector, check these complaints and make a report to Council at the next meeting. The City Manager stated that he would do so.

Mr. Kelly was recognized and stated that recently he had driven down I-95 south as far as Latta, South Carolina and suggested that other Council Members do the same thing to see for themselves the situation as it existed there. Mr. Kelly stated that he was in favor of keeping the proposed I-95 inside the City of Fayetteville. Mr. Kelly then offered motion that the Council adopt a resolution to the specific agencies that Fayetteville not be eliminated from the interstate highway system. The motion received no second.

Mr. Shaw then offered a motion that the Council have a formal resolution drawn concerning this matter and presented at the next Council meeting for Council's consideration. Motion seconded by Mr. Godwin.

Following brief discussion, Mr. George offered a substitute motion that a report be put together by City Administration and City Attorney on Interstate 95 and submitted to the Council Members prior to the next meeting. Motion seconded by Mrs. Beard and carried unanimously.

Thereafter, all matters of business having been completed, the meeting was adjourned at 10:40 P.M., upon motion made and duly seconded.


Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MAY 12, 1975
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
Mr. Joe Stowe, PWC

Mayor Lee called the meeting to order and the Rev. John A. Moulton, Associate Pastor, Holy Trinity Episcopal Church, offered the invocation. Thomas Hooper the New President of the Fayetteville Youth Council led the Pledge of the Allegiance to the Flag.

Mayor Lee made the following presentations: Congratulations to L.C. Barbour, immediate past President of the Fayetteville Youth Council, and presented him with a tie tac.

Mr. Charles Fairley, a certificate of appreciation as Executive Director of the Fayetteville Redevelopment Commission from October 1969 to June 1975.

Mr. William Sherman, a certificate of appreciation for his services as a member of the Housing Authority from February 1972 to April 1975.

Mr. Harry Shaw, a ten year service pin as a member of the City Council.

Mayor Lee recognized members of the Fayetteville Youth Council present and again recognized L.C. Barbour who read and presented a proclamation-resolution of appreciation from the Fayetteville Cumberland County Youth Council, expressing appreciation to City Government for its contributions to Youth Week.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, Minutes of the Regular Meeting of April 28, 1975 were approved as submitted by the Clerk.

A public hearing had been published for this date and hour on extending the corporate limits of the city by satellite annexation of the public works commission point of power delivery #2 located on S.R. 1723. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, COUNTY OF CUMBERLAND, STATE OF NORTH CAROLINA, PURSUANT TO THE PROVISIONS OF N.C. GENERAL STATUTES 160A-58 - 160A-58.6 BY ANNEXING THERETO A CERTAIN NON-CONTIGUOUS TRACT OF LAND TO AND NOT EMBRACED WITHIN THE PRESENT LIMITS OF THE CITY OF FAYETTEVILLE - PWC SUBSTATION - EAST SIDE OF CAPE FEAR RIVER. ANNEX. #154.

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 Clerk's Office in Annexation Book #1975.

PUBLIC WORKS COMMISSION MATTERS

Council recognized PWC Manager Muench on the proposed 208 Planning. Mr. Muench stated that the Liaison Committee had met with PWC on May 7 concerning this matter and that a representative from the State was present and it was recommended that the City should apply for 100% funding under the 208 plan. Mr. Cliff Strassenburg, the Planning Director, was also recognized with comments and stated that a resolution of intent should be adopted if 208 planning was desired. City Attorney Clark presented a resolution of intent as well as a proposed joint city-county resolution for Council's consideration. Considerable discussion then followed and Council proceeded to consider the resolution of intent first.

RESOLUTION INDICATING INTENT TO JOIN WITH OTHER GENERAL PURPOSE UNITS OF LOCAL GOVERNMENT IN THE CUMBERLAND COUNTY SMSA TO DEVELOP AND IMPLEMENT A PLAN RESULTING IN A COORDINATED WASTE TREATMENT MANAGEMENT SYSTEM FOR THE AREA. RES. NO. R-1975-35

Mr. Shaw introduced the foregoing resolution and moved its adoption with a correction of spelling and title change of the agency from Cumberland County Governmental Association to Fayetteville-Cumberland Water Quality Planning Agency. Motion seconded by Mr. Kelly and carried unanimously. A copy of the foregoing resolution is on file in the City Clerk's Office in Res. Book R-1975.

Mayor Lee then informed Council that the proposed joint city-county resolution would be considered at a special meeting of the Council after the governmental association meeting on Thursday, May 15, 1975.

PWC Manager Muench then requested approval and execution of an agreement with Seaboard Coastline Railroad for encroachment on company's right-of-way for electric lines across tracks just south of bridge crossing Camden Road near Hope Mills, N.C.

Mr. Godwin offered motion for approval of the foregoing as requested by PWC and that the Mayor and Clerk be and they hereby are authorized and directed to sign said agreement. Motion seconded by Mrs. Beard and carried unanimously.

PWC Manager Muench stated that an application had been received from Charles Edwards for a 4-inch sanitary sewer connection to an existing sanitary sewer main in Borden Heights Subdivision to serve a residence at 2129 Coffman Street outside the city limits.

Following brief discussion, Mr. Shaw offered motion to approve the foregoing application as recommended by PWC, motion seconded by Mr. Godwin and carried unanimously.

This concluded PWC matters and the PWC representatives were excused.

A hearing had been set for this date on the revocation of a massage parlor license of PERO Enterprises, Inc., D/B/A Peggy's Health Club, 720 Bragg Blvd. However, City Attorney Clark stated that Mr. Snead High, Attorney for PERO Enterprises, could not be present tonight due to a death in his family. Mr. George moved that this hearing be continued to May 26. Motion seconded by Mr. Shaw and carried unanimously.

Council again gave consideration to a request to close a portion of Finnegan Street between Pearl Street and Cape Fear Avenue (This matter continued from April 28, meeting). Mr. Von Autry, representing Haymount United Methodist Church, the petitioner in this case, was recognized and requested Council to set a public hearing on the closing of this one block of Finnegan Street.

Following brief discussion, Mr. George offered motion that a public hearing be held on the foregoing matter on June 23, 1975. Motion seconded by Mrs. Beard and carried unanimously.

Council next recognized Ms. Calettha Powell on a request for the establishment of a Fayetteville Cumberland County Commission on the Status of Women. Mrs. Powell stated that the goals of the Commission are as follows: (1) identify the status of women as it prevails in Fayetteville and Cumberland County; (2) assemble the available information on the Status of Women so that this information would allow the Commission to recommend appropriate actions to the City Council and Cumberland County Board of County Commissioners; (3) prepare a talent bank of women in Cumberland County who are interested in community service; (4) serve as a clearing-house of information to show how women can be creatively involved in the community; (5) make available information on civic and social problems which need attention on the emerging job market in Fayetteville and Cumberland County and on areas in need of part-time service or work; (6) submit an annual report to the City Council and Board of Commissioners documenting its progress toward performing its stated functions, having no power to make binding decisions, and establishing by-laws which state the duties of board members and the procedures by which the Commission will transact business.

Mrs. Powell concluded by stating that they are asking for \$17,000.00 to fund the commission on the Status of Women as a budget for the first year. She stated they had prepared a budget for Council's consideration. It is our hope to see the City and County Human Relations Departments merge and utilize one building along with our proposed Commission.

A Ms. Britt, representing the National Organization of Women, was also recognized with comments.

Following brief discussion, Mrs. Finch offered suggestion that Council hold this matter for discussion at the budget time and this was agreeable.

Council next heard a report from the City Attorney on the status of I-95 and past actions of the City Council. In a memorandum to the Council, the City Attorney stated that unless there are further appeals from the decision of the 4th Circuit Court of Appeals allowing the by-pass favored by the Board of Transportation the only recourse the City Council has would be to attempt to alter the position of the Board of Transportation on its by-pass route. The City Attorney then presented a proposed resolution endorsing the alternative route for I-95 connection east of Fayetteville and urging the Secretary of Transportation of the N.C. Board of Transportation and the Federal Highway Administrator to reconsider the alternative seven (7) mile route proposed by Mr. Sol Rose as a connection that would provide safe passage for the traveling public as well as harmonize with the needs and long range goals of the citizens of Fayetteville and Cumberland County.

RESOLUTION ENDORSING ALTERNATIVE ROUTE FOR I-95 CONNECTION EAST OF FAYETTEVILLE, N.C.
RES. NO. R-1975-36.

Mr. Kelly introduced the foregoing resolution as proposed by City Attorney Clark and moved its adoption and for the forwarding of same to the Secretary of N.C. Dept. of Transportation and the Federal Highway Administrator. Motion seconded by Mrs. Finch and carried unanimously; Mr. George abstaining to vote. A copy of the foregoing resolution is on file in the office of the City Clerk in Res. Book R-1975.

Council next gave consideration to a request by the Recreation and Parks Advisory Commission for changing the name of the Lois McDonald Park. In March 1971, Council adopted a resolution recommended by the Recreation Commission to name a city park near Essex Place, the Lois McDonald Park. The park is located adjacent to Essex Place and Thelbert Street in the Seabrook Hills area. The City Manager stated that due to the geographical area, it would not be economically feasible for the park to be enlarged for use other than a neighborhood mini-park and the mother of Lois McDonald has indicated that she requests the City Council to delete the Lois McDonald Park designation. The Advisory Recreation Commission now recommends that the park name be changed to Essex Park.

Mr. Godwin then offered motion, seconded by Mrs. Beard that the name of Lois McDonald Park be changed to Essex Park as recommended. Motion carried unanimously.

Council next gave consideration to a resolution requesting the local delegation to the General Assembly to bring Cumberland County under the provisions of the 1959 Annexation Laws. Following brief discussion, Mr. George suggested that the Council meet with the delegates to discuss this matter.

RESOLUTION REQUESTING THE CUMBERLAND COUNTY LEGISLATIVE DELEGATION TO PLACE THE CITY OF FAYETTEVILLE UNDER CHAPTER 160A, ARTICLE IV, PART 3 WITHOUT EXCEPTION. RES. NO. R-1975-37.

Mr. Shaw introduced the foregoing resolution and moved its adoption, motion seconded by Mr. Kelly.

Mr. George then offered substitute motion that the Council meet with the delegates first. Motion seconded by Mrs. Beard but failed by the following vote: FOR: Mrs. Beard and Mr. George; AGAINST: Mr. Kelly, Mr. Godwin, Mrs. Finch and Mr. Shaw.

Mayor Lee then called for vote on the original motion to adopt the resolution and it 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 resolution is on file in the office of the City Clerk in Res. Book R-1975.

Council next gave consideration to the upgrading of one police department position from Lieutenant to Captain. The City Manager presented this matter at the request of the Chief of Police and stated that a Lieutenant's position was now in charge of three sergeants and 25 personnel consisting of tactical squad, downtown patrol, taxi inspector, meter maids and animal control and it was recommended that this Lieutenant's position be upgraded to Captain.

Following brief discussion, Mrs. Finch offered motion to approve the upgrading of this Police Dept. position from Lieutenant to Captain as recommended. Motion seconded by Mr. George and carried unanimously.

Council next gave consideration to a settlement of litigation on street assessments against property owned by LaFayette Cemetery Park. In a memorandum to the City Council, the City Attorney stated that an action was filed in March of 1973 by Floyd Ammons on behalf of the City for assessments for sewer and paving on Courtney Street against LaFayette Cemetery Park Association. The amount of the claim is \$9,490.61.

The defendant has offered to pay the sum of \$5,470.90 in settlement of the case. Mr. Ammons has conferred with me and has related that there are legal problems with the advertisement of the original assessment. He has recommended that we accept the offer. I concur with his suggestion.

Following brief discussion, Mr. Godwin offered motion, seconded by Mr. Kelly to accept the offer of LaFayette Cemetery Park in settlement of the litigation in the amount of \$5,470.90. Motion carried unanimously.

Council next heard a report from Sgt. Paul Warner, the City Wrecker Inspector, on a wrecker service complaint. Sgt. Warner said that a Mr. Andrew T. Zahn, Sr., of Pine Beach, New Jersey had written that on March 11, his car was stolen from his home in New Jersey and recovered by the Fayetteville Police Dept. and stored by Jerry's Towing Service of Fayetteville. Sgt. Warner stated that Mr. Zahn had received a bill from Jerry's Towing Service in the amount of \$45.00 for wrecker service, \$25.00 for labor and \$9.00 for three days of storage at \$3.00 per day; a total bill of \$79.00. Mr. Zahn complained that the wrecker service bill was too high. Sgt. Warner stated that he had discussed the bill with Jerry's Towing Service and the original charge for wrecker service was \$35.00 but an additional \$10.00 had been added because the wrecker call was outside the city. The \$25.00 labor charge was explained as one-half hour of waiting time while the police searched the car and the \$3.00 per day storage charge should have been \$2.00 per day. Sgt. Warner stated that Jerry's Wrecker Service was now out of business but in discussing this matter with the owner, the owner had stated to him that he would attempt to make a refund to Mr. Zahn. Sgt. Warner stated that the \$10.00 outside the city wrecker service charge was not covered by the wrecker ordinance and should possibly be reviewed by Council.

Following considerable discussion, Sgt. Warner was requested to keep in contact with this situation and report back to Council at a later date on the final settlement of same.

Council was next to have given consideration to a proposed resolution by the downtown Fayetteville Association in respect to parking meters in the downtown area. However, Mayor Lee stated that he had been requested by the Association to continue this matter to May 26 and this was agreeable to Council members.

Mayor Lee then with Council's permission skipped to Item 17 on the agenda which was consideration of a second request by Mr. Joe Williams of City Optical Company to be allowed to lease three spaces in the city parking lot behind the Optical Company.

Council recognized Mr. Williams on his request. Mr. Williams stated that he was having considerable difficulty parking his company vehicles at a place convenient to his business location and requested lease of the three spaces in the parking lot behind the Optical Company.

Following discussion, Mr. George offered motion that the City Manager be and he hereby is authorized to lease three spaces adjacent to the FILI Building to the City Optical Company as requested by Mr. Williams. Motion seconded by Mrs. Beard and carried unanimously. Mr. Williams made a supplemental request for the leasing of other spaces by his employees in another lot and he was requested to contact the City Manager concerning this.

Mayor Lee then returned to Item 14 on the agenda which was consideration of an amendment to Chapter 12 "Fire Protection and Prevention" as it pertains to fire districts. The City Attorney presented this proposed ordinance and stated that as discussed previously it abolished several fire districts in the Haymount, Eutaw and Highland Village Shopping Center districts which were unnecessary and including a provision would require a recommendation from the N.C. Dept. of Archives and History prior to consideration of the City Council as to its Historical or Architectural value.

AN ORDINANCE OF THE CITY COUNCIL AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE AS PERTAINS TO "FIRE PROTECTION AND FIRE DISTRICTS". ORD. NO. S-1975-7.

Mr. Shaw introduced the foregoing ordinance and moved its adoption as recommended by the City Attorney. Motion 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 1975.

Council next gave consideration to an ordinance requiring the Building Inspector to correct conditions at 117 "B" Street - a substandard structure owned by Mrs. I.H. Riddle.

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 117 "B" STREET AND OWNED BY MRS. I.H. RIDDLE. ORD. NO. NS-1975-40.

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-1975.

Council next gave consideration to a request by Colonel Hans C. Larsen, Coordinator of the Fayetteville Cumberland Civil Preparedness Agency to approve the appointment of Mr. William Curtis Finch as Assistant Coordinator to fill the vacancy created by the retirement of Colonel Stuart Wood. In a memorandum to the Mayor, Colonel Larsen stated that he believed that Mr. Finch would prove to be an excellent man for the position as well as an asset. His knowledge and experience with electronics would be valuable and a financial savings.

Mr. Finch has been approved by the State Civil Preparedness Agency and certified by the State Merit System. It is recommended that he be employed at a salary of \$10,644.00 per annum. This salary would be paid in part 50% by Matching Federal Funds in part by the County of Cumberland 25% and in part by the City of Fayetteville 25%. Mrs. Finch requested and received permission to abstain from voting in this matter.

Following brief discussion, Mr. George offered motion to continue this matter to the next meeting, seconded by Mrs. Beard.

Following further discussion, Mr. Shaw offered substitute motion to approve this appointment as requested by Colonel Larsen in concurrence with the Cumberland County Commissioners. Motion seconded by Mr. Godwin and carried unanimously with Mrs. Finch abstaining to vote.

Council next gave consideration to the approval of a taxi driver permit. Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, a taxi cab driver permit was approved for Dock Johnny Rooks as recommended by the Taxi Cab Inspector, Chief of Police and the City Manager.

On one appointment to the Board of Appeals on Dwellings and Buildings which expires this month, Mayor Lee informed Council that Mr. William Carver, Jr. had been contacted and has agreed to serve again if reappointed. This matter will be considered again at the next meeting of the Council.

No delegations responded to the invitation of Mayor Lee for recognition.

CITY MANAGER REPORTS

City Manager Smith informed Council that the following named persons had been certified by the Civil Service Commission for appointment to the Police Dept: GILMER DEAN WHITE, WAYNE ALSUP, JOSEPH GRIMSLEY, TYROME ALLEN, FRANK TAMBURELLO, DAVID ROBERSON, MICHAEL RAYNOR, WINFREY WILLIAMS, RODNEY MCKAY, JAMES JOHNSON, MICHAEL SPRINGFIELD, ROOSEVELT CONRAD AND CARL WILSON.

Mr. Kelly offered motion for approval of the foregoing for appointment to the Police Dept. as certified by the Civil Service Commission and as recommended by the Chief of Police and City Manager. Motion seconded by Mr. Godwin and carried unanimously.

City Manager Smith reported the following resignation and termination from the Fire Dept. TOMMY W. PARRISH AND WILLEAM DAVID ARNOLD. Council noted the resignation and termination respectively.

On an additional matter, City Manager Smith stated that bids had been received for the street resurfacing contract for the 1974-75 budget year. The low bid was submitted by Crowell Constructors

and was in the amount of \$123,430.70.

Following brief discussion, Mrs. Beard offered motion, seconded by Mr. Godwin to approve and accept the foregoing low bid of Crowell Constructors in the amount of \$123,430.70. Motion carried unanimously.

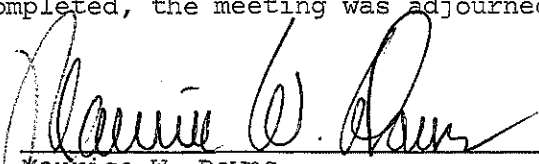
MATTERS OF INTEREST TO THE CITY COUNCIL

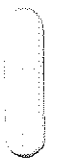
Mrs. Beard asked the City Manager about the light in the park and he stated that the photo cell had been installed but was being overridden by persons using the park. The light is on manual control now but a new photo cell had been ordered to place the light back on automatic control.

Mayor Lee reported to the Council on the hiring of a new Community Development Agency Director. He stated that he now has 14 applications for the job and suggested that a screening committee be formed composed of two council members and two county commission members to screen the applications and to advertise in the two local newspapers and the Raleigh News and Observer for additional applicants. This suggestion was satisfactory to the Council.

Mayor Lee informed Council members that Senate Bill #506 had been introduced in the State Legislature which allows municipalities to take advantage of Community Development Funds for rehabilitation. He asked if Council wished to support this bill and Mr. Shaw offered motion, seconded by Mr. Godwin that Mayor Lee be authorized to write the State Legislators requesting that they vote for passage of this bill as a unanimous expression of this Council. Motion 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
 THURSDAY
 MAY 15, 1975
 8:15 P.M.
 COUNCIL CHAMBER
 CITY HALL

Present: Mayor Jackson F. Lee

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

Council Members Absent: Marion George and Glen Kelly

Others Present: Mr. Guy Smith, City Manager
 Mr. Billy Clark, City Attorney
 Mr. W.G. Thomas III, Asst. City Manager
 Mr. James Gray, Adm. Asst.

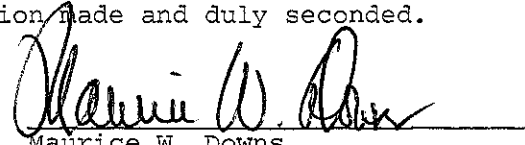
Mayor Lee declared a quorum present and called this special session to order pursuant to official notice given verbally at the regular meeting of Council on Monday, May 12, 1975, and following a meeting of the Cumberland County Governmental Association at 7:30 P.M., at which all but one of the other governmental bodies from the other municipalities in the County were present and heard an explanation of the Section 208 Plan covering Water Quality Planning Management and Section 201 covering the Facilities Plan presented by Planning Director Cliff Strassenburg and Fayetteville City Attorney Billy Clark.

Mayor Lee stated that the purpose of this special session was to consider a joint resolution and agreement for development of water quality control plan for Fayetteville-Cumberland SMSA as a furtherance of the Project 208 Plan approved by Council on the regular meeting of May 12 and the consideration of the appointment of four Council representatives to the Planning Council.

JOINT RESOLUTION AND AGREEMENT FOR DEVELOPMENT OF WATER QUALITY CONTROL PLAN FOR FAYETTEVILLE-CUMBERLAND SMSA. RES. NO. R-1975-38.

Following brief discussion, Mr. Shaw introduced the foregoing resolution and moved its adoption, 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 Res. Book R-1975. Mr. Shaw then moved that the four Council Members present (Mr. Godwin, Mrs. Finch, Mrs. Beard and Mr. Shaw) be and they hereby are appointed to the Planning Council. Motion seconded by Mr. Godwin and upon being put to vote carried unanimously.

The meeting was then adjourned at 8:20 P.M., upon motion made and duly seconded.


 Maurice W. Downs
 City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
MAY 26, 1975
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. Billy Clark, City Attorney
Mr. Ray Muench, PWC
Mr. Joe Stowe, PWC

Mayor Lee called the meeting to order and the Rev. R.M. Smithson, Jr., Person Street United Methodist Church, offered the invocation. Corporal Robert Baum, 82nd Air Borne Division, Trooper of the Year, led the Pledge of the Allegiance to the Flag. Mayor Lee then presented Corporal Baum with a pin.

Mayor Lee then presented the City's Service Award Pins to the following City Employees:

FIVE YEARS

Harvey Simpson, Cemetery Dept.
Leighton Taylor, Engineer Dept.

TWENTY YEARS

Cleveland Shipman, Street Dept.

Mayor Lee also recognized five scouts from Troop 759, Pope Air Force Base, working toward their Communications Merit Badge with their Scout Master Larry Stephenson.

Mayor Lee then recognized the members of the Fayetteville Youth Council present in the audience to observe Council proceedings: Maggie Clay, Bonnie McNeil and Noriko Manabe.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, Minutes of the Regular Meeting of May 12, 1975 were approved as submitted by the Clerk.

Upon motion by Mrs. Beard, seconded by Mr. Kelly and carried unanimously, Minutes of the Special Meeting of May 15, 1975 were approved as submitted by the Clerk.

The first order of business was the rezoning from R5 Residential District or to a higher classification of an area located at 115 and 119 Grove Street. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R5 RESIDENTIAL DISTRICT TO C2P CENTRAL BUSINESS DISTRICT AN AREA LOCATED AT 115 AND 119 GROVE STREET. ORD. NO. NS-1975-41.

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 Ord. Book NS-1975.

A public hearing had been published for this date and hour on the rezoning from R10 Residential District to P1 Professional District or to a higher classification of an area located at 531 Terry Circle. Planning Board recommended approval.

Dr. William Hall, Mrs. Dorothy Johnson and Robert Flood appeared on behalf of this rezoning.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS : REZONE FROM R10 RESIDENTIAL DISTRICT TO P1 PROFESSIONAL DISTRICT AN AREA LOCATED AT 531 TERRY CIRCLE. ORD. NO. NS-1975-42.

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 NS-1975.

A public hearing had been published for this date and hour on a request for a special use permit for a medical office in an R6 Residential District as provided for in the City of Fayetteville Zoning Ordinance of an area located at 1624 Ft. Bragg Road. Planning Board recommended approval.

Dr. H.W. Miller and wife June, appeared in behalf of this special use permit.

Mrs. Vera Matheson and Rose Bsbeer were recognized in opposition to this matter.

Following brief discussion, Mr. Shaw offered motion that the special use permit be granted as outlined and that a barrier be placed between the front parking area and Ft. Bragg Road. Motion seconded by Mrs. Finch and carried unanimously.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, public hearings were set for June 23, 1975 on the following items:

- A. An annexation on property located at 772 Country Club Drive.
- B. A satellite annexation of the V.F.W. Club located on the south side of Doc Bennett Road.
- C. An annexation of Evergreen Estates Subdivision.
- D. An annexation of the south side of May Street between Center Street and Powell Street.
- E. An annexation of property located at No. 3 Cooper Street.
- F. An annexation of property located at 3422, 3426, and 3430 Boone Trail.
- G. A proposed amendment to the M1 Industrial Zoning District permitted uses Section (32-33) to permit small arms range as a training facility for law enforcement personnel.
- H. Rezoning from P2 Professional District to C1P Shopping Center District or to a higher classification of an area located at Bordeaux East Shopping Center between Village Drive and Boone Trail Extension.
- I. Rezoning from R5 residential district to C1 local business district or to a higher classification of an area located at 420 Washington Drive.
- J. Initial zoning to R10 residential district or to a higher classification of an area located at 519 Law Road.
- L. Rezoning from R6 residential district to C1 local business district or to a higher classification of an area located at 1074, 1076, 1078 and 1080 Southern Avenue.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, a public hearing was set for July 28, 1975 on item K the rezoning from R10 residential district to P2 professional district or to a higher classification of an area located at 348 McPherson Church Road.

PLANNING BOARD MATTERS

Council next gave consideration to a sanitary sewer lift station and 6-inch force main to serve College Lakes elementary school. Planning Board recommended approval.

Following brief discussion, Mrs. Beard offered motion, seconded by Mr. Kelly to continue this matter until Council has met further with Public Works Commission. Motion failed by the following vote: FOR: Mrs. Beard, Mr. George and Mr. Kelly; AGAINST: Mr. Godwin, Mrs. Finch, Mr. Shaw and Mayor.

Mr. Godwin then made motion to follow recommendation of the Planning Board and approve the sanitary sewer lift station and 6-inch force main to serve College Lakes elementary school. Motion seconded by Mrs. Finch. Motion carried by the following vote: FOR: Mr. Godwin, Mrs. Finch, Mr. Shaw and Mayor Lee; AGAINST: Mr. Kelly, Mrs. Beard and Mr. George.

Council next gave consideration to a sanitary sewer main extension to serve lots 158-167 of Montclair Subdivision. Planning Board recommended approval.

Following brief discussion, Mrs. Finch offered motion, seconded by Mr. Shaw to refer this matter to the Annexation Review Committee.

Mr. George offered an amendment to deny this request, seconded by Mrs. Beard and carried Mr. Godwin voting against.

Mayor Lee then called for vote on the main motion and it carried unanimously.

Council next gave consideration to a sanitary sewer outfall extension to serve Treetop Apartments, Raeford Road Commercial Area and receive anticipated overflow of Chestnut Hills Waste Treatment Plant. Planning Board recommended approval.

Following brief discussion, Mrs. Finch made motion, seconded by Mr. George to deny this request and refer it to the Annexation Review Committee. Motion carried Mr. Godwin voting against.

Council next gave consideration to a sanitary sewer lift station and 6-inch force main to serve Montclair Elementary School. Planning Board recommended approval.

Following brief discussion, Mr. George made motion, seconded by Mrs. Beard to continue this matter to the meeting of June 23, 1975. Motion carried Mr. Shaw and Mrs. Finch voting against.

Council next gave consideration of Joe Stout Subdivision adjacent to Bordeaux East Shopping Center.

Planner Mitchell stated that three lots were being considered within this subdivision of a 5 acre tract and that Planning Board recommended conditional approval subject to the following:

(1) that no lot be created to require access on Owen Drive exclusively and that such lots created be allowed only suitable access to Boone Trail Extension, (2) that drainage for the area be approved by the City Engineer, (3) that all state and local sedimentation and erosion control ordinances be complied with during construction of lots, (4) that a final plat be processed prior to any sale in accordance with the subdivision ordinance and the final plat include the dedication of a Boone Trail Extension.

Mr. Ervin Baer, Attorney, was recognized in behalf of the property owner who requested approval as recommended except for the provision of no access to Owen Drive for lots 1 and 2. Mr. Baer stated that the developer desired one common driveway access point between these lots and that the Dept. of Transportation would approve such access.

Following considerable discussion, Mr. Godwin offered motion for approval except item 1 and that the developer add right-of-way of 5 or more feet on the common driveway with a median for right in and right out to be submitted if its impossible, it comes back to the Council for review. Motion seconded by Mrs. Beard and carried Mrs. Finch voting against and Mr. Kelly abstaining.

Council next gave consideration of McDonald's Restaurant preliminary C (P) review located in Bordeaux East Shopping Center off Owen Drive.

Planner Mitchell stated that Planning Board recommended conditional approval subject to the following: (1) that no access be allowed off Owen Drive and suitable access be provided off Boone Trail extension in accordance with the subdivision of the land, (2) that the City Engineer approve drainage plans, (3) that all state and local sedimentation and erosion control ordinances be complied with, (4) that a concrete or landscaped island be provided for the entry areas off the access drive to facilitate visual site clearance for motorists entering and exiting the parking areas and for organizational purposes.

Mr. Ervin Baer, Attorney for the developer, was again recognized and requested approval.

Following brief discussion, Mr. George offered motion for approval as recommended, seconded by Mr. Godwin and carried unanimously Mr. Kelly abstaining.

Council next gave consideration of Bordeaux East Shopping Center - addition review located at the intersection of Owen Drive and Village Drive.

Planner Mitchell stated that the Planning Board recommended conditional approval subject to the following conditions: (1) that the City Engineer approve drainage plans, (2) that the developer submit to the planning staff for review a detail site plan showing the actual layout of all parking as approved including proposed additions prior to the issuance of an occupancy permit, (3) that the developer provide the required parking for all additions, (4) that all state and local sedimentation and erosion control ordinances be complied with during construction.

Mr. Kelly again requested and received permission to abstain from voting and Mr. Shaw requested and received permission to be temporarily excused from the meeting.

Following brief discussion, Mr. Godwin offered motion, seconded by Mrs. Beard for approval of the foregoing as recommended and carried unanimously Mr. Kelly abstaining to vote.

Upon motion by Mr. George, seconded by Mr. Shaw and carried unanimously, a public hearing on the revocation of a massage parlor license of PERO Enterprises, Inc., which had been scheduled several times previously, was continued to June 9, 1975.

Mr. Kelly offered motion, seconded by Mrs. Finch that this matter definitely be heard on June 9. Motion carried Mrs. Beard and Mr. George voting against.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, a request by the Downtown Fayetteville Association regarding parking meters in the downtown area was deferred to the meeting of June 9 at their request.

Council next gave consideration to two resolutions requesting a subgrant application through LEAA for a Regional Training Coordinator and a Juvenile Officer for the Fayetteville Police Dept.

The City Manager presented these matters and recommended their approval.

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL APPLYING FOR A SUBGRANT APPLICATION IN THE AMOUNT OF \$17,866 FOR A REGIONAL TRAINING COORDINATOR FOR THE FAYETTEVILLE POLICE DEPT. THROUGH THE LEAA. (CITY TO PAY \$992.00) RES. NO. R-1975-39.

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

RESOLUTION OF THE FAYETTEVILLE CITY COUNCIL APPLYING FOR A SUBGRANT APPLICATION IN THE AMOUNT OF \$20,109.00 FOR A JUVENILE OFFICER FOR THE FAYETTEVILLE POLICE DEPT. THROUGH THE LEAA. (CITY TO PAY \$1116.00) RES. NO. R-1975-40

Mr. Shaw introduced the foregoing resolution and moved its adoption, seconded by Mr. Godwin and carried unanimously. Copies of the two foregoing resolutions are on file in the office of the City Clerk in Res. Book R-1975.

Council next gave consideration to bids for installation of Air Conditioning at Honeycutt Recreation Center. City Manager stated that the low bid was submitted by J.J. Barnes, Inc. in the amount of \$10,270.00 and is the bid recommended.

Mr. Godwin made motion, seconded by Mr. George to approve the foregoing bid as recommended and carried unanimously.

Council next gave consideration to a resolution ordering the Tax Collector to advertise and sell tax liens for unpaid 1974 property taxes.

RESOLUTION AUTHORIZING SALE OF TAX LIENS. RES. NO. R-1975-41.

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-1975.

Council next gave consideration to the sale of city-owned property to the Urban Redevelopment Commission. One tract is located in the southeast neighborhood development, NC A-7, parcel I-16 vacant lot - corner of Fisher and Holt Williamson Streets. (\$1150.00) The second parcel is located southeast neighborhood development, NC A-7, parcel J-6, lot 48 southside of Fisher Street (\$1925.00).

Mr. Godwin offered motion, seconded by Mrs. Beard and carried unanimously for sale of the parcel I-16 for \$1150.00 as recommended.

Mr. Kelly offered motion, seconded by Mrs. Beard and carried unanimously for sale of parcel J-6 as recommended for \$1925.00.

Council next gave consideration to a preliminary condemnation resolution of property owned by Seaboard Coastline Railroad. The City Attorney and City Engineer presented this matter and stated the purpose for the condemnation was for the extension of Maiden Lane and Mason Street across Seaboard Coastline Railroad property in the vicinity of the passenger station. The City Attorney stated that he had written several letters to the railroad but to date had received no reply. The City Engineer displayed a map showing the 3 tracts proposed for acquisition by the city by condemnation procedure.

PRELIMINARY CONDEMNATION RESOLUTION OF PROPERTY OWNED BY SEABOARD COASTLINE RAILROAD (3TRACTS) FOR THE EXTENSION OF MAIDEN LANE AND MASON STREET. RES. NO. R-1975-42.

Mr. Shaw introduced the foregoing resolution and moved its adoption for preliminary condemnation resolution as recommended of 3 tracts as shown on map. Motion seconded by Mr. Godwin and carried unanimously.

Council next gave consideration of scheduling a conference meeting with the Redevelopment Commission. A meeting was set for Wednesday, May 28, 1975 at 12:00 noon in the Kyle House.

Two preliminary budget meetings were set on Tuesday June 10 and Thursday, June 12 at 7:00 P.M. in the Kyle House.

Upon motion by Mr. Shaw, seconded by Mr. Godwin and carried unanimously, a public hearing was set for the 1975-76 budget on June 16, 1975 at 7:30 P.M. in the City Hall Council Chamber.

Upon motion by Mrs. Beard, seconded by Mr. Kelly and carried unanimously, the following taxi cab driver permits were approved for the following named as recommended by the City Taxicab Inspector, Chief of Police and City Manager: JAMES RONALD CAIN, ROGER LEE HOBBS AND BOBBY RAY HANCOCK.

Billy Wayne Lee was recommended to disapprove for a taxi cab driver permit.

Council next gave consideration to one appointment to the Board of Appeals on Dwellings and Buildings.

Upon motion by Mr. Kelly, seconded by Mrs. Beard and carried unanimously, William Carver, Jr. was reappointed for a three year term, said term to expire in May, 1978.

Three appointments to the Educational Development Advisory Council was deferred to the meeting of June 23, 1975.

There were no delegations present.

CITY MANAGER REPORTS

The City Manager presented this matter.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, Lt. Brisson of the Fayetteville Police Dept. was promoted to the rank of Captain as recommended.

MATTERS OF INTEREST TO THE CITY COUNCIL.

Mr. George suggested that letters of commendation be written to Mrs. Allie Harlow and Mrs. William Murchison who are competing in a statewide contest. Mayor Lee was so authorized.

Councilman George also suggested that when a suit is filed against the city or complaint

served upon the Mayor or City Manager that the City Council be immediately provided with copies and the Council decide what action should be taken.

Mrs. Finch suggested the the Mayor that the Board of County Commissioners may wish to sit with the Council on the Community Development Director. Mayor Lee stated that would contact Chairman Edge on this and report back to the Council.

Mrs. Finch also suggested that the railroads be requested to repair the crossings on the various streets in the city.

Mr. Shaw offered motion, seconded by Mr. Godwin that the Mayor write letters on this matter.

Mr. Finch asked if the City Engineer had submitted a revised drawing of the Liberty Point crossing. The City Engineer stated that he had submitted such drawings to the Mayor and City Manager and the Mayor replied that he had spoken with Mr. Bradford about a joint meeting with the County Commissioners concerning this.

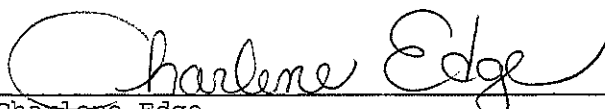
Mr. Godwin requested that Annexation Review Committee Minutes be sent to all members of the Council.

Mrs. Beard requested a report of the city's investments in the various banks prior to budget preparation.

Mrs. Beard asked about the pedestrian crossing on 301 south and Mayor Lee replied that at an earlier meeting Council authorized him to write letters to the Governor and Dept. of Transportation about this and he had done so requesting that serious consideration be given due to the extreme hazard at this location.

Mr. Kelly stated that he had received numerous complaints about girls appearing in the nude in the 500 block of Hay Street. The City Attorney stated that in his opinion this action constituted indecent exposure and that District Attorney Grannis should be aware of it.

Thereafter, all matters of business having been completed, this meeting was adjourned at 11:17 P.M., upon motion made and duly seconded.


Charlene Edge
Acting City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JUNE 9, 1975
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 led the assembly in the recitation of the "Lord's Prayer" and in the Pledge of the Allegiance to the Flag.

Mayor Lee recognized Fayetteville Youth Council Members Kathy Hooper, Rosalind Lennon and Denise Johnson present 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 May 26, 1975 were approved with the following corrections. On page 1, the rezoning of Terry Circle, Dr. Lynn Johnsen, instead of Mrs. Dorothy Johnson and on page 3, CP review of McDonald's Restaurant, Councilman George's motion to approve was corrected to read "approved with the allowances and access off Owen Drive" rather than "approved as recommended by Planning Board on condition that no access be allowed off Owen Drive".

Upon motion by Mrs. Finch, seconded by Mr. Godwin and carried unanimously, a public hearing was set for July 14 for the extension of water and sanitary sewer in several streets by the adoption of the following resolution.

RESOLUTION AND ORDER TO FILE AND PUBLISH A PRELIMINARY ASSESSMENT RESOLUTION FOR THE EXTENSION OF ITS WATER WORKS AND SEWAGE SYSTEM IN A PORTION OF CARLOS AVENUE, FARGO DRIVE, REDSTONE AVENUE, SANDHILL DRIVE AND DILLON DRIVE. RES. NO. R-1975-43.

Upon motion by Mrs. Finch, seconded by Mr. Godwin and carried unanimously, a public hearing was ordered published for July 14, 1975 for the extension of water in a portion of Boone Trail by the unanimous adoption of the following resolution.

RESOLUTION AND ORDER TO FILE AND PUBLISH A PRELIMINARY ASSESSMENT RESOLUTION FOR THE EXTENSION OF ITS WATER WORKS SYSTEM IN A PORTION OF BOONE TRAIL. RES. NO. R-1975-44.

Copies of the foregoing resolutions are on file in the office of the City Clerk in Resolution Book R-1975.

Council heard recommendation from the City Attorney that it reschedule the public hearing set at the last meeting for June 23 on the Evergreen Estates Annexation matter to July 14 due to the nature of the annexation.

Mr. Kelly offered motion to reschedule and reset the foregoing public hearing for July 14, 1975 as requested by the City Attorney. Motion seconded by Mr. Godwin and carried unanimously.

The City Attorney informed Council that Attorney Robert Pope, representing the petitioner, Mr. and Mrs. Burney Miller, who had petitioned Council for annexation of their property located at 772 Country Club Drive at the last regular meeting of the Council and at said meeting Council had set a public hearing for June 23 to hear this matter, now desired to withdraw the petition for annexation. The City Attorney informed Council further that this matter had not as yet been advertised in the newspaper.

Mr. Shaw then offered motion to delete the foregoing public hearing originally scheduled for June 23 on the annexation of 772 Country Club. Motion seconded by Mr. Godwin and carried unanimously.

PLANNING BOARD MATTERS

Council gave consideration to a sanitary sewer main extension to serve lots 158-167 of Montclair Subdivision outside the city. The Annexation Review Committee recommended that the extension be approved subject to the submission of a petition for annexation by the developers of the area south of Three Colonies and between the railroad and Buckhead Creek and including the Montclair lots 158-167.

Following considerable discussion, Mr. Shaw offered motion that the extension be allowed subject to annexation of the area south of Three Colonies between the railroad and Buckhead Creek and including Montclair lots 158-167 to the city as recommended by the Annexation Review Committee and that this matter be returned to the Planning Board for their recommendation. Motion seconded by Mr. Godwin.

Mr. George offered substitute motion to annex the area in question including the green lots and extend the services subject to the regular procedures. Motion seconded by Mrs. Beard but failed by the following vote: FOR: Mrs. Beard and Mr. George, AGAINST: MR. Kelly, Mr. Godwin, Mrs. Finch and Mr. Shaw.

Mayor Lee then called for vote on the main motion put by Mr. Shaw and it carried unanimously.

Council next gave consideration to a sanitary sewer outfall extension to serve Treetop Apartments, Raeford Road Commercial area and receive the anticipated overflow of Chestnut Hills Waste Treatment Plant. The Annexation Review Committee recommended extension of the utilities.

Following brief discussion, Mr. Godwin offered motion to follow the foregoing recommendation of the Annexation Review Committee and extend the sanitary sewer outfall to the area in question provided they sign an annexation agreement. Motion seconded by Mrs. Finch and carried by the following vote: FOR: Mr. Godwin, Mr. Kelly, Mrs. Finch and Mr. Shaw; AGAINST: Mr. George and Mrs. Beard.

Council next gave consideration to the rescheduling of the public hearing for the revocation of a massage parlor license of PERO Enterprises, Inc., D/B/A Peggy's Health Club, 720 Bragg Blvd. This matter had been scheduled to be heard at this time at the last regular meeting. The City Attorney informed Council that a conflict with city's witnesses makes it impossible for the city to have the hearing on the revocation of the license. He also stated that the massage parlor is no longer in business and that the license will expire on June 30, 1975 and if Council desires to hold a public hearing on this matter, it should be held on June 23, 1975.

Following brief discussion, Mr. George offered motion to continue this matter to a date subsequent to June 30, 1975. Motion seconded by Mr. Shaw and carried unanimously.

Council next gave consideration of an annexation petition from Ms Mary Nelson on a tract of land located between Owen Drive and Cumberland Road. The Annexation Review Committee recommends processing the request for annexation through the Planning Board.

The City Manager informed Council that a part of this area had been annexed to the city pursuant to petition from Ms. Nelson approximately two years ago and now it is desired that the remainder be annexed.

Following brief discussion, Mr. George offered motion that this matter be referred to the Planning Board for recommendation. Motion seconded by Mrs. Beard and carried unanimously.

Council next heard a report from the City Housing Inspector on 1105 Norwood Street owned by Mr. Quincy Scarborough.

In a memorandum to the City Manager, the Chief Housing Inspector stated that in compliance with the instructions of the City Council, dated April 28, 1975, to report the action taken by Mr. Scarborough to correct the conditions existing at the above referenced address those actions are as follows:

The Building Inspection Dept. issued a permit #25338 on May 7, 1975. Since this date, several inspections have been made of the structure and it is in such a state of dilapidation that it is in my opinion unrepairable.

As of this date, Mr. Scarborough has not completed the required repairs as ordered by the Council.

To be absolutely fair with Mr. Scarborough, I think he should be given an additional 30 days to repair said structure and at the expiration of that date, if the structure is not in all respects in compliance with the residential building code demolition proceedings should be initiated by the Inspection Dept. to demolish the structure and remove all debris from the premises. Demolishment date to be July 10, 1975.

Following brief discussion, Mr. Shaw offered motion to follow the foregoing recommendation of the Chief Housing Inspector and that a report on this matter be received by the Council on July 14, 1975. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to a request for city participation in the right-of-way cost required for the improvement of the portion of Owen Drive (SR1151) from the vicinity of the Seaboard Coastline Railroad to the vicinity of US 401 Business, Fayetteville, Cumberland County, N.C. DOT Project No. 9.8062044, U-79.

The City Manager presented this matter and informed Council that he had received a letter from Mr. Billy Rose, the State Highway Administrator, who stated that the Board of Transportation had authorized the acquisition of right-of-way required for the construction of the improvements to this portion of Owen Drive. A portion of this improvement lies within the corporate limits of the City of Fayetteville.

The City Manager stated that Mr. Rose said in his letter that the general statutes require DOT and the city to reach an agreement on their respective responsibilities for the acquisition and cost of right-of-way necessary for improvements to State Highway System routes within municipalities.

Mr. Rose stated that his staff had reviewed this project with respect to right-of-way cost and the sharing of same and based on this review recommends the City of Fayetteville be requested to participate to the extent of 20% in the cost of the right-of-way required for the project. Based on data currently available, it is estimated that the total right-of-way cost for the portion of the project lying within the Fayetteville city limits to be approximately \$85,000.00.

Following receipt of a tentative agreement with the city, Mr. Rose continued, he would present this matter to DOT for their approval and following their approval an appropriate municipal agreement would be prepared and sent to the City Manager for appropriate action by this City Council. The City Manager recommended that the Council participate in this cost.

Following brief discussion, Mr. Godwin offered motion that the city participate in the cost of the foregoing project as requested by the DOT and as recommended by the City Manager. Motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to the sale of city owned property at the intersection of Country Club Drive and Wedgewood Drive. In a memorandum to the Mayor and Council, the City Attorney stated that a Mr. Phillip Cooper, who owns the adjoining lot, has agreed to pay the city \$3,000.00 for its 50 foot by 465 foot lot at this intersection. The City Attorney stated that he believed the offer to be a fair one and recommended that it be accepted and if accepted by the Council, notice of the sale would be published in the newspaper.

The City Manager also recommended acceptance of the offer but with the following exceptions: (1) that an easement on the south end of the lot and a street easement on the north end of the lot be retained by the City.

Following brief discussion, Mr. Shaw offered motion that the city accept the offer of Mr. Cooper in the amount of \$3,000.00 to buy this lot and sell the same to him and so advertise the notice of sale. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to a final condemnation resolution on property owned by Annie Mae Lee on Jasper Street. The City Attorney presented this matter and stated that the amount of compensation as fixed by the Board of Appraisers is \$400.00 for this tract. He recommended passage of the resolution.

FINAL CONDEMNATION RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION BY CONDEMNATION OF AN EASEMENT FOR JASPER STREET OVER CERTAIN LAND OWNED BY ANNIE MAE LEE. RES. NO. R-1975-45.

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-1975.

Council next gave consideration to the award of a bid for a Microfilm Camera. The City Manager presented this matter and recommended the sole bidder Eastman Kodak Company be awarded the contract for supplying this camera unit for the city for their stated bid of \$6,156.55 for the complete unit.

Following brief discussion, Mr. Godwin offered motion, seconded by Mr. Kelly and carried unanimously to follow the foregoing recommendation of the City Manager and accept the bid of Eastman Kodak Company in the amount of \$6,156.55 for the microfilm camera.

Council next gave consideration to applications for taxi cab driver permits.

Upon motion by Mrs. Beard, seconded by Mr. Kelly and carried unanimously, taxi cab driver permits were approved for the following named as recommended by the Taxi Cab Inspector, Assistant Chief of Police and the City Manager: JONAH LEE LOFTIN AND OBIE W. HOBBS.

The following appointments were carried over until the next regular meeting of the Council on June 23:

- (A) Three appointments to the Educational Development Advisory Council.
- (B) Three appointments to the Airport Commission.
- (C) One appointment to the Civil Service Commission.
- (D) One appointment to the Public Works Commission.
- (E) One appointment to the Board of Trustees, Public Works Commission Retirement Plan.
- (F) One appointment to the Cumberland County Joint Planning Board.

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

CITY MANAGER REPORTS

The City Manager informed Council that he had received a request from a disabled veteran, a Mr. Williford Casper, for a free privilege license to sell items, shoes, deodorant flowers and other items on the grounds of the new law enforcement building. The City Tax Collector stated that Section 17-23 provided for the issuing of a free license to a disabled veteran provided that such peddling is done on foot and not from any vehicle or by special order of the City Council exempting such poor and infirmed persons as may be deemed worthy of exemption.

Following brief discussion, Mr. George offered the suggestion that the City Attorney and City Administration make an investigation of this matter and report back to the Council. The suggestion was accepted.

MATTERS OF INTEREST TO THE CITY COUNCIL

Mrs. Finch stated that she had received several complaints about a site hazard at the DeVane Street-Raeford Road intersection. She offered the suggestion to either secure a caution light for

this intersection or to require the property owners to clear the corners of their property to eliminate the site hazard for vehicular traffic. The City Engineer's office was requested to handle this matter.

Mrs. Finch also stated that Council had received from the Planning Dept. historic district zone suggestions. The City Manager stated that the Planning Dept. will present this matter in detail next month.

Mrs. Beard requested that copies of all suits filed against the city be mailed to the Council members.

Mrs. Beard also requested that the City Manager mail information type items to the Council members before the agenda packet is mailed on Friday before Council meetings whenever possible.

Mayor Lee informed Council that house bill #254 which excludes personal household items from the property tax and house bill #473 which provides for 50% reduction of property tax on business inventories had passed the house and was now before the senate for action. He asked Council if it wished to pass a resolution and authorize him to write to Senator Jernigan expressing Council's opposition to the passage of these bills.


Following brief discussion, Mr. Shaw offered motion for the adoption of a resolution that the Mayor write a letter to the legislators in Raleigh requesting them to not enact any laws that would erode our local tax base. Motion seconded by Mr. Godwin and carried unanimously.

Mayor Lee reminded Council of the conference meetings on the budget on Tuesday and Thursday, June 10 and June 12 at 7:00 P.M. in the Kyle House and of the public hearing on the budget on Monday, June 16, at 7:30 P.M. in the Council Chamber in the City Hall.

Mayor Lee also stated he had sent a telegram of congratulations to golfer, Ray Floyd, Winner of the Kemper Open, at Charlotte on June 8.

Mayor Lee informed Council that he had consulted with the County Commissioners on the screening committee for the community development director and that they had appointed Mr. Horne and Mr. Packer to represent them and the Mayor and Mr. Shaw will serve for the City Council on this committee. This committee will make a recommendation and will report to Council shortly.

Thereafter, all matters of business having been completed, this meeting was adjourned at 9:20 P.M., upon motion made and duly seconded.


Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JUNE 23, 1975
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. The invocation was offered by the Rev. Earl Jones, Minister of Bible Baptist Church. Following the invocation, Mayor Lee led the assembly in the Pledge of the Allegiance to the Flag.

Mayor Lee recognized Police Officer, Carl Campbell, of the Fayetteville Police Dept. and presented him with a five year service pin.

Youth

Mayor Lee recognized Council members Mark Vick, Wayne Bennett and Bryan Wagoner 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 June 9, 1975 were approved as submitted by the Clerk.

The first order of business was the consideration of the request to close a portion of Finnegan Street between Pearl Street and Cape Fear Avenue pursuant to request by the Haymount United Methodist Church. This public hearing had been published for this date and hour.

Council recognized Mr. Von Autry, Chairman of the Board of Trustees of Haymount Church, who stated that the church wished to close this portion of Finnegan Street for the purposes of expanding the church facilities. Mr. Autry stated that no private residents faced on this segment of Finnegan Street. The church owns most of the footage along this street and the only private property owner with footage on this street is located at the northeastern corner of Finnegan Street and Cape Fear Avenue and access to this persons property would not be blocked by the closing of the street but rather he would gain additional property to the middle of the street as provided by law. Mr. Autry stated he had filed a petition with the Clerk containing 71 signatures of persons stating they had no objection to the closing of this street. Mr. Autry stated that he had had a traffic count conducted and counted 3 vehicles per hour using this street. He closed his remarks by requesting Council's approval of the closing of this segment of Finnegan Street.

Mayor Lee then asked if there was opposition present and Attorney Charles G. Rose, Jr. was recognized for opposition. Mr. Rose presented a petition of opposition signed by residents of the area and stated that the closing of this street would be contrary to the public interest in that Finnegan Street ran parallel to Ft. Bragg Road and could by opening of several segments be used as a parallel traffic way. Attorney Rose cited a California court case to support the opposition. There were 7 persons present in the audience in opposition.

Mr. Autry was again recognized in rebuttal and approximately 50 persons stood in favor of the closing.

RESOLUTION AND ORDER CLOSING THAT PORTION OF FINNEGAN STREET BETWEEN PEARL STREET AND CAPE FEAR AVENUE. RES. NO. R-1975-46

Following brief discussion, Mr. Godwin introduced the foregoing resolution and moved its adoption for the closing of this segment of Finnegan Street excepting for public utility easements. Motion carried by the following vote: FOR: Mr. Kelly, Mrs. Beard, Mr. Godwin, AGAINST: Mrs. Finch, Mr. Shaw, and Mr. George. Mayor Lee cast the deciding vote in favor of the motion and declared it passed.

Attorney Rose was then again recognized and gave notice of appeal of this action to the General Court of Justice.

Council next gave consideration to the annexation by satellite provisions of the Veterans of Foreign War Club located on the south side of Doc Bennett Road between U.S. 301 south and N.C. 87 east. Planning Board recommended denial of this annexation. There was no opposition present.

Following brief discussion, Mr. George offered motion to follow the foregoing recommendation of the Planning Board and deny this annexation. Motion seconded by Mr. Shaw and carried unanimously.

Mayor Lee stated that item 2C the annexation of Evergreen Estates Subdivision appeared on this agenda for public hearing at this time in error. He reminded Council that they had reset this public hearing at the June 9 meeting for July 14, 1975.

Council next gave consideration to the annexation of a tract on the south side of May Street between Center Street and Powell Street pursuant to 100% petition. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL EXTENDING THE CORPORATE LIMITS OF THE CITY TO INCLUDE A TRACT ON THE SOUTH SIDE OF MAY STREET BETWEEN CENTER STREET AND POWELL STREET. ANNEX. #155

Mr. Godwin introduced the foregoing ordinance and moved its adoption and that the foregoing area be annexed as recommended by the Planning Board. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to the annexation of property located at No. 3 Cooper Street in Massey Hill pursuant to 100% petition. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL EXTENDING THE CORPORATE LIMITS TO INCLUDE PROPERTY LOCATED AT NO. 3 COOPER STREET IN MASSEY HILL. ANNEX. #156.

Mr. Shaw introduced the foregoing ordinance and moved its adoption and annex the foregoing area as recommended by the Planning Board. Motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to the annexation of property located at 3422, 3426 and 3430 Boone Trail pursuant to 100% petition. Planning Board recommended approval and there was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL EXTENDING THE CORPORATE LIMITS OF THE CITY TO INCLUDE PROPERTY LOCATED AT 3422, 3426 AND 3430 BOONE TRAIL. ANNEX. #157.

Mrs. Finch introduced the foregoing ordinance and moved its adoption to annex the foregoing area as recommended by the Planning Board. Motion seconded by Mr. Kelly and carried unanimously.

Copies of the foregoing ordinances are on file in the office of the City Clerk in Annexation Book 1975.

A public hearing had been published for this date and hour on a proposed amendment to the M1 Industrial Zoning District permitted uses Section 32-33 to permit small arms range as a training facility for law enforcement personnel. Planning Board recommended approval with the condition that the words "as a training facility for law enforcement personnel" be stricken. Planner Mitchell stated that this request had come from the Fayetteville Police Dept. and that the location of the range as proposed is near the PWC sewage treatment plant off 301 North. There was no opposition present.

AN ORDINANCE AMENDING CHAPTER 32 ZONING OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE PERMITTING SMALL ARMS RANGE AS A TRAINING FACILITY FOR LAW ENFORCEMENT PERSONNEL. ORD. NO. S-1975-8.

Following brief discussion, Mr. Shaw introduced the foregoing ordinance and moved its adoption and retaining the words "as a training facility for law enforcement personnel". Motion seconded by Mr. Godwin and carried unanimously.

Mr. George suggested that the City Attorney bring information on this matter back at the next meeting for further discussion and this was agreeable.

A public hearing had been published for this date and hour on the rezoning from P2 Professional District to C1P Shopping Center District or to a higher classification of an area located at Bordeaux East Shopping Center between Village Drive and Boone Trail extension. Mr. Kelly requested and received permission to abstain from discussing and voting on this matter and Mayor Lee ordered that the minutes reflect this request. Planning Board recommended approval of this rezoning. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE TO REZONE FROM P2 PROFESSIONAL TO C1P SHOPPING CENTER DISTRICT AN AREA LOCATED AT BORDEAUX EAST SHOPPING CENTER BETWEEN VILLAGE DRIVE AND BOONE TRAIL EXTENSION. ORD. NO. NS-1975-43.

Following brief discussion, Mr. Godwin introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Beard and carried unanimously Mr. Kelly abstaining to vote.

A public hearing had been published for this date and hour on the rezoning from R5 Residential District to C1 Local Business District or to a higher classification of an area located at 420 Washington Drive. Planning Board recommended denial.

Attorney Owen Cook was recognized for the petitioners. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL REZONING FROM R5 RESIDENTIAL DISTRICT TO C1 LOCAL BUSINESS DISTRICT AN AREA LOCATED AT 420 WASHINGTON DRIVE. ORD. NO. NS-1975-44.

Following brief discussion, Mr. George offered motion for the adoption of the foregoing ordinance rezoning the area as requested and requesting that the Planning Staff bring the adjacent area back to the Council for consideration of rezoning. Motion seconded by Mrs. Beard and carried unanimously.

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 at 519 Law Road. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS TO INITIALLY ZONE TO R10 RESIDENTIAL DISTRICT AN AREA LOCATED AT 519 LAW ROAD. ORD. NO. NS-1975-45.

Mrs. Finch 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 rezoning from R6 Residential District to C1 Local Business District or to a higher classification of an area located at 1074, 1076, 1078 and 1080 Southern Avenue. Planning Board recommended approval of C1 for the northern 60 feet along Southern Avenue.

Mr. Warren Elkins, the petitioner, was recognized and requested rezoning of the northern 80 feet of this tract along Southern Avenue in order to construct the necessary building for a doctor's office. Mr. Elkins stated that an error had been made in the dimension of this proposed building at the time 60 feet was requested. There was no opposition present to this rezoning.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R6 RESIDENTIAL DISTRICT TO C1 LOCAL BUSINESS DISTRICT THE NORTHERN 80 FEET ALONG SOUTHERN AVENUE LOCATED AT 1074, 1076, 1078 AND 1080 SOUTHERN AVENUE. ORD. NO. NS-1975-46.

Mr. Shaw 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 office of the City Clerk in Ordinance Book NS-1975.

This concluded the public hearings.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, public hearings were ordered published for July 28, 1975 on the following items:

- A. Rezoning from R10 Residential District to P2 Professional District or to a higher classification an area located on Stamper Road between Ft. Bragg Road and Lyon Road.
- B. Initial zoning to R15 Residential District or to a higher classification public works point of power delivery No. 2 located on S.R.1723.
- C. Rezoning from P2 Professional District to C1 Local Business District or to a higher classification an area located at 1039 Ft. Bragg Road.
- D. Rezoning from R10 Residential District to P2 Professional District or to a higher classification an area located at 3400 Village Drive.
- E. Rezoning from C1 Local Business District to C3 Heavy Commercial District or to a higher classification an area located at 2725 and 2727 Raeford Road.
- F. Rezoning from M1 Industrial District to C1 Local Business District or to a higher classification an area located on Parnell Drive between Raeford Road and the A & R Railroad.

PLANNING BOARD MATTERS

Planner Mitchell stated that the Annexation Study Committee recommended the extension of a sanitary sewer lift station and 6-inch force main to serve Montclair Elementary School. (This matter continued from the May 26 meeting when it was referred back to Planning Board for reconsideration and recommendation.) Mr. Stowe of PWC stated that the County Board of Education is to pay the entire cost of this lift station and force main.

Following some discussion, Mr. Shaw offered motion to approve the foregoing lift station and 6-inch force main as recommended. Motion seconded by Mr. Godwin and the vote was as follows: FOR: Mr. Kelly, Mr. Godwin and Mr. Shaw; AGAINST: Mrs. Beard, Mrs. Finch and Mr. George. Mayor Lee cast the deciding vote in favor of the motion and declared it passed and the extension approved.

Council next gave consideration to Longview Acres, Section II Subdivision - preliminary and final extension located off East Raynor Drive. Planning Board recommended conditional approval.

Following brief discussion, Mr. Shaw offered motion for preliminary and final extension approval of the foregoing as recommended with the conditions. Motion seconded by Mr. Godwin and carried unanimously.

Council next gave consideration to Hardee's Restaurant - preliminary CIP addition and revision review located in the Westwood Shopping Center at the intersection of McPherson Church Road and Morganton Road. Planning Board recommended conditional approval.

Following brief discussion, Mr. Kelly offered motion for approval of the foregoing as recommended with the conditions. Motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to Briarwood Townhouses Group Development - preliminary review located off Robeson Street. Planning Board recommended conditional approval.

Following brief discussion, Mr. Godwin offered motion for approval of the foregoing as recommended by the Planning Board with conditions. Motion seconded by Mr. Shaw and carried unanimously.

Council next gave consideration to Clairway Subdivision - preliminary and final approval extension located on Village Drive. Planning Board recommended conditional approval. City Engineer Bennett displayed a map showing the proposed realignment of Bryn Mawr Drive to connect to Marlborough Drive. In the realignment process, Mr. Bennett explained, a portion of two lots in Clairway would be involved in the street right-of-way. He recommended that the approval include the dedication of parts of these two lots.

Following brief discussion, Mr. Shaw offered motion to follow the foregoing recommendation of the Planning Board and give preliminary and final approval extension to Clairway Subdivision and including the dedication of right-of-way for the portion of two lots located in Block J, Lots 18 and 19 for the realignment of Bryn Mawr Drive and Marlborough Road. Motion seconded by Mr. Godwin and carried unanimously.

Council next gave consideration to a request for a sanitary sewer extension of approximately 250 feet of 8-inch sanitary sewer main to serve a proposed apartment project off Shaw Road. Planning Board recommended approval subject to site plan review of apartment project by Planning Board and City Council. The applicant is to pay the total cost for the extension.

Following brief discussion, Mr. Shaw offered motion for approval of the foregoing pursuant to policy and the signing of an annexation agreement. Motion seconded by Mr. Kelly and carried; Mr. George and Mrs. Beard voting against.

Council next gave consideration to a request for a sanitary sewer extension of approximately 150 feet of 8-inch sanitary sewer main to serve a proposed apartment project on the north side of Law Road. Planning Board recommended approval subject to site plan review of apartment project by the Planning Board and City Council and the immediate annexation since the property is contiguous to the city limits. Planner Mitchell stated that it is Planning Staff's understanding that the property owner, J. Floyd Ammons, had submitted the petition for annexation. The applicant is to pay the total cost of this extension.

Following brief discussion, Mr. Godwin offered motion to follow the foregoing recommendation of the Planning Board and approve the extensions with the stipulation that annexation will be completed. Motion seconded by Mr. Kelly and carried unanimously.

PUBLIC WORKS COMMISSION MATTERS

Mr. Stowe was recognized and presented the following matters.

A 1-inch water connection to serve the residence of Walter E. Thomas at 613 Oakdale Drive (lot 41 Hillendale subdivision). He stated that a petition for annexation had been filed with the City Manager and that sanitary sewer service is not economically feasible at this time.

Following brief discussion, Mr. Shaw offered motion for approval of the foregoing extension with annexation agreement. Motion seconded by Mr. George and carried unanimously.

Mr. Stowe next presented a request for two 4-inch sanitary sewer connections for Wilson R. O'Steen to an existing main in Shaw Road to serve a residence at 1101 Shaw Road and an adjoining lot. Water service in this instance is provided by Kendellwood Water Corporation.

Following brief discussion, Mr. Godwin offered motion to approve the foregoing extension with annexation agreement. Motion seconded by Mr. Shaw and carried Mr. George and Mrs. Beard voting against.

Mr. Stowe then presented a request for a 4-inch sanitary sewer connection to the existing outfall at 6004 Raeford Road to serve a commercial establishment owned by Belmont Carroll. (Cross Creek Auto Service and Parts).

Following brief discussion, Mr. Kelly offered motion for approval of the foregoing with annexation agreement. Motion seconded by Mr. Shaw and carried Mrs. Beard and Mr. George voting against.

This concluded the PWC matters.

Council next gave consideration to an amendment to the 1974-75 budget. The City Manager presented this matter and stated that the amendments consisted of a \$16,000.00 item representing legal expenses in the Legislative Dept., city participation in cost of parking deck and dispatcher room floor in the new law enforcement building in the Police Dept. budget, an additional amount needed to purchase local trucks and two rear end loaders for the Sanitation Dept. and an amendment to the PWC operating budget.

1974-1975 BUDGET ORDINANCE AMENDMENT. ORD. NO. NS-1975-47.

Following brief discussion, Mr. Godwin offered motion for approval of the foregoing budget amendments as recommended by the City Manager by adoption of the foregoing ordinance. 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 Ordinance Book NS-1975.

Council next gave consideration to an ordinance levying, assessing and imposing the license and privilege taxes for the City for the fiscal year beginning July 1, 1975. The City Manager presented this matter and requested its adoption.

AN ORDINANCE LEVYING, ASSESSING AND IMPOSING THE LICENSE AND PRIVILEGE TAXES FOR THE CITY OF FAYETTEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1975 AND ENDING JUNE 30, 1976. ORD. NO. NS-1975-48

Mrs. Finch 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-1975.

Council next gave consideration to a request by the Fayetteville Redevelopment Commission for the execution of a contract for the sale of land for the Murchison Road Redevelopment Area, N.C. R-90. Council recognized Mr. Richard Herrera, Acting Director, who requested Council concurrence in the execution of a contract for the disposition of land in the above mentioned area. Mr. Herrera stated the name of the bidder was Thomas D. Hatcher, Jr. bidding on parcel #0-5 in an amount of \$3,600.00 and recommended approval of this contract for this bid amount.

Mr. Godwin then offered motion for approval of the execution of the foregoing contract as recommended by Mr. Herrera, seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to a resolution of the revocation of the closing of Canal Street. The City Attorney presented this matter and stated that by action of the Council in June of 1973, Canal Street, a short street running east of Kennedy Street on the south side of Person Street, was closed and the street dedication withdrawn and the notice of this action filed with the Cumberland County Register of DEEDS. The City Attorney stated that during a routine legal procedure by a local attorney, it was discovered and he was informed that the resolution passed by Council closing this street was defective because of lack of adequate notice to the adjoining property owners and in order that no one be misled by the recorded notice recommended that Council adopt the resolution of revocation of the closing of Canal Street and if desired, begin the procedure again with proper notice being given to all property owners in the area.

Following some discussion of this matter, Mr. George offered motion that city administration take the appropriate steps to properly close Canal Street. Motion seconded by Mr. Shaw.

Following some further discussion, Mrs. Beard offered substitute motion to adopt the resolution of revocation and close Canal Street and give proper notice. Motion seconded by Mrs. Finch.

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

Mayor Lee then called for vote on the original motion to properly close Canal Street and it carried by the following vote: FOR: Mr. Godwin, Mrs. Finch, Mr. Shaw and Mr. George; AGAINST: Mr. Kelly and Mrs. Beard.

Mr. Kelly then offered motion that a public hearing be advertised for August 11, 1975 on the closing of Canal Street. Motion seconded by Mr. George and carried unanimously by the adoption of the following resolution.

RESOLUTION OF INTENT TO CLOSE CANAL STREET AND NOTICE OF PUBLIC HEARING. RES. NO. R-1975-47

A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book R-1975.

Council next gave consideration to an ordinance requiring the Building Inspector to correct conditions of substandard property located at 1617 Elliott Street.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUMS STANDARD CODE OF THE CITY LOCATED AT 1617 ELLIOTT STREET AND OWNED BY THE MISS ELLA MAE MCNEILL, HEIRS- MR. CHARLES MCNEILL. ORD. NO. NS-1975-49.

Following brief discussion, 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 office of the City Clerk in Ordinance Book NS-1975.

The City Manager then presented two bid items for Council's consideration.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, the low bid of North Carolina Equipment Company for an air compressor for the Engineering Dept. in the amount of \$3,190.00 was approved.

The City Manager informed Council that bids were received on June 17 on the Glenville Park Project- city contract #172. The major items of work included construction of eight tennis courts, a ball diamond and a 60 car parking lot and entrance drive. The low bid was submitted by Herring Incorporated in the amount of \$72,767.68 and was the bid recommended.

Mrs. Beard offered motion to accept the foregoing bid of Herring Inc. as recommended, motion seconded by Mr. Godwin and carried unanimously. The City Manager informed Council that another contract is being prepared to complete the foregoing project that will include:

fencing and lighting. The bids are expected to be ready in July, 1975.

Council next gave consideration to a request by Mr. John Pope of 316 Glenburney Drive for city participation in piping a ditch running diagonally across a vacant lot he owns on the southwest corner of Glenburney Drive and Brechin Road. The City Engineer stated the estimated cost of this storm sewer is \$4,400.00. Mr. Pope understands that he is to pay one-half of this cost and has already granted the easement. He stated that he and the City Manager recommend city participation to the extent of the remaining one-half or \$2,200.00.

Following brief discussion of this matter, Mr. Shaw offered motion that the city participate in the foregoing project on a 50-50 basis with Mr. Pope. Motion seconded by Mr. Godwin and carried Mrs. Beard and Mrs. Finch voting against.

Council next gave consideration to three proposed ordinances amending Section 20-106 of the city code traffic schedule #8-Speed Control. The City Engineer explained that these ordinances were presented for adoption primarily for reducing vehicular speed limit at the school crossings on three city streets and as requested by the Dept. of Transportation.

AN ORDINANCE OF THE CITY COUNCIL SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 8 SPEED CONTROL-EASTERN BLVD. ORD. NO. NS-1975-50.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, N.C. SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 8 SPEED CONTROL-MORGANTON ROAD. ORD. NO. NS-1975-51.

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

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, N.C. SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 8 SPEED CONTROL-MURCHISON ROAD. ORD. NO. NS-1975-52.

Mr. Shaw 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 office of the City Clerk in Ordinance Book NS-1975.

Council next gave consideration of the appointment of an Interim Director for the Community Development Dept. In a memorandum to the members of the Council, the Mayor stated that since Council officially goes under the Community Development Act July 1 and due to the budget pressures on the County Commissioners and the Council, the selection committee had not had an opportunity to meet and will not have an opportunity to meet until around the middle of July. He recommended that Council appoint Mr. Richard Herrera as Interim Community Development Director through July 1.

He stated the the Fayetteville Urban Redevelopment Commission has appointed Mr. Herrera as Acting Director of that Commission. He stated that he had talked to Mr. Herrera and he is willing to serve in this position.

Following brief discussion, Mr. Godwin offered motion that Mr. Richard Herrera be and he hereby is appointed Interim Community Development Director. Motion seconded by Mr. Kelly and carried Mrs. Beard and Mr. George voting against.

Council next considered approval of taxi cab driver permits.

Upon motion by Mr. Kelly, seconded by Mr. Shaw 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: JIMMY CLYDE FRAZIER, JEWEL LEAVERNE EVANS AND GARY P. MELVIN.

Council next gave consideration to appointments to various Boards and Commissions.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, the following named were reappointed to the Educational Development Advisory Council of the Fayetteville City Schools for three year terms of office to expire in June 1978: Mrs. Weldon Jordan, Mrs. Ernest Cain, Mr. H.D. Reaves.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, the following named were reappointed to the Airport Commission for two year terms of office each said terms to expire in June 1977: Mr. J. Bernard Stein, Mr. Charles C. Clark, Mr. Robert A. Hasty.

Upon motion by Mr. Shaw, seconded by Mr. George and carried unanimously, the following named was reappointed to the Civil Service Commission for a 4 year term of office said term to expire in June 1979: DR. Herbert W. Vick.

Upon motion by Mr. George, seconded by Mrs. Beard and carried unanimously, the following named was reappointed to the Public Works Commission for a three year term of office said term expiring in June 1978: Mr. Harry B. Stein.

Upon motion by Mrs. Beard, seconded by Mr. Godwin and carried unanimously, the following named

was reappointed to the Board of Trustees of the Public Works Commission Retirement Plan for a five year term of office said term to expire in June 1980: Mr. R.A Muench, Jr., PWC Manager.

Upon motion by Mr. Shaw, seconded by Mr. George and carried unanimously, the following named was reappointed to the Cumberland County Joint Planning Board for a four year term of office said term to expire in June 1979: Mr. John S. Collie

No delegations responded to Mayor Lee's invitation for recognition.

CITY MANAGER REPORTS

The City Manager informed Council that he had written a letter to Mr. Williford Casper, the disabled veteran, who had requested a free privilege license in order to sell deodorant flowers and shoes on the new law enforcement building property but had received no reply. Mrs. Beard stated that she had seen a notice in the paper that Mr. Casper was now deceased. Council took no action on this matter.

MATTERS OF INTEREST TO THE COUNCIL

Mayor Lee reminded Council of the conference budget session scheduled for 7:00 P.M. tomorrow, Tuesday, June 24, 1975 in the Kyle House.

Mayor Lee reminded Council members of the retirement this week of Lieutenant General Richard J. Seitz as Commanding General of the XVIII Airborne Corps and Ft. Bragg and requested that a resolution of appreciation be adopted and forwarded to General Seitz's for his service to the Fayetteville Community.

Mr. Shaw then offered motion for the adoption of the following resolution of appreciation for General Seitz. Motion seconded by Mr. Godwin and carried unanimously.

RESOLUTION OF APPRECIATION

Res. No. R-1975-48

WHEREAS, Lieutenant General Richard J. Seitz has served as Commanding General of the XVIII Airborne Corps and Ft. Bragg for the past two years, and

WHEREAS, during this period, he has made available to the City the services of his Command in many projects, and

WHEREAS, this outstanding cooperation and assistance has improved the quality of life in the entire area, and

WHEREAS, he has been a good-will ambassador for Fayetteville and has fully involved himself in the civic, social and cultural affairs of the City, and

WHEREAS, he is now retiring from active military service.

NOW THEREFORE, THE MAYOR AND CITY COUNCIL, on behalf of the citizens of Fayetteville, offer this

RESOLUTION OF APPRECIATION

for his many contributions and wish General and Mrs. Seitz a pleasant retirement.

Passed unanimously at the regular City Council meeting of June 23, 1975, and made a part of the permanent minutes of that meeting.

JACKSON F. LEE, MAYOR

BETH D. FINCH

MARION C. GEORGE

GLEN W. KELLY

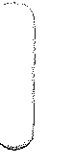
HARRY F. SHAW

VARDELL GODWIN

MARIE W. BEARD

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
Maurice W. Downs
City Clerk



SPECIAL MEETING
COUNCIL CHAMBER KYLE HOUSE
JUNE 30, 1975
5:00 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. George McCarthy, City Finance Director
Mr. William Clark, City Attorney

Mayor Lee called this meeting to order and stated its purpose was to consider final approval of the 1975-1976 budget and several miscellaneous items.

Council first gave consideration to a proposed resolution approving the execution of amendment #2 to Federal Aviation Administration project #8-37-0021-02 for additional FAA funds to increase the quantity of security fencing and adding two automatic gates at the Municipal Airport.

The City Manager presented this matter and stated that the Airport Commission requests approval of the resolution and the amendment #2 to the grant agreement.

RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING AND RATIFYING THE EXECUTION OF AMENDMENT #2 TO THE GRANT AGREEMENT FOR PROJECT #8-37-0021-02 BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF FAYETTEVILLE, N.C. RES. NO. R-1975-49.

Following brief discussion, Mr. Kelly introduced the foregoing resolution and moved its adoption and that the Mayor and City Clerk be and hereby are authorized and directed to sign said amendment and resolution for the City of Fayetteville, 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 R-1975.

The City Manager informed Council that bids had been received for the Jasper-Topeka Streets construction project-city contract #173. The low bid was submitted by Crowell Constructors, Inc. in the amount of \$138,583.25 and is the bid recommended.

Mr. George offered motion to approve and accept the foregoing low bid of Crowell Constructors Inc. in the amount of \$138,583.25. Motion seconded by Mrs. Finch and carried unanimously.

Council next gave consideration to the 1975-1976 budget ordinances for the general budget and for the parking facility budget.

There was considerable discussion of the general budget and of the pay plan submitted by Dr. Donald Hayman of the Institute of Government in Chapel Hill.

Following this discussion, Mr. Shaw offered motion that we add to the proposed budget regarding salaries only and that we adopt Dr. Hayman's pay plan and make it effective October 1 and that we fund a 90%, two and one-half percent merit increase as of January 1, 1976 and fund this increase in the budget by increasing the tax rate by one cent and make this a 63 cent tax rate. Motion seconded by Mr. Godwin.

Following considerable further discussion, Mrs. Finch offered a substitute motion that we allocate the money that Mr. Shaw recommends for a two and one-half percent pay plan to be adopted by the first of the year and that the Mayor appoint a committee of this Council and whom ever else he chooses to study and recommend a plan for which the money will be used for all departments. Motion seconded by Mr. George.

Following some further discussion, Mrs. Finch amended her motion that the entire Council study this plan rather than the Mayor appointing a committee to make the study. The amendment was acceptable to Mr. George. Following considerable discussion, Mayor Lee called for vote on the substitute motion and the vote was as follows: FOR: Mrs. Finch, Mr. George, Mrs. Beard; AGAINST: Mr. Shaw, Mr. Kelly and Mr. Godwin. Mayor Lee then cast the deciding vote against the motion and declared it lost.

Mayor Lee then called for vote on the original motion put by Mr. Shaw to adopt Dr. Hayman's pay plan and it carried by the following vote: FOR: Mr. Shaw, Mr. Kelly, Mr. Godwin and Mr. George; AGAINST: Mrs. Finch and Mrs. Beard.

Mayor Lee then asked for approval of the general budget appropriation ordinance as revised.

1975-1976 BUDGET APPROPRIATION ORDINANCE. ORD. NO. NS-1975-53.

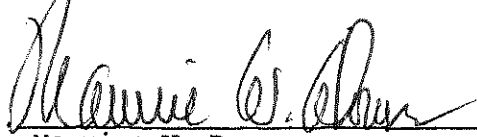
Mr. Shaw introduced the foregoing ordinance and moved its adoption as revised, motion seconded by Mr. Godwin and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book NS-1975.

Mayor Lee then requested approval of the parking facility operating budget ordinance.

1975-1976 CITY OF FAYETTEVILLE PARKING FACILITY OPERATING BUDGET ORDINANCE. ORD. NO. NS-1975-54.

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-1975.

Thereafter, all matters of business having been completed, this special session was adjourned at 6:00 P.M., upon motion made and duly seconded.



Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JULY 14, 1975
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
Mr. Robert Butler, PWC

Mayor Lee called the meeting to order and the Rev. Glen Holt, First Baptist Church, offered the invocation. Eagle Scout Charles Childress of Troop 787, led the Pledge of the Allegiance to the Flag.

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

FIVE YEARS

Terry Holloway - Fire Dept.

FIFTEEN YEARS

JULIUS DAVIS, STREET DEPT.
JOSEPH RIDDLE, POLICE DEPT.

Mayor Lee recognized the following Youth Council Members present in the audience to observe Council proceedings: Pam Glasson, Jo Hoffman and Lisa Heath.

Upon motion by Mr. Kelly, seconded by Mrs. Beard and carried unanimously, Minutes of the Regular Meeting of June 23, 1975 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 June 30, 1975 were approved as submitted by the Clerk.

A public hearing had been published for this date and hour on the extension of waterworks and sewage system in portions of Carlos Avenue, Sandhill Drive, Fargo Drive, Dillon Drive and Redstone Avenue. Mayor Lee read into the minutes a certificate from the Clerk that notices were mailed about this public hearing to all property owners in this and Boone Trail area which follows.

A Mr. Nathaniel White, 4012 Carlos Avenue, was recognized with questions as to how much the assessments would be and how the assessment would be made for this work. PWC Manager Muench stated that the rate for water and sanitary sewer combined would be \$6.00 per front foot and for water only in Boone Trail \$2.50 per front foot and the assessment would be by tax assessment against the property.

A Mr. A.J. Jackson was recognized and stated that he lived at the corner of Carlos Avenue and Boone Trail and asked which street frontage he would be assessed at. He stated that his house fronted on Boone Trail and Mr. Muench stated that the assessment would be on the frontage on Boone Trail.

A Mrs. J.D. Long, Sandhill Drive, was also recognized and stated that she desired the utilities to be installed. There was no opposition present.

RESOLUTION AND ORDER DIRECTING THAT THE PROJECT BE UNDERTAKEN FOR THE EXTENSION OF WATER WORKS AND SEWAGE SYSTEMS IN PORTIONS OF CARLOS AVENUE, SANDHILL DRIVE, FARGO DRIVE, DILLON DRIVE AND REDSTONE AVENUE. RES. NO. R-1975-50.

Mr. Godwin introduced the foregoing resolution and moved its adoption approving the extension of water and sanitary sewer in the foregoing streets. Motion seconded by Mr. Kelly and carried unanimously.

A public hearing had been published for this date and hour on the extension of water works in a portion of Boone Trail. The Mayor stated that all property owners in this area had also received due and proper notice of this public hearing.

There was no opposition present.

RESOLUTION AND ORDER DIRECTING THE PROJECT BE UNDERTAKEN FOR THE EXTENSION OF WATER WORKS SYSTEM IN A PORTION OF BOONE TRAIL. RES. NO. R-1975-51.

Mr. Shaw introduced the foregoing resolution and moved its adoption approving the extension of water works system in a portion of Boone Trail. Motion seconded by Mr. Kelly and carried unanimously.

Both of the foregoing resolutions are on file in the office of the City Clerk in Resolution Book R-1975.

A public hearing had been published for this date and hour on the annexation of Evergreen Estates Subdivision pursuant to the provisions of the "old law". Planner Mitchell stated that the Annexation Study Committee and the Planning Board recommended denial of this annexation due to the cost of

extending water and sanitary sewer service to it.

A Mr. Whit Collins, St. Augustine Avenue, was recognized for himself and other persons in opposition to this annexation. City Attorney Clark informed Council that a petition of protest to the annexation had also been submitted but did not qualify under the provisions of the statutes as a valid petition for a referendum on this matter.

Following a lengthy discussion, Mr. Kelly offered motion to continue this public hearing to the next regular meeting of the Council on July 28, 1975. Motion seconded by Mr. Godwin and carried by the following vote: FOR: Mr. Kelly, Mr. Godwin, Mrs. Finch and Mr. George; AGAINST: Mrs. Beard and Mr. Shaw.

Mr. Shaw suggested that the City Manager, City Attorney and City Engineer provide additional information on this matter prior to the next meeting and particularly concerning the possibility of annexing portions of this subdivision one at a time rather than the entire subdivision at once.

Upon motion by Mr. Kelly, seconded by Mrs. Beard and carried unanimously, public hearings were ordered published for August 11, 1975 on the following matters:

- A. The annexation of property located at 772 Country Club Drive.
- B. A request to close an alley-way off the south side of Person Street and the east side of Dick Street.

PUBLIC WORKS COMMISSION MATTERS

Council recognized Mr. Robert H. Butler, PWC Commissioner.

Mr. Butler stated that bids had been received for a tractor-backhoe-loader for PWC. The low bid submitted by Vause Equipment Company, Inc. for one particular tractor model number bid in the amount of \$12,055.12 was recommended. However, in the event that particular model number bid is not available, then the second low bid by Stephenson Motor Company in the amount of \$12,643.53 is recommended.

Mr. Kelly then offered motion, seconded by Mrs. Beard for approval of the foregoing bid of Vause Equipment Company or Stephenson Motor Company as recommended by PWC. Motion carried unanimously.

Council heard further request from Commissioner Butler for approval of a request for a 1-inch water connection to an existing main to serve a structure at 772 Country Club Drive owned by Mr. Burney L. Miller. Mr. Butler stated that Mr. Miller had signed an annexation agreement.

Following brief discussion, Mr. Shaw offered motion for approval of the foregoing connection subject to an annexation agreement. Motion seconded by Mrs. Finch and carried Mrs. Beard voting against.

Council heard further request from Commissioner Butler for approval of a 6-inch sanitary sewer connection to an existing main to serve an existing structure on West Hudson Street owned by Mr. E.O. McLaurin and Mr. B.H. Tally.

Following brief discussion, Mr. Shaw offered motion for approval of the foregoing connection subject to the usual provisions and provided water service is applied for. Motion seconded by Mr. Kelly and carried unanimously.

Commissioner Butler stated that bids had been received for the construction of water and sanitary sewer mains in Carolos Avenue, Fargo Drive, Redstone Avenue, Sandhill Drive, Dillon Drive and a portion of Boone Trail and that the low bid of J.F. Wilkerson, Cary, North Carolina in the amount of \$135,418.70 was the bid recommended.

Mr. Godwin offered motion for approval of the foregoing low bid of J.F. Wilkerson and that the Mayor and Clerk be and they are authorized and directed to sign the contract for the City. Motion seconded by Mrs. Beard and carried unanimously.

PLANNING BOARD MATTERS

Planner Mitchell presented Cumberland Company property - Tart Investments - CLP Shopping Center District review located on Robeson Street near Village Drive intersection and stated that Planning Board recommended approval with variances said variances being outlined in memorandum to the City Council from the Planning Board.

Attorney Richard Wiggins was recognized representing Tart Investments and requested omission of the concrete curb requirement in the list of conditions the concrete curb requirement being the installation of 6-inch concrete curbing as indicated on the revised plan provided by the City Engineer to prevent encroachment into right-of-way from parking areas.

Following lengthy discussion, Mr. Kelly offered motion, seconded by Mr. Godwin to follow the foregoing recommendation of the Planning Board and give preliminary revision to this area excepting the concrete curbing and install railroad ties.

Following some further discussion, Mr. Shaw offered substitute motion for approval of preliminary review of the foregoing area subject to all conditions of the Planning Board. Motion seconded by Mrs. Finch and carried by the following vote: FOR: Mrs. Beard, Mrs. Finch, Mr. Shaw and Mr. George; AGAINST: Mr. Kelly and Mr. Godwin.

The Public Works Commission Members were then excused from the meeting.

Council next heard a report by the Housing Inspector on 1105 Norwood Street owned by Mr. Quincy Scarborough. (This matter was continued from the June 9, 1975 meeting.) Inspector Maccy stated that in compliance with the instructions of the Council on April 28 to report the action taken by Mr. Scarborough to correct the conditions existing at the Norwood Avenue address that as of this date, Mr. Scarborough had not completed the required repairs as ordered by the Council. Mr. Scarborough was not present.

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 1105 NORWOOD STREET AND OWNED BY MR. Q.J. SCARBOROUGH, JR. ORD. NO. NS-1975-55.

Mr. Shaw introduced the foregoing ordinance and moved its adoption to demolish the structure at 1105 Norwood Street, remove the debris from the premises and assess the cost to the property. Motion seconded by Mrs. Finch and carried unanimously.

Council heard additional report from the Housing Inspector on 813 Ashley Street owned by Ruth Adell Allison. (A 60-day extension was given at the April 28 meeting.) Inspector Maccy stated that in compliance with instruction of the Council dated April 28, 1975 to report action taken by Miss Allison to correct the conditions existing at 813 Ashley Street that as of this date, Miss Allison had not completed the required repairs or the demolition of said property as ordered by Council.

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 813 ASHLEY STREET AND OWNED BY MISS RUTH ADELL ALLISON. ORD. NO. NS-1975-56.

Mrs. Finch introduced the foregoing ordinance and moved its adoption as corrected (to remove the debris from the premises). Motion seconded by Mr. Godwin and carried unanimously.

Council next gave consideration to an ordinance requiring the Building Inspector to correct conditions at the property located at 817 Ashley Street owned by Edward Baldwin.

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 817 ASHLEY STREET AND OWNED BY EDWARD BALDWIN AND WIFE, GRACE BALDWIN. ORD. NO. NS-1975-57.

Mr. Godwin 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-1975.

Council next gave consideration to a resolution authorizing the City Attorney to initiate condemnation proceedings against property owners along Turnpike Road for street right-of-way. The City Attorney presented this matter and stated that numerous attempts at negotiation with the following property owners had not produced any results and he requested authorization to initiate condemnation proceedings pursuant to Chapter 136 Article 9 against eight property owners along Turnpike Road.

Following brief discussion, Mr. George offered motion to continue this matter and refer it to the Appraisal Committee. Motion seconded by Mrs. Beard. Mayor Lee called for the vote and it lost by the following vote: FOR: Mrs. Beard and Mr. George; AGAINST: Mr. Shaw, Mr. Kelly, Mrs. Finch and Mr. Godwin.

RESOLUTION AUTHORIZING CONDEMNATION - R-1975-52

The City Council of the City of Fayetteville authorized the City Attorney to initiate condemnation proceedings pursuant to Chapter 136, Article 9, against the below listed owner(s) of property along Turnpike Road:

<u>NUMBER</u>	<u>OWNER</u>	<u>DEPOSIT</u>
N-3	Josephine Jones	\$3,800.00
N-4	Grace B. Raynor	300.00
N-9	Wesley McCoy and Mary McCoy Beebe	500.00
N-10	Wesley McCoy and wife LaFay	400.00
S-4	Elizabeth W. Poe	1,250.00
S-5	G.R. Reed	850.00
S-13	Mary Purdie	100.00
S-18	Corena Williams (Heirs)	200.00

This the 14th day of July, 1975.

Following some further discussion, Mr. Shaw introduced the foregoing resolution and moved its adoption authorizing the City Attorney to initiate condemnation proceedings as requested. 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

Council next gave consideration to a resolution allowing absentee ballots in municipal elections. The City Attorney informed Council that the 1975 General Assembly had ratified to authorize absentee ballots in municipal elections conducted by County Election Boards. In ORDER FOR absentee ballots to be permitted, each municipal governing body must adopt a resolution to allow local absentee ballots no later than 50 days before the date of the election. The City Attorney then presented a proposed resolution for Council's consideration.

RESOLUTION ALLOWING ABSENTEE BALLOTS IN MUNICIPAL ELECTIONS IN THE CITY OF FAYETTEVILLE.
RES. NO. R-1975-53.

Following brief discussion, Mrs. Finch introduced the foregoing resolution and moved its adoption with the correction that the wording in line 3 of paragraph 4 be changed to read from "Regular City Elections and run-off elections" to "Regular City Primary and General Election". 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 R-1975.

Council next gave consideration to the designating of the Cumberland Bank as a City Depository for a new bank account titled "City of Fayetteville Community Development Fund." The City Manager requested approval of this matter.

Following brief discussion, Mr. Godwin offered motion that it be resolved the Cumberland Bank be and is designated a city depository for funds of the City of Fayetteville Community Development Fund. Motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to a resolution requesting bids for Airport Limousine Service to and from Grannis Field, the municipal airport. The City Attorney presented this matter and stated that the present airport limousine franchise would expire in September and the present operator intends to terminate his operations. The proposed resolution would find a need for airport limousine service and would establish procedure for the granting of a franchise therefor. The resolution would also authorize the City Manager to advertise for bids and set a date for the opening of said bids.

RESOLUTION OF THE CITY COUNCIL FINDING NEED FOR AN AIRPORT LIMOUSINE SERVICE AND ESTABLISHING PROCEDURE FOR THE GRANT OF A FRANCHISE THEREFOR. RES. NO. R 1975-54.

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 Resolution Book R-1975.

Council next gave consideration to an municipal agreement with the N.C. Board of Transportation for lighting on US 301 south at its intersection with Old Wilmington Road. The City Manager presented this matter and stated that the Dept. of Transportation was entering into a municipal agreement (project W09.8062063) with the city to install roadway lighting on US 301 south at the pedestrian crossover opposite Wilmington Road consisting of poles, mast arms and 400 watt mercury vapor type two luminaires. Upon completion of the project by the municipality, the Dept. of Transportation will reimburse the municipality for construction of the project. The City Manager reminded Council that this site was the location of several traffic deaths over the past few years and recommended Council entering into this agreement by the adoption of the resolution contained within the agreement.

Following brief discussion, Mr. Shaw offered motion for approval of the city entering into the foregoing agreement with the Dept. of Transportation by the adoption of the resolution and that the Mayor and Clerk be and they hereby are authorized and directed to sign said agreement for the city. Motion seconded by Mr. George and carried unanimously.

Council next gave consideration to a proposed ordinance which would prohibit through truck traffic on Colonial Drive between Ramsey Street and North Street. The City Engineer presented this matter and stated that several residents had complained to him about through trucks using Colonial Drive. These trucks appear to be going to Swift and Company or to the construction project at the Hoffer Water Treatment Plant. Colonial Drive has a 27 foot pavement and rather steep grades immediately east of Ramsey Street, he stated. Some years ago, the residents along Brookwood Avenue made a similar complaint and the City adopted an ordinance prohibiting through trucks. The idea was at that time to get the trucks to use North Street which has fewer residents. He concluded by recommending adoption of the ordinance which will further encourage the use of North Street for trucks.

AN ORDINANCE OF THE CITY COUNCIL, SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 15 THROUGH TRUCKS PROHIBITED-COLONIAL DRIVE FROM RAMSEY STREET TO NORTH STREET. ORD. NO. NS-1975 58.

Following brief discussion, 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-1975.

Council next gave consideration to an ordinance amending Article IX, Traffic Schedules in the city code by adding a new schedule No. 17 entitled Restricted Parking and to a related request consideration of an ordinance designating a public street area for official law enforcement parking only on the north side of Russell Street 235 feet east of Dick Street. The City Attorney presented both of these matters simultaneously inasmuch as they were related. The City Attorney explained that the police dept. had requested the restricted parking designation at this location to provide additional parking for law enforcement personnel. To accomplish this, he explained, a new schedule No. 17 would need to be adopted and added to the code.

There was some discussion concerning these matters.

AN ORDINANCE AMENDING ARTICLE IX, OF THE TRAFFIC SCHEDULES IN THE CITY CODE ADDING AN ADDITIONAL SCHEDULE NO. 17 RESTRICTED PARKING. ORD. NO. S-1975-9.

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

AN ORDINANCE AMENDING ARTICLE IX OF THE CITY CODE TRAFFIC SCHEDULE NO. 17, SECTION 20-106 RESTRICTED PARKING-A DISTANCE OF 213 FEET ALONG THE NORTH SIDE OF EAST RUSSELL STREET LYING EAST OF THE NO PARKING ZONE AT THE INTERSECTION OF RUSSELL STREET AND DICK STREET TO BE LIMITED TO OFFICIAL LAW ENFORCEMENT VEHICLES. ORD. NO. NS-1975-59.

Mr. Shaw introduced the foregoing ordinance and moved its adoption, 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 S-1975 and NS-1975 respectively.

Council next gave consideration to a request for city participation in the costs of improvements to Lucerne Street. The City Manager presented this matter and stated that he had received a letter from Mr. George G. Gore, Bishop of the Church of Jesus Christ of Latter Day Saints, in which Mr. Gore stated that the church had been engaged in an extensive remodeling and enlargement program at Scotty Hill Road and Lucerne Street. As part of this construction project he stated, Lucerne Street would be paved with curb and gutter the entire length of the church lot. Sidewalks will also be laid on both sides of Lucerne Street and on the church side of Scotty Hill Road.

It would considerably benefit the church to have Scotty Hill Road widened with curb and gutter to a 37 foot street on the side next to the church property, he continued. A bid has been submitted at the request of the church to perform this work and it is requested that the city participate as follows: (1) construction of the intersection at Scotty Hill Road and Lucerne Street; (2) widening Scotty Hill Road on the church side; (3) laying sidewalk along both sides of Lucerne Street and on the church side of Scotty Hill Road. The city's cost is estimated to be approximately \$3300.00 Consideration is requested.

The City Engineer reported to the Council that all of the foregoing work has been done per city specifications and it is recommended that approval be given to the request.

There was considerable discussion of this matter and particularly of the fact that the work had already been completed before the request was presented to Council and of its decision to not participate in a similar action sometime ago. Following this discussion, Council decided to take no action on the request.

Council next gave consideration to the award of bids for Glenville Park fencing and lighting. The City Engineer reported that bids had been received for a chain link fencing and lighting of the tennis courts in the park on July 2. The low bid for chain link fencing was submitted by Acme Fence Company, Inc. in the amount of \$7,996.06 and for lighting the low bid was submitted by F & P Electric Inc. in the amount of \$13,900.00. These low bidders were recommended.

Following brief discussion, Mr. Kelly offered motion for approval of the two foregoing low bids as recommended. Motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to appointments to the Board of Adjustment for terms of office expiring in July. Mayor Lee stated that this matter was presented for information only this evening that all of the incumbents had agreed to serve again if reelected and that this matter would be considered for action at the next regular meeting on July 28.

In response to invitation by Mayor Lee for recognition of delegations, A Mrs. Hattie Thompson representing residents of East Collier Drive was recognized with problems in their neighborhood such as standing water, poor drainage, old houses, heavy undergrowth where intruders may hide. Mayor Lee informed Mrs. Thompson that funds had been provided in the budget for sanitary sewer for this neighborhood and the City Manager was requested to check and have the other matters corrected.

Mrs. Thompson thanked the Mayor and Council for their consideration.

CITY MANAGER REPORTS

The City Manager reported the certification by the Civil Service Commission of Mr. Floyd E. Acker for appointment to the Police Dept. The City Manager and the Chief of Police recommended the appointment.

Mr. Godwin offered motion for the appointment of Mr. Floyd E. Acker to the police dept. as certified and as recommended. Motion seconded by Mrs. Finch and carried unanimously.

The City Manager reported to the Council for record that the employment of S.E. Harrison had been terminated from the Police Dept. and that of Mr. B.E. Hamilton and Mr. Mitchell R. Walker from the Fire Dept. The terminations were noted.

MATTERS OF INTEREST TO THE CITY COUNCIL

Mr. Shaw offered motion that the Market House Logo appear on the City's legal ads in the local newspaper. Motion seconded by Mrs. Beard and carried unanimously.

Mrs. Finch stated that the present provisions of the city code prohibit an applicant less than 21 years of age to apply for a taxi cab permit. She stated that in view of lowering of the voting age to 18 years and other provisions that this might be challenged. She suggested that the City Attorney study this and make a recommendation to Council for a possible change.

Mr. Kelly offered a motion that the Council amend the wrecker and tow service ordinance to limit the number of wreckers in the city on the rotation list to 15 and eliminate home-made equipment on wreckers to provide for only factory built equipment. Motion seconded by Mr. Godwin.

Considerable discussion of this motion and of the provisions of the wrecker ordinance then followed. Sgt. Warner, the City Wrecker Inspector, was recognized and offered comments and explanations concerning the wrecker service operations.

Following a lengthy discussion during which time several motions were put to deny and continue this matter which were lost for lack of seconds, Mr. Shaw called for division of the motion into two parts and a separate vote taken on each part.

Mayor Lee ruled that this was in order and called for a vote on that part of the motion to limit wreckers in the city on the rotation list to 15. The vote was as follows: FOR: Mr. Kelly, Mr. Godwin and Mr. Shaw; AGAINST: Mrs. Beard, Mr. George, and Mrs. Finch. Mayor Lee then cast his vote against the motion and declared it lost by a vote of three for and four against.

Mayor Lee then called for a vote on the second half of Mr. Kelly's motion to allow only factory built equipment on wreckers and the vote was as follows: FOR: Mr. Kelly and Mr. Godwin; AGAINST: Mrs. Beard, Mrs. Finch, Mr. Shaw and Mr. George. Mayor Lee declared the motion lost.

Mayor Lee then issued extracts from the minutes of a Council meeting in November 1971 clarifying the issue on the extensions of utilities outside the city and the annexation agreement policy in connection with same.

Thereafter, all matters of business having been completed, this meeting was adjourned at 10:50 P.M., upon motion made and duly seconded.



Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
JULY 28, 1975
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. James Warner, PWC
Mr. Ray Muench, PWC

Mayor Lee called the meeting to order and the invocation was offered by Chaplain (Major) Jack Mills, 7th Special Forces Group, Fort Bragg. Following the invocation, the assembly was lead in the Pledge of Allegiance by Miss Patti Jean Griffith, Miss Black Teenage World of North Carolina.

Following the Pledge of Allegiance, Mayor Lee presented Patti Jean with the City's Sweetheart Pin and wished her good luck in the World Black Teenage Pageant in August in Raleigh.

Mayor Lee recognized the following Fayetteville Youth Council Representatives present in the audience to observe Council proceedings: Cathy Keator, Allison Price and Dyfieri Harris.

Upon motion by Mr. Godwin seconded by Mrs. Beard and carried unanimously, Minutes of the Regular Meeting of July 14, 1975 were approved as submitted by the Clerk.

Council again considered the annexation of Evergreen Estates Subdivision as continued from the meeting of July 14. A Mr. J. C. Diamond was recognized in favor of annexation.

Mayor Lee read a certificate from the City Clerk that the petition submitted for a referendum on this matter was valid.

A Mr. Stanley Griffin was recognized in opposition speaking for a delegation of approximately 35 persons present. A Mr. Francis Johnson was also recognized in opposition.

Following a brief discussion, Mr. Shaw offered motion that Evergreen Estates Subdivision not be annexed and that no referendum be held. Motion seconded by Mrs. Beard and carried unanimously.

A public hearing had been published for this date and hour on the rezoning from R10 Residential District to P2 Professional District or to a higher classification of an area located at 348 McPherson Church Road. Planning Board recommends denial.

Mr. Sylvester Slukca the petitioner was recognized.

Mr. David Pemberton was recognized in opposition and presented petitions signed by 293 persons resident in the area in opposition. Approximately 35 persons also stood in opposition. City Attorney Clark stated that the petition of opposition presented to the Clerk last Thursday was also valid and required a 3/4 vote of the Council to rezone this area. A letter of opposition had also been received from Mr. and Mrs. Earl J. Rowdon, Jr. area residents.

Following brief discussion, Mr. Godwin offered motion to follow the Planning Board's recommendation and deny the zoning of the foregoing area. Motion seconded by Mrs. Beard and carried unanimously.

A public hearing had been published for this date and hour on the rezoning from R10 Residential District to P2 Professional District or to a higher classification of an area located on Stamper Road between Fort Bragg Boulevard and Lyon Road. Planning Board recommends denial.

Attorney Rudolph Singleton was recognized for the petitioner, Dr. Harold Maxwell.

A Mr. Paul Player and a Mrs. Vera Swain, Stamper Road residents, were recognized in opposition to the proposed rezoning.

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 unanimously.

A public hearing had been published for this date and hour on the initial zoning to R15 Residential District or to a higher classification of Public Works Commission point of power delivery #2 located on SR 1723. Planning Board recommended approval. There was no opposition present; however, Mr. Ray Muench of PWC was recognized and stated that R15 zoning was not suitable for this area since it was destined for peak shaving facility in the future.

Following some discussion, Mr. Shaw offered motion to refer this matter back to the Planning Board for reconsideration and recommendation. Motion seconded by Mr. Godwin and carried unanimously.

A public hearing had been published for this date and hour on the rezoning from P2 Professional District to C1 Local Business District or to a higher classification of an area located at 1309 Fort Bragg Road. Planning Board recommended denial.

A Dr. Lawrence Paschal, the petitioner, was recognized and requested a continuance of this hearing.

A Mr. Mason Hicks, 1415 Summit Avenue, was recognized in opposition for several persons in the area.

Following brief discussion, Mr. Godwin offered motion to continue this public hearing to August the 11th. Motion seconded by Mr. Kelly and carried unanimously.

A public hearing had been published for this date and hour on the rezoning from R10 Residential District to P2 Professional District or to a higher classification of an area located at 3400 Village Drive. Planning Board recommended denial. There was no opposition present.

Following brief discussion, Mr. Shaw offered motion to deny the foregoing rezoning as recommended by the Planning Board. Motion seconded by Mrs. Finch and carried unanimously.

A public hearing had been published for this date and hour on the rezoning from M1 Industrial District to C1 Local Business District or to a higher classification of an area located on Parnell Drive between Raeford Road and the A & R Railroad. Planning Board recommended approval.

Attorney Rudolph Singleton 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 M1 INDUSTRIAL DISTRICT TO C1 LOCAL BUSINESS DISTRICT AN AREA LOCATED ON PARNELL DRIVE BETWEEN RAEFORD ROAD AND THE A & R RAILROAD. ORD. NO. NS-1975-60.

Mrs. Finch introduced the foregoing ordinance and moved its adoption as recommended by the Planning Board. Motion seconded by Mr. Kelly and carried unanimously.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS-1975.

A public hearing had been published for this date and hour on the rezoning from C1 Local Business District to C3 Heavy Commercial District or to a higher classification of an area located at 2725 and 2727 Raeford Road. Planning Board recommended denial.

Mr. Wilson Yarborough, Jr., the petitioner, was recognized.

A Mr. Norman Snellgroves, of Arlington Avenue, was recognized in opposition to the proposed rezoning.

Following some discussion, Mr. Godwin offered motion to continue this matter to the second regular meeting in September. Motion seconded by Mrs. Beard and carried unanimously.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, public hearings were ordered published for August 25, 1975 on the following matters;

- A. The rezoning from R6 Residential District to C1 Local Business District or to a higher classification of an area located at 117 Oakridge Avenue.
- B. The initial zoning to R10 Residential District or to a higher classification of an area located at 3422, 3426 and 3430 Boone Trail.
- C. The initial zoning to R6 Residential District or to a higher classification of an area located at 207, 211 and 213 May Street.
- D. The initial zoning to R6 Residential District or to a higher classification of an area located at #3 Cooper Street.
- E. The rezoning from R5 Residential District to M2 Industrial District or to a higher classification at an area located at 703, 705 and 707 Grove Street.
- F. The rezoning from R10 Residential District to R5A Residential District or to a higher classification at an area located at Lot #6 of the McNeill Subdivision.
- G. The rezoning from R6 Residential District and P2 Professional District to R5 Residential District or to a higher classification an area located at 2602 and 2604 Fort Bragg Road.

PLANNING BOARD MATTERS

Council heard recommendation from the Planning Board for the approval of one 1-inch water connection and one 6-inch or 8-inch fire sprinkler connection to the existing main in Enterprise Avenue to serve a proposed Parks building supply warehouse.

Following brief discussion, Mr. Shaw offered motion for approval of the foregoing water and fire sprinkler connections subject to the usual City policy. Motion seconded by Mr. Kelly and carried unanimously.

PUBLIC WORKS COMMISSION MATTERS

Council recognized PWC Commissioner Warner on a request that no action be taken until presented to the Planning Board on an application by J. P. Riddle for Sanitary Sewer Service (lift station and force main) for service to IronGate Subdivision outside the City. This matter was deferred without opposition by the Council as requested by Commissioner Warner.

Commissioner Warner next presented an application by Mrs. Herbert Bethune for a 1-inch water connection to the existing main in Betts Drive to serve an existing residence at 602 Law Road. He stated the applicant had petitioned for annexation to the City.

Following brief discussion, Mr. Shaw offered motion to approve the foregoing water connection recommended by PWC. Motion seconded by Mr. Kelly and carried unanimously.

The PWC representatives were then excused from the meeting.

Council next gave consideration to an appeal of the City Council decision on July 14, 1975 to take no action concerning City participation in the cost of improvements to Lucerne Street. Bishop George G. Gore, Bishop of the Fayetteville North Ward of the Church of the Latter Day Saints was recognized and requested Council to give reconsideration to participation in construction of the intersection at Scotty Hill Road and Lucerne Street, the widening of Scotty Hill Road on the Church side and the laying of the sidewalk along both sides of Lucerne Street and on the Church side of Scotty Hill Road.

In a memo dated July 7 to the City Manager, the City Engineer stated that this request is in keeping with the existing City policy on participation for street and sidewalk construction. All of the work had been done per City specifications and approval recommended of the request at the estimated cost of \$3300.

Following brief discussion, Mrs. Finch offered motion that the City participate in the foregoing as requested by Bishop Gore and as recommended by the City Engineer at an estimated cost of \$3300. Motion seconded by Mr. Kelly and carried unanimously.

A Mr. Paul Campbell was recognized for his mother, Mrs. L. L. Campbell, 2104 Murchinson Road on a request that the Council change the zoning ordinance on Mobile Homes and grant permission to place a trailer back where one has been removed under the so called "Grandfather Clause" of the zoning ordinance. Mr. Campbell stated that the trailer had been placed there prior to the rezoning of the area which now prohibits the replacement of same.

City Attorney Clark stated that this would be in violation of Section 32-29 and Section 30-8, Subsection 5 of the City Code and stated further that an appeal of the Building Inspector's ruling would be to the courts and not to the City Council.

Following brief discussion, Mayor Lee advised Mr. Campbell to apply to the courts for relief or to the Planning Board for a possible rezoning of the area in order for him to accomplish his purposes.

Council next gave consideration to a proposed ordinance lowering the age requirement for taxi drivers. The City Manager presented this matter and stated the ordinance had been prepared as suggested by Council at the last regular meeting lowering the age requirement from 21 to 18 years of age.

Following brief discussion, it was decided to defer this matter to the next regular meeting and that the City Attorney check to see if a chauffeurs license is issued at age 18.

Council next gave consideration to an ordinance requiring the Building Inspector to correct conditions at 3227 Fort Bragg Road.

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 3227 FORT BRAGG ROAD AND OWNED BY MR. WILBUR BRANTLEY OR. NO. NS-1975-61.

Mrs. Finch 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 Clerk's office in Ordinance Book NS-1975.

Council next gave consideration to a proposed ordinance requiring the removal of all immobilized vehicles from the premises located at Lots 32, 34 and 35 Brinkley Street.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO THE REMOVAL OF ALL IMMOBILIZED VEHICLES LOCATED AT LOTS 32, 34 AND 35 BRINKLEY STREET AND OWNED BY MR. AND MRS. C. T. WILLIAMS. OR. NO. " NS-1975-62.

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 Clerk's office in Ordinance Book NS-1975.

Council next gave consideration to charging the Tax Collector with the responsibility of collecting 1975 ad valorem taxes in accordance with general statutes.

Following brief discussion, Mr. Godwin offered motion that Mr. Joe McCall be named the City Tax Collector and charged to collect the 1975 ad valorem taxes according to general statutes and that the levy as submitted by the County be collected. Motion seconded by Mr. Shaw and carried unanimously.

Council next gave consideration to a resolution requesting City participation with the County in an application for resource recovery. Mayor Lee stated that the purpose of this resolution was to enable the City to combine with the County and possibly Fort Bragg to work with the Regional Development Institute of East Carolina to get Federal funds for processes of resource recovery.

RESOLUTION OF JOINT EFFORT FOR REFUSE COLLECTION AND DISPOSAL. RES. NO R-1975-55.

Following brief discussion, Mr. Godwin introduced the foregoing resolution and moved its adoption with deletion of "And the County Commissioners and City Council hereby pledge their intent to authorize the necessary funds to make application for any possible Federal funding." Motion seconded by Mrs. Finch and carried unanimously.

A copy of the foregoing resolution is on file in the Clerk's office in Resolution Book R-1975.

Council next gave consideration to the approval of bids for construction of a box culvert on Filter Plant Drive. The City Manager stated that the low bid had been submitted by Herring Incorporated in the amount of \$54,106.32 and is the bid recommended subject to the City Attorney checking the validity of the contractor's license.

Following brief discussion, Mr. Shaw offered motion for approval of the foregoing low bidder as recommended by the City Manager and subject to the checking by the City Attorney of the contractor's license. Motion seconded by Mrs. Finch and carried unanimously.

Council next gave consideration of resurfacing streets. The City Manager presented this matter and stated that in a memorandum from the City Engineer he had received a tabulation of a list of streets that are recommended for resurfacing in the present budget year. These streets are recommended based on the condition of the surface and base, further deterioration and added cost if the surface is not improved. The streets were as follows:

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
South Broad Street	Person Street	East Russell Street
South Edgewater Drive	Milbrook Road	Mirror Lake Drive
McDaniel Street	Old Wilmington Road	"C" Street
Harrison Street	Scarborough Street	Dead End
Sandhurst Drive	Owen Drive	Dead End
Beaumont Road	Sandhurst Drive	Melrose Road
Terry Circle	Owen Drive	Owen Drive
Seabrook Road	Langdon Street	85 feet beyond Albany St.
Elm Street	Fort Bragg Road	Rogers Drive
Blount Street	Gillespie Street	Robeson Street
Edgecombe Street-Langdon Street--Intersection Only		
Foxhall Road-Mirror Lake Drive--Intersection Only		

The City Engineer stated that Crowell Constructors had completed resurfacing the streets on the past year's list and Crowell's contract with the City provides for an extension to include this year's list, and recommended that this extension be made.

Following some discussion, Mr. George offered motion to continue this matter to the next regular meeting. Motion seconded by Mr. Shaw and carried unanimously.

The City Engineer was requested to conduct City Council on a tour of the foregoing streets and any others that wished to be observed and this tour was set for Monday, August 4.

Council recognized Mr. William McCoy on a flooding condition in his driveway located at Brewer and Edgecombe Streets after heavy rains. Mr. McCoy stated that the water after a heavy rain backed up into his driveway and into his yard and he requested relief from the situation.

The City Engineer, in response to inquiry, stated that he was aware of Mr. McCoy's situation and stated that the only suggestion he had was regular cleaning of the inside drainage system at this location. Mr. George suggested that the City Council inspect this location with the other streets.

Council next gave consideration to a request by Mr. Guy Ciampa for participation by the City in improving drainage in Little Cross Creek between Pamalee Square Apartments and Woodbury Lane. The City Manager presented this matter inasmuch as Mr. Ciampa was not present. He stated the essence of Mr. Ciampa's request was that the City participate 50% of the amount of \$8000 for the cleaning of Little Cross Creek between Pamalee Square Apartments and Woodbury Lane. The City Engineer stated that should Council approve this request Crowell Constructors would do the work under contract with Mr. Ciampa. In a memorandum to the City Manager, the City Engineer stated that he was continuing to receive complaints from residents on Woodbury Lane whose properties abut Little Cross Creek. The situation had been discussed with Mr. Ciampa, owner of Pamalee Square Apartments, and Crowell Constructors, Inc. about the sediment problem from their project. We believe, the City Engineer stated, they are in agreement to remove all sediment that eroded in from the project; however, this will not solve the problem completely.

For many years, sediment has collected in this section of Little Cross Creek. The portion of the Creek for a considerable distance downstream from Pamalee Square is better described as a swamp. The portion of the Creek affected by erosion from Pamalee Square Townhouses project is about 800 feet downstream from US 401 By-Pass. A thorough cleaning of this section would considerably alleviate the problem that the people on Woodbury Lane are now experiencing. This cleaning would require the removal of more than twice the amount of sediment that has eroded in from the Pamalee Square project; therefore, the developer is willing to share in the cost 50-50 with the City and do a complete cleaning job. The estimated cost is a total of \$8000 including a silt fence and grassing of the soil material which is necessary to keep the sediment out of the stream after the cleaning has been completed.

Following brief discussion, Mr. Kelly offered motion to honor the request of Mr. Ciampa and participate 50-50 in the cost as requested. Motion seconded by Mrs. Beard.

Considerable discussion then followed and a Mrs. Stotler, of 1506 Woodbury Lane, was recognized and stated that this stream was a part of the City water supply source and requested City's approval of the cleaning.

Following some further discussion, Mayor Lee called for a vote on Mr. Kelly's motion and a tie vote resulted as follows: FOR: MR. KELLY, MRS. BEARD, AND MR. GODWIN; AGAINST: MRS. FINCH, MR. SHAW AND MR. GEORGE. Mayor Lee broke the tie by voting in favor of the motion and declared it carried.

Council next gave consideration to the approval of taxi cab drivers permits. Upon motion by Mr. Godwin, seconded by Mr. Kelly, 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: John Frederick Hayes, Robert Eugene Cox, Bobby Joe Wright, Franklin Boyce Pate, Jr. and Lawrence Hayward III.

Council next gave consideration to several appointments to the Board of Adjustment. Mayor Lee stated that three regular appointments and one alternate expire in July. He stated that all of the incumbents had agreed to serve again if reappointed.

Upon motion by Mr. George, seconded by Mrs. Beard and carried unanimously, the following named were reappointed to the Board of Adjustment for three-year terms of office each said term to expire in July 1978: E. E. Miller, (alternate) John R. Griffin, Jr. Tommy McCoy, Mrs. Kenneth Adams.

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

CITY MANAGER REPORTS

The City Manager gave a report on East Collier Drive on the complaints registered at the last meeting about drainage and other problems. The City Manager stated that the area does need considerable work and suggested that Council consider this as a project under Community Development next year.

Concerning promotions in the Fire Department, the City Manager requested and received permission to call the Council Members by phone for a concensus on two promotions to Lt. within the Fire Dept.

MATTERS OF INTEREST TO THE CITY COUNCIL

Mr. Kelly offered his resignation as a member of the Annexation Review Committee and the Mayor accepted same with regrets.

Following some discussion, concerning this matter, Mr. George agreed to accept appointment to the Annexation Review Committee to replace Mr. Kelly.

Mayor Lee inquired about the suggestion made by Mr. Shaw concerning the appearance of the Market House Logo on City legal ads. The City Manager reported that in a letter received from Mr. Joel Jenkins of the Fayetteville Observer that it would not be possible due to their mechanical set-up to print the Market House Logo on the City's legal ads; however, this could be done if the City desired to print their legal ads as display ads, but the cost would be considerably more. No action was taken.

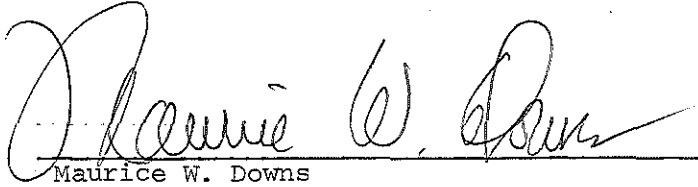
Mayor Lee informed Council Members that the National League of Cities' Conference would be held in Miami, Florida this November but after the fall Municipal General Election. He stated that in view of this reservations had been made for the present Council Members now serving otherwise no space would be available at a later date and this could be reconciled at a later time.

Mayor Lee informed Council Members that a joint executive session had been scheduled with the Cumberland County Commissioners to select a Community Development Director for 7:30 p.m. Tuesday, August 5th at the Kyle House.

Mayor Lee informed the Council that he had received the key to the new fire station #3 on Rosehill Road today and had delivered it to the Fire Chief.

As a final item, and in a humorous vein, the City Manager presented a golf "trophy" to Mayor Lee from the County Recreation Department Director for the "Longest Drive".

Thereafter all matters of business having been completed, the meeting was adjourned at 11:00 p.m. upon motion made and duly seconded.


Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
AUGUST 11, 1975
8:00 P. M.

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. Guy Smith, City Manager
Mr. William Clark, City Attorney
Mr. Ray Muench, PWC Manager
Mr. Joe Stowe, PWC

Mayor Lee called the meeting to order and the Rev. James E. Hester, Carroll Memorial Baptist Church offered the invocation. Allen Oakley of the Fayetteville Youth Council led the assembly in the Pledge of the Allegiance to the Flag.

Mayor Lee also recognized Youth Council representatives David Sappenfield and Rob Schob.

Mayor Lee then recognized the following city employees and presented them with service pins.

FIVE YEARS

Frank Dallas, Engineering Dept.
Floyd Howell, Recreation Dept.
Oleta Lopez, Finance Dept.

TEN YEARS

Slade Bobbitt, Street Dept.
John Horne, Street Dept.
Bobby Wilder, Fire Dept.

TWENTY FIVE YEARS

Joseph Butler, Fire Dept.
Kirby Carter, Fire Dept.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, Minutes of the Regular Meeting of July 28, 1975 were approved as submitted by the Clerk.

A public hearing was held as continued from the July 28 meeting on the rezoning from P2 Professional District to C1 Local Business District or to a higher classification of an area located at 1309 Ft. Bragg Road. Planning Board recommended denial.

Dr. Lawrence Paschal, the petitioner, was again recognized and requested permission to withdraw this petition in order to inform the residents of the area who were opposed to the rezoning as to what he plans for the area. There was no opposition present.

Following some discussion, Mr. Godwin offered motion to postpone this public hearing indefinitely, motion seconded by Mrs. Beard.

Following some further discussion, Mr. Shaw offered substitute motion to postpone action on this matter for three months and continue this public hearing to the first meeting in November (November 10). Motion seconded by Mrs. Finch and carried unanimously.

A public hearing had been published for this date and hour on the closing of Canal Street from Kennedy Street to a point 40 feet west of Wayde Street. The City Engineer presented this matter and stated that Council had taken action to close this street originally two years ago in June 1973 at the request of the residents due to the condition of the street and due to the noise and the traffic of large trucks serving the A & P store in the area. The City Manager stated that the City Attorney upon investigation of this matter some two months ago, discovered that improper notices had been given in the street closing matter in 1973 and recommended that Council reopen the matter and readvertise the closing inasmuch as it had been closed improperly in 1973. The City Attorney stated that his investigation revealed that the residents of Canal Street had not been notified of this closing in 1973 but rather the residents of Kennedy Street notified.

A Mrs. Estelle Parker, representing her father Mr. W.A. Kinlaw a resident property owner on Wayde Street, was recognized for him on a complaint about noise from the A & P trucks and requested that Canal Street be closed as a public street.

A Mr. Harold Holmes, a property owner in the area, was also recognized in favor of closing.

Attorney Charles Rose, Jr., representing A & P stores and Mr. Tom Coleman a property owner in the area, was recognized in opposition to the closing and stated that such closing would deny

his clients legal ingress and egress to their property and the closing of Canal Street- was not to the public benefit.

Following some discussion, Mr. Shaw offered motion to close Canal Street as advertised and retain the utility easements therein as recommended by the City Engineer. The motion was lost for lack of a second.

Following some further discussion, Mrs. Finch offered motion to readvertise a public hearing to close Canal Street for its entire length between Kennedy Street and Wayde Street. The motion was lost for lack of a second.

There were no further motions made and Mayor Lee ruled that since there was no motion to close put and carried Canal Street is now and remains open as a public thoroughfare.

A public hearing had been published for this date and hour on the annexation of property located at 772 Country Club Drive pursuant to a 100% petition from the property owners Mr. & Mrs. Burney L. Miller. Planning Board and the Annexation Review Committee recommended denial of this annexation based on the fact that the area is served by the South River REA and that service can continue until the entire property along the north side of Country Club Drive between Rosehill Road and Murchison Road is annexed.

There were neither proponents nor opponents present.

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

A public hearing had been published for this date and hour on a request to close an alley-way off the south side of Person Street and the east side of Dick Street. Council recognized City Attorney Clark who stated that Attorney Richard Lewis, Counsel for the County Redevelopment Commission, was not present this evening and requested a continuance of this matter until the next regular meeting.

Mr. Shaw offered motion, seconded by Mr. Godwin to continue this public hearing to August 25. Motion carried unanimously.

Upon motion by Mr. Shaw, seconded by Mr. Godwin and carried unanimously, public hearings were set on the following two matters for September 22, 1975:

- A. The annexation of ten lots of Montclair Subdivision located on Stoneykirk Road.
- B. The Annexation of the Nelson property located at Owen Drive and Cumberland Road intersection.

PLANNING BOARD MATTERS

Planner Mitchell presented a request from the Planning Board that Council repeal Article I, Section 2.2 of the City Code dealing with the requirement that the Planning Board review and make recommendations on all proposed annexations. Planner Mitchell stated that the requirement was enacted prior to the creation of the present Joint Planning Board and had reference to the "old" City Planning Board. Under current Planning Board arrangements and in view of the unique conditions surrounding Municipal Annexation procedures in Cumberland County, the Planning Board feels the requirement is no longer relevant. Planner Mitchell stated the board bases its request on the following factors: (1) the N.C. General Statutes do not require Planning Board involvement in the municipal annexation process. The Joint Planning Board involvement in the Fayetteville annexation process is solely the result of a local city ordinance and is not in response to any state statutory requirement, (2) the extension of municipal boundaries does not usually involve board questions of land use planning policy but rather involves particular questions pertaining to service delivery and municipal finances as applied to a specific tract or tracts of land. Such considerations are largely beyond the planning board's responsibility for comprehensive county-wide planning.

Following some discussion, Mr. Shaw offered motion to accept the foregoing recommendation of the Joint Planning Board and amend the code to repeal Article I, Section 2.2. Motion seconded by Mrs. Finch but failed by the following vote FOR: Mrs. Finch and Mr. Shaw; AGAINST: Mr. Kelly, Mrs. Beard and Mr. Godwin.

Council next gave consideration to a request for a sanitary sewer lift station and force main to serve Irongate Subdivision. Planning Board recommended approval. PWC Manager Muench presented this matter and stated that the extension would be in the best interest of the city and would be at no cost to the City. He stated that PWC would enter into a contract with the developer for this project and that the developer has executed an annexation agreement.

Following brief discussion, Mrs. Finch offered motion to follow the foregoing recommendation of the Planning Board and approve the extension and force main as requested. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to a request for one 6-inch sanitary sewer tap and lateral to serve a proposed trailer park with 14 spaces on Shaw Road in the vicinity of Gregory Street and one 6-inch sanitary sewer tap and lateral to serve a proposed trailer park with 9 spaces on Shaw Road in the vicinity of Holland Street. Planning Board recommended approval subject to the City Council establishing a new policy with regard to utility extensions serving mobile home parks outside the city limits. Planner Mitchell stated that the planning board recommends that the Council consider

amending its present utility extension policy to include potential extension of services to mobile home parks which meet or exceed the standards of Cumberland County. This would be in conformance with the general provisions of the city council policy on utility extensions in that the planning board in cooperation with each other and the applicant should seek to reach agreement among the applicant, the planning board, city engineer and the PWC of the highest-practicable standards of design and development of all features of any proposed subdivision or use of land.

The City ordinance provides that a minimum of three acres of land is needed with the minimum of 10 mobile home sites provided. The County ordinance has established a 1 acre minimum excluding public streets, flood plain areas and well site areas with a maximum of 8 units per acre. Other minor differences exist but the minimum tract size and number of units is the major factor of concern at this time, Planner Mitchell stated.

There then followed a discussion of city and county standards with Councilman Shaw voicing strenuous objection to the proposition that the city lower its standards to compare with county regulations.

Mrs. Finch then offered motion to approve the two foregoing 6inch sanitary sewer taps and laterals to the proposed trailer parks provided they come up to city standards. The motion was lost for lack of a second.

Mr. Shaw then offered motion to continue the two foregoing matters to the next meeting for further study. Motion seconded by Mr. Kelly and carried unanimously.

PUBLIC WORKS COMMISSION MATTERS

Council recognized PWC Manager Muench on a recommendation for approval of an application by Mary W. Caudle for one 4-inch sanitary sewer connection to serve a mobile home residence at 2401 Moody Street outside the city.

Following brief discussion, Mr. Godwin offered motion for approval of the foregoing sanitary sewer connection as requested and as recommended. Motion seconded by Mrs. Finch and carried unanimously.

Council next heard a request from PWC for the approving of payment of base operating budget assessment in the amount of \$35,692.87 and a special assessment in the amount of \$31,250.00 to Electricities of North Carolina in four quarterly installments. PWC Muench stated that the commission recommends approval of the foregoing for this year only with a further recommendation being made following this year concerning this participation.

Following brief discussion, Mr. Godwin offered motion for approval of the foregoing request as recommended by PWC. Motion seconded by Mr. Kelly and carried unanimously.

Without objection from the Council, Mayor Lee then skipped to Item 8 on the agenda which was consideration of several proposed annexations - 100% petitions - as to whether these annexations should be referred to planning board for recommendations or set public hearings:

- A. Single lot at 1076 Powell Street- Mrs. Willie D. Hutchinson
- B. McLaurin-Tally property on south side of W. Hudson Street
- C. Property two vacant lots on the north side of Law Road owned by Mr. Floyd Ammons
- D. Property located at 602 Law Road owned by Mrs. Susie M. Bethune

Mayor Lee stated that in view of Council's action in not repealing Article I, Section 2.2 of the code earlier in this meeting, that these matters would therefore be referred to the planning board for recommendations and the setting of public hearings at a later date.

Mayor Lee informed the Council that a recommendation was ready to be presented to the Council and County Commissioners concerning the appointment of a director for the Community Development Dept. He stated that the County Commissioners would meet in regular session on Tuesday evening at 8:00 in their Board Room and suggested that council meet in joint session with them at that time to act on the Community Development Director appointment and thereafter the Council meet in a conference session in the Kyle House to discuss the City of Fayetteville Pay Plan fiscal year 1975-1976. There was no objection and these meetings were so set.

Council next gave consideration to a proposed ordinance amending Article X "Abandoned Motor Vehicles". Council recognized Attorney Jim Nance, Jr., Counsel for the City Schools Board, who stated that the School Board is having a problem with vehicles belonging to Fayetteville Technical Institute students parking said vehicles on city school's property in the vicinity of FTI on Hull Road. Mr. Nance stated that there was a complete spirit of cooperation with FTI, however, FTI had no official control over where its students parked their cars outside the parking lots provided by FTI for such purpose. Mr. Nance stated that the adoption of an ordinance was necessary to provide city schools with the necessary control to regulate and prohibit parking on city schools property. Mr. Nance stated that should Council pass such an ordinance city school system would properly mark the prohibited parking area.

AN ORDINANCE AMENDING ARTICLE X, ABANDONED MOTOR VEHICLES- FAYETTEVILLE CITY CODE. ORD. NO. S-1975-10.

Following brief discussion of the foregoing request, 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-1975.

Mayor Lee then returned to Item 6 on the agenda which was consideration of resurfacing streets. (This item continued from the July 28 meeting in order for Council to have the opportunity to tour the various streets and observe the condition of each first hand)

Following a brief discussion, Mr. Shaw offered motion that Council approve the streets resurfacing list presented at the meeting of July 28 and resurface as listed. Motion seconded by Mr. Kelly.

Following some further discussion, Mrs. Finch offered an amendment to the above but insofar as South Edgewater Drive from Millbrook Road to Mirror Lake Drive is concerned that Council only approve the resurfacing of that segment in need of resurfacing. Motion seconded by Mr. Godwin and carried by the following vote: FOR: Mrs. Beard, Mr. Godwin and Mrs. Finch; AGAINST: Mr. Shaw, and Mr. Kelly. Mayor Lee then called for vote on the main motion and it carried unanimously.

Council again gave consideration to a proposed ordinance amending Chapter 28 Taxicabs of the Fayetteville City Code lowering the minimum age for a driver's permit from 21 to 18 years of age. (This matter was deferred from the last meeting for the City Attorney to study). Council heard a report from the City Attorney that a chauffeur's license may be obtained at 18 years of age.

Following brief discussion, Mr. Godwin offered motion for adoption of the ordinance, motion seconded by Mrs. Beard and the vote was as follows: FOR: Mrs. Beard, Mr. Godwin and Mrs. Finch; Against: Mr. Kelly and Mr. Shaw. Mayor Lee declared the motion carried and the ordinance adopted on the first reading. Second reading was set for the next regular meeting on August 25.

Council next gave consideration to the approval of car rental leases at the Fayetteville Municipal Airport. In a memorandum to the Mayor and City Council, the City Manager stated that all three rental car leases at the airport-Hertz, Avis and National-have been extended by the airport commission for a three year period beginning July 1, 1975 and ending June 30, 1978. The monthly revenue guarantee was increased from \$600.00 to \$800.00 but 10% of gross revenue remains the same.

The three leases are identical and it was recommended by the Airport Commission and the City Manager that the City Council approve the new leases and authorize the Mayor and City Clerk to execute same for the city.

Following brief discussion, Mr. Shaw offered motion to follow the foregoing recommendation of the Airport Commission and City Manager and approve the new leases for Hertz, Avis and National and that the Mayor and the Clerk be and they hereby are authorized and directed to sign said leases in behalf of the city. Motion seconded by Mr. Godwin and carried unanimously.

Council next gave consideration to the awarding of several bids. The City Manager reported the receipt of bids for fencing materials for the Recreation and Parks Dept. It was recommended that the low bidder meeting all specifications Allison Fence Company be awarded the contract for their bid of \$7,400.00.

Mr. Kelly offered motion for approval of the foregoing bid of Allison Fence Company as recommended. Motion seconded by Mr. Godwin and carried unanimously.

The City Manager reported the receipt of bids for tires, tubes, re-capping and batteries. The recommendation was as follows: Passenger tires - Raynor McLean Company; Small truck tires - Corder Vossler; Large truck tires - Corder Vossler; Tractor tires - Corder Vossler; Motor grader tires - Tires Sales and Service; Motorcycle tires - Corder Vossler; All tire tubes - Corder Vossler; Batteries - Graham Battery Company; Recapping - Corder Vossler.

Mr. Godwin offered motion for approval of the foregoing bids as recommended. Motion seconded by Mrs. Beard and carried unanimously.

The City Manager reported the receipt of bids for gasoline, oils, greases contracts for the coming year. The recommendation was as follows: Gasoline, diesel fuel - Gulf Oil Company; Automotive oils, hydraulic oil, greases, lubes, transmission fluid - Texaco Inc., No. 2 fuel oil and kerosene - Union Oil Company. Mrs. Finch stated that for the record she had no personal interest in Gulf Oil Company but nevertheless requested and received permission to abstain from voting on these bids.

Mr. Kelly offered motion to award the foregoing bids as recommended, seconded by Mrs. Beard and carried Mrs. Finch abstaining to vote.

The City Manager reported the receipt of bids for the paving work for the addition to parking lot no. 3 located on the northeast corner of Donaldson Street and W. Russell Street. The recommendation was that the bids be awarded to the low bidder McDiarmid Paving Company for their bid of \$5,272.70.

Mr. Shaw offered motion for approval of the foregoing bid of McDiarmid Paving Company as recommended. Motion seconded by Mr. Godwin and carried unanimously.

Council next gave consideration to a proposed agreement for improvements to roadway crossings and railroad signals installations with Seaboard Coastline Railroad for the Jasper Street crossing. The City Engineer stated that this was for the installation of new cantilever signals. The estimated cost was as follows: Roadway crossing; city cost \$3,039.00; railroad cost \$3,039.00; roadway signals; city cost \$24,750.00; railroad cost \$2,750.00. Total city cost; \$27,789.00; railroad cost \$5,789.00 The City Engineer recommended approval of this agreement and stated that the railroad will bill the city upon completion of the work.

Following brief discussion, Mr. Kelly offered motion seconded by Mr. Shaw for approval of the

agreement and that the Mayor and Clerk be authorized to sign said agreement by the adoption of a resolution. Motion carried unanimously. A copy of the foregoing agreement is on file in the City Engineer's office.

Council next gave consideration to the approval of taxi driver permits.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, taxi driver permits were approved for the following named as recommended by the Acting Chief of Police, Taxi Cab Inspector and City Manager: JOHN ALLEN WILLIAMS, MELVIN LEROY MCGREGOR AND WILLIAM H. HARMON, JR.

CITY MANAGER REPORTS

The City Manager reported that two firemen had been certified by the Civil Service Commission for promotion to Lieutenant. They were James R. Thomas and Russell B. Anderson.

Following brief discussion, Mr. Kelly offered motion for approval of the promotion to Lieutenant in the Fayetteville Fire Dept. of the aforementioned firemen as certified by the Civil Service Commission and as recommended. Motion seconded by Mr. Godwin and carried unanimously.

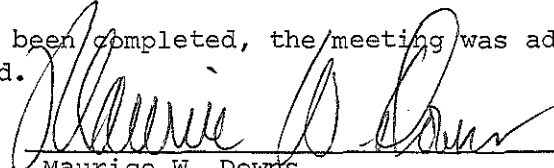
The City Manager reported for the record the resignation of fireman Robert H. Tew. The resignation was noted by the Council.

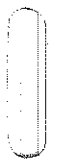
MATTERS OF INTEREST TO COUNCIL

Mr. Shaw asked for a report on the progress on Mason Street. The City Manager stated that they were waiting on information from the Seaboard Coastline Railroad and on several other property acquisition matters.

Mayor Lee stated that he had had an occasion recently to observe the offer for sale on open counters of objectionable literature in several convenience type stores. He asked the City Attorney if there was any law to prevent the sale of this objectionable literature and the display of same to younger persons. The City Attorney was requested to check this out and report at a later date.

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


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
AUGUST 25, 1975
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
Mr. Joe Stowe, PWC

Mayor Lee called the meeting to order and the invocation was given by the Rev. Harry Webb, Assistant Pastor of St. Patrick's Catholic Church. Miss Rhesa Lou Hipp, Miss Fayetteville, led the assembly in the Pledge of the Allegiance to the Flag.

Mayor Lee then presented Miss Hipp with the City Sweetheart Pin and congratulated her for winning the Miss Fayetteville title and wished her good luck in the Miss North Carolina Beauty Contest. Miss Hipp thanked Mayor Lee for the presentation of the pin and for the invitation this evening and stated that she would always be a good-will ambassador for the City of Fayetteville.

Mayor Lee then recognized Fayetteville Youth Council representatives: Lynn Ternigan, Kathy Robinson and Mary Rose, Jo Hoffman, Tommy Hooper with particular thanks to Allen Oakley for the annual back-to-school apples for the City Council members.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, Minutes of the Regular Meeting of August 11, 1975 were approved as submitted by the Clerk.

A public hearing was held as continued from the meeting of August 11, 1975 on the consideration of a resolution to close an alley-way off the south side of Person Street and the east side of Dick Street. Council recognized Attorney Richard M. Lewis, Jr., Counsel for the Cumberland Redevelopment Commission, requesting the closing of this alley-way. Mr. Lewis stated that this action was requested and necessary due to the proposed construction of the new Cumberland County Courthouse. There was no opposition present.

RESOLUTION AND ORDER CLOSING ALL PORTIONS OF AN ALLEY-WAY OFF THE SOUTH SIDE OF PERSON STREET AND OFF THE EAST SIDE OF DICK STREET. RES. NO. R-1975-56

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 R-1975.

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 at 117 Oakridge Avenue. Planning Board recommended denial.

Mrs. J.L. Norris, 207 Oakridge Avenue, was recognized representing 54 area residents in opposition to this proposed rezoning. Mr. M.M. Smith, 211 Park Street, and Mrs. Fred Deem, 506 Oakridge Avenue were also recognized in opposition.

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

A public hearing had been published for this date and hour on the initial zoning from R10 Residential District or to a higher classification of an area located at 3422, 3426, and 3430 Boone Trail. This was a recent annexation and Planning Board recommended approval of initial zoning R10. There was no opposition present.

AN ORDINANCE OF CITY COUNCIL AMENDING ZONING ORDINANCE AS FOLLOWS; INITIAL ZONING TO R10 RESIDENTIAL DISTRICT OF AN AREA LOCATED AT 3422, 3426 AND 3430 BOONE TRAIL. OR. NO. NS-1975-63.

Mrs. Finch introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously. A copy of the ordinance is on file in the office of the City Clerk in Ordinance Book NS-1975.

A public hearing had been published for this date and hour on the initial zoning to R6 Residential District or to a higher classification of an area located at 207, 211 and 213 May Street. This was a recent annexation and Planning Board recommended approval of initial zoning R6. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS. ZONE INITIALLY TO R6 RESIDENTIAL DISTRICT AN AREA LOCATED AT 207, 211 AND 213 MAY STREET. ORD. NO. NS-1975-64.

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 Ordinance Book NS-1975.

A public hearing had been published for this date and hour on the initial zoning to R6 Residential District or to a higher classification of an area located at #3 Cooper Street. This was a recent annexation and planning board recommended approval of initial zoning R6. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY R6 RESIDENTIAL DISTRICT AN AREA LOCATED AT #3 COOPER STREET. ORD.NO. NS-1975-65.

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 NS-1975.

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 at 703,705 and 707 Grove Street. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: THE REZONING FROM R5 RESIDENTIAL DISTRICT TO M2 INDUSTRIAL DISTRICT OF AN AREA LOCATED AT 703,705 AND 707 GROVE STREET. ORD. NO. NS-1975-66.

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-1975.

A public hearing had been published for this date and hour on the rezoning from R10 Residential District to R5A Residential District or to a higher classification of an area located at lot #6 of the McNeill Subdivision. Planning Board recommended denial.

Mr. G.W. Dickinson, Plantation Road, Mr. C.A. Suggs, Plantation Road and a Mr. Cecil Morris, Bancroft Avenue, were recognized in opposition to this proposed rezoning.

Following brief discussion, Mr. Shaw offered motion that this rezoning be denied as recommended by the Planning Board. Motion seconded by Mr. Godwin and carried unanimously.

A public hearing had been published for this date and hour on the rezoning from R6 Residential District and P2 Professional District to R5 Residential District or to a higher classification of an area located at 2602 and 2604 Ft. Bragg Road. Planning Board recommended R6 for both tracts. (A request for withdrawal of this petition was refused at the July 28 meeting.) City Attorney Clark stated that the petitioner's Attorney, Mr. Larry Thompson, had requested withdrawal of this petition at the July 28, 1975 meeting.

Following brief discussion, Mr. George offered motion for denial of the rezoning and that the area remain as presently zoned. Motion seconded by Mr. Shaw and carried unanimously.

This concluded the public hearings.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, public hearings were set on the following items for Sept. 22, 1975:

- A. The rezoning from R5 Residential District and C1 Local Business District to C3 Heavy Commercial District or to a higher classification an area bounded on the north by the CBD Loop and located between Washington Drive and Murchison Road.
- B. The initial zoning to M1 Industrial District or to a higher classification Public Works Point of Power Delivery No. 2 located on S.R. 1723.
- C. The rezoning from R5 Residential District to C1 Local Business District an area located on Eastern Boulevard south of Bell Street and bounded by New York Avenue on the west.
- D. The rezoning from R6 Residential District to M2 Industrial District or to a higher classification an area located at 1400 North Street Extension.

PLANNING BOARD MATTERS

Council again gave consideration to request for one 6-inch sanitary sewer tap and lateral to serve a trailer park with 14 spaces on Shaw Road in the vicinity of Gregory Street and to a request for one 6-inch sanitary sewer tap and lateral to serve a trailer park with 9 spaces on Shaw Road in the vicinity of Holland Street. These two items were continued from the August 11, 1975 meeting. At that meeting Planning Board recommended approval of the foregoing subject to the Council establishing a new policy with regard to utility extensions serving mobile home parks outside the city limits.

Council recognized Attorney Irvin Baer, representing Mr. Albert Cauley the developer, and requested approval of the foregoing sanitary sewer taps and laterals.

Following a lengthy discussion, Mr. Godwin offered motion for approval of both of the foregoing requests. Motion seconded by Mrs. Beard and carried Mr. Shaw voting no.

Council next gave consideration to Lake Clair Apartments - addition review located on Village Drive at Saxony Place. Planning Board recommended conditional approval as outlined in their memo.

Following brief discussion, Mr. Godwin offered motion for approval of the foregoing subject to the conditions, motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to preliminary and final CLP review of Sambo's Restaurant located in K-Mart Shopping Center on Bragg Blvd. Planning Board recommended approval subject to the conditions outlined in their memo.

Following brief discussion, Mrs. Finch offered motion for approval of the foregoing as recommended by Planning Board. Motion seconded by Mr. Shaw and carried unanimously.

Council next gave consideration to preliminary and final review for Southeast Fayetteville Neighborhood Redevelopment Subdivision located on Old Wilmington Road at Fisher Street. Planning Board recommended approval subject to the conditions in their memo.

Following brief discussion, Mr. Shaw offered motion for approval of the foregoing as recommended by Planning Board. Motion seconded by Mr. Godwin and carried unanimously.

Council next gave consideration to a request for an 8-inch water tap and lateral to serve Country Village Shopping Mall on Legion Road. Planning Board recommended approval and the owner is to assume the total costs.

Following brief discussion, Mr. Godwin offered motion for approval of the foregoing request as recommended by Planning Board, motion seconded by Mr. Kelly and carried unanimously.

PUBLIC WORKS COMMISSION MATTERS

Council heard recommendation from Mr. Stowe for approval of a request by a Mr. James Hodges for a 1-inch water connection to the existing main to serve a residence at 221 Vineland Drive outside the city.

Mr. Shaw offered motion for approval of the foregoing request as recommended by PWC, motion seconded by Mr. Godwin and carried unanimously.

Council heard further recommendation from PWC for approval of a 4-inch sanitary sewer connection for Mr. Cordell Everett for a residence located at 2810 El Dorado Drive outside the city.

Mr. Kelly offered motion for approval of the foregoing connection as recommended by PWC, motion seconded by Mr. Shaw and carried unanimously.

Council next gave consideration to a second reading of an ordinance lowering the age requirements for Taxi Drivers from 21 years of age to 18 years of age. This ordinance was approved on first reading at the meeting of August 11.

AN ORDINANCE AMENDING CHAPTER 28 "TAXICABS" OF THE FAYETTEVILLE CITY CODE, SECTION 28-68 QUALIFICATION OF DRIVERS-BE AT LEAST 18 YEARS OF AGE. ORD. NO. S-1975-11

Following brief discussion, Mrs. Finch introduced the foregoing ordinance and moved its adoption on second reading, motion seconded by Mr. Godwin. The vote was as follows: FOR: Mr. Godwin, Mrs. Finch, Mr. George; AGAINST: Mr. Kelly, Mrs. Beard and Mr. Shaw. Mayor Lee cast the deciding vote in favor of the motion and declared the motion passed and the ordinance adopted.

Council next gave consideration to a proposed resolution of the revocation of the closing of Canal Street. City Attorney Clark presented this matter and reminded Council that in 1973 they had held a public hearing to close Canal Street and following said public hearing had closed Canal Street. Subsequent investigation had revealed that the action was not legal because some of the property owners had not received proper notice of the public hearing. At the subsequent public hearing held on August 11, 1975 to close Canal Street, council had voted not to do so, therefore the adoption of the resolution proposed this evening is to clear the records in the Register of Deeds office following Council's action at the Aug. 11 meeting.

RESOLUTION OF REVOCATION OF CLOSING OF CANAL STREET. RES. NO. R-1975-57.

Following brief discussion, Mr. Godwin introduced the foregoing resolution and moved its adoption as recommended by City Attorney, motion seconded by Mr. Kelly and carried Mr. Shaw voting no.

Council next gave consideration to a revision of the City's Annexation Policy. At the meeting of August 11, Council had rejected a recommendation by the Planning Board for the deletion of Section 2-2. of the city code to eliminate among other things the provision that the Joint Planning Board hold public hearings on annexation matters.

In a memorandum to the Council, Mayor Lee had stated that in an attempt to provide a solution to some of the objections of council members and planning board members regarding annexation policies, the following proposed revision to section 2.2. of the city code is recommended for your consideration.

The proposed revision would solve several objections voiced by Council to the outright repeal of our present section 2.2 on annexation procedures. The revision would allow annexations to be considered by Council without undue delay and at the same time, the legal rights of all citizens affected by annexations would no be lessened.

The various methods by which annexations may take place by the city are outlined by the General Statutes and these have been reviewed with you by the City Attorney on several occasions.

The General Statutes require that public hearings be published several times prior to hearings.

The following changes would be effected if this proposal were is adopted by the Council:

- (1) The advisory committee does not include City Council members. This would relieve City Council members from being in the position of making a recommendation as a member of the committee and then having to vote on the annexation at the final public hearings.
- (2) The joint planning board members would not be asked to hold public hearings and submit recommendations. Members would be relieved from being subjected to the pressure and criticism for recommendations on annexation decisions which only the City Council ultimately must decide. Annexations by their very nature are not based upon the same planning criteria as are zoning matters.

The following provisions now in existence would be carried forward if the proposal is adopted.

- (1) The same annexation information which Council members not receive from the planning board would come from the advisory committee.
- (2) All of the present items for evaluation, except (g) which calls for possible lengthy delays are continued in the revision.
- (3) While the proposed code revision has intentionally been kept quite simple and brief, the Council can, from time to time, prescribe whatever additional procedure it wishes the advisory committee to carry out.

A lengthy discussion of the proposed revision was then held.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE REPEALING SECTION 2-2 OF THE CITY CODE AND ENACTING A NEW SECTION 2-2 OF THE CITY CODE. ORD. NO. S-1975-12.

Following some discussion, Mr. Shaw introduced the foregoing ordinance and moved its adoption, motion seconded by Mr. Godwin.

Further discussion followed.

Mr. George then offered substitute motion to continue this matter to the next meeting and that members of the city council contact the City Attorney and give him suggestions to be included in an ordinance. Motion seconded by Mrs. Beard and the vote was as follows: FOR: Mrs. Beard, Mrs. Finch and Mr. George; AGAINST: Mr. Kelly, Mr. Godwin and Mr. Shaw. Mayor Lee cast the deciding vote against the motion and declared it lost by a vote of three for and four against.

Mrs. Finch then offered an amendment to the original motion that the members of the City Council be notified when a meeting of the annexation technical review committee is held. The amendment to the original motion was seconded by Mr. Shaw and carried unanimously.

Mr. George then offered a further amendment to the original motion that no action shall be taken by the committee unless the information is requested by the City Council in a regular scheduled meeting. Motion seconded by Mrs. Beard. The motion lost by the following vote: FOR: Mr. George and Mrs. Beard; AGAINST: Mr. Kelly, Mr. Godwin, Mrs. Finch and Mr. Shaw.

Following some further discussion, Mayor Lee called for vote on the original motion with the approved amendment to adopt the ordinance and the motion carried and the ordinance adopted 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 S-1975.

Council next gave consideration to a request by Mr. Joe Williams of City Optical Company for a special rate for 15 parking spaces in Lot #5. Mr. Williams had requested and received permission from the Council to lease these spaces last May. The City Manager stated that Mr. Williams desires to rent 15 spaces in lots 4 and 5 at a special reduced rate of \$7.00 per space per month. The regular rate, Mr. Smith stated, is \$8.00 per space per month.

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

Council next gave consideration to a proposed resolution authorizing the Mayor to execute an agreement between the City of Fayetteville Police Dept. and the N.C. Department of Justice Police Information Network.

In a letter from the Dept. of Justice, it was stated that the costs involved in maintaining equipment and telephone circuits associated with the Police Information Network had increased univac announced an increase in overtime maintenance and Bell Telephone announced an increase in circuit cost with both becoming effective July 1, 1975. The result was the advisory policy board unanimous recommendation to increase the monthly terminal rate for the various users from \$153.50 to \$175.00. This increase to become effective January 1, 1976. It was requested that the proposed resolution and contract be renegotiated reflecting this increase and return to Raleigh as soon as possible. The City Manager recommended adoption of the resolution and new contract.

RESOLUTION OF THE CITY COUNCIL PROVIDING FOR THE INSTALLATION OF A POLICE INFORMATION NETWORK TERMINAL AND A RENTAL COST OF \$175.00 PER MONTH BEGINNING JANUARY 1, 1976. RES. NO. R-1975-58.

Following brief discussion, Mrs. Finch introduced the foregoing resolution and moved its adoption and that the Mayor be and he hereby is authorized and directed to execute an agreement between the Fayetteville Police Dept. and the N.C. Dept. of Justice Police Information Network as recommended. 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-1975.

Council next gave consideration to a request by the Historic and Scenic Sites Committee and the Arts Council for the use of the Arsenal House as office facilities.

Mr. John E. Raper, Jr., Chairman of the Historic and Scenic Sites Committee, was recognized on this request.

Mr. Raper stated that the Cumberland County Bicentennial Commission and the Arts Council of Fayetteville which presently share offices and will continue to do so during the remainder of our Bicentennial activities, request that we be permitted to use jointly and occupy the Arsenal House upon the completion of its restoration as the headquarters for the Bicentennial and Arts Council. He stated that they felt that having Mr. Marvin Weaver and Carolyn Carlson, Staff of the Arts Council, and serving as coordinators for the Bicentennial effort located in the Arsenal House from 9 a.m. to 5 p.m. five days per week would greatly facilitate its use as an exhibit center for the Arsenal Historic Site park.

Mr. Raper stated that they hoped to develop during the coming year a slide and sound presentation for use by school groups and visitors to the site and to develop an interesting display of artifacts and other materials related to the history of the arsenal.

He stated that they feel the Bicentennial Commission and the Arts Council represent the most compatible tenants for the Arsenal House.

Mr. L. Stacy Weaver, Jr., President of the Arts Council, was also recognized with the same request. Mr. Weaver stated that the two west rooms would be more than adequate for the staff and occasional volunteers and the large east room would be ideal for meetings, slide presentations and displays. Occupancy by the Arts Council would also insure that someone would be on hand at all times for the convenience of visitors to what is certain to become one of Fayetteville's major historic attractions.

Following brief discussion, Mrs. Beard offered motion to approve the foregoing request of the Arts Council and Bicentennial Commission for occupancy of the Arsenal House. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to the setting of public hearings to consider the annexation to the city of Hillendale Subdivision and a section of property abutting Morganton Road west of Huntington Park. The City Attorney displayed slide projections of these two areas and presented details concerning the same.

Mr. Shaw then offered motion that public hearings be set for October 13, 1975 for the annexation of Hillendale Subdivision and the property abutting Morganton Road as recommended. Motion seconded by Mr. Kelly and carried Mrs. Beard voting against the motion.

Council next gave consideration to a proposed ordinance prohibiting parking on the north side of Westlawn Avenue between Sutton Street and Bethune Street.

Council recognized a Mrs. Virginia R. Hildebrand, 1609 Westlawn Avenue, on this request. Mrs. Hildebrand presented a letter to the Mayor and Council signed by 12 persons who reside on Westlawn Avenue requesting Council to adopt the ordinance prohibiting parking on the north side. Mrs. Hildebrand stated that this street is a one way street between Sutton and Bethune and is narrow causing a hazardous condition to exist when vehicles park on both sides. Also when vehicles park on both sides, it makes it impossible for any of the residents to back out of their driveways. Mrs. Hildebrand also stated that there were times when their rubbish and garbage could not be picked up by the Sanitation Dept. because the trucks either had no access to the street or were blocked from access to the homes on the street. Mrs. Hildebrand also stated that special activities at Westlawn School on the north side of the street such as PTA meetings made the situation worse. She also stated that there had been instances since she had lived here that she had had to spend the night with friends because she could not get to her home with her automobile.

Following brief discussion, Mr. Shaw offered motion that the City Engineer proceed with the marking of the south side of Westlawn Ave. for prohibiting parking and that an ordinance be prepared and presented at the next Council meeting for prohibiting parking on the north side of the street and during the period between now and next Council meeting that the City Manager contact the City School Officials to see if they could make other arrangements for the parking of the school buses and come back to the next Council meeting with results. Motion seconded by Mr. Godwin and carried unanimously.

Council next gave consideration to a request to rescind the "No Through Trucks" on Colonial Drive on a temporary basis.

Council recognized Mr. E.W. Tonet, Jr., Office Manager for Concrete Service Company located on Ramsey Street.

Mr. Tonet stated that since the passage by Council several weeks ago of the "No Through Truck" ordinance on Colonial Drive, he was having problems delivering concrete to the Hoffer Water Treatment Plant on North Street. Currently and with the passage of "No Through Trucks" ordinance, entrance to the Hoffer Water Treatment Plant is by way of Wall Street on the south end. Wall Street is dirt and need of repair for approximately 1 mile and almost impossible to gain entrance by truck off Ramsey Street. A second entrance to the treatment plant is at the northern end of North Street. At this place, a truck must turn approximately 270 degrees which is impossible to do in one turn. The only remaining practical entrance to the treatment plant is by Colonial Drive a 90 degree turn on a red light and straight through for deliveries.

Mr. Tonet requested Council to consider their plant location 1200½ Ramsey Street and three possible entrances to the project. When this project was bid, he stated, we had planned to use the Colonial Drive route for deliveries. If we are deprived, the use of Colonial Drive, he stated, it will cause an economic hardship on us. He requested Council to allow concrete trucks to use Colonial Drive for the duration of the project only.

A Mr. Larry Thomas and a Mr. Sam Melvin, residents of Colonial Drive, were recognized in opposition to the rescission of the no through trucks ordinance for their streets. They both cited instances of noise, traffic hazards and potential accidents caused by the concrete trucks using their street as a thoroughfare. They both requested Council to leave the ordinance in effect.

Following a discussion of the matter, Council took no action to rescind the "No Through Trucks" ordinance for Colonial Drive.

Council next gave consideration to the acquisition of right of way for Turnpike Road property owned by Mr. Lacy Godwin.

In a memorandum to the Mayor and Council, the City Manager stated, that one of the few remaining property acquisitions for Turnpike Road right of way which will not have to be condemned belongs to Mr. Godwin and is located at the intersection of Branson Street and Turnpike Road and runs for a distance along Turnpike Road. By a formula calculated by a Loss of Land appraisal at the amount of \$2800.00 and a Loss of Rent, since the property is leased by Mr. Lacy Godwin to another party; calculated to \$2,624.00 plus an estimated \$60.00 and appraisal price of \$5,484.00 was reached, the City Manager stated. He requested the Council to make the final decision in this acquisition price since Mr. Godwin and he had worked together on city acquisitions for rights of way in other areas. He stated that he would like to avoid any possible criticism and request the City Council to review this matter and decide on the amount to be paid.

Following brief discussion, Mrs. Finch offered motion, seconded by Mrs. Beard that the City Manager acquire the Turnpike Road property of Mr. Lacy Godwin at the recommended appraisal price of \$5,484.00. Motion carried unanimously.

Council next gave consideration to an ordinance requiring the removal of all immobilized vehicles at property located at 430 Alfred Street owned by Mr. Wash Melvin. This request was initiated by the City Building Inspection Dept.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO REMOVE ALL IMMOBILIZED VEHICLES LOCATED AT 430 ALFRED STREET OWNED BY MR. WASH MELVIN. ORD. NO. NS-1975-67.

Following brief discussion, 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-1975.

Council next gave consideration of bids. The City Manager stated that bids had been requested for hand guns for the Police Dept. and only one bid had been received and that from the National Police Supply who bid \$86.18 each for 43 Smith and Wesson model 10 38 caliber police revolvers for a total bid \$3,705.74 and is the bid recommended.

Mrs. Finch offered motion, seconded by Mr. Godwin to accept the foregoing bid of National Police Supply of \$3,705.74 for the police dept. hand guns as recommended. Motion carried unanimously.

The City Manager stated that bids had been received for the winter uniform contracts for the Police and Fire Departments. The bids had been reviewed and the recommendations were as follows:

Police Dept. Uniforms

American Uniform Sales for jackets and raincoats
Castle Uniform Company for shirts, breeches and caps
Fligle Uniform Company for trousers
Frank's Uniform Company for belts

School Crossing Guards Uniform

American Uniform Sales for shirts, caps, raincoats and all weather coats
Castle Uniform Company for slacks

Fire Dept. Uniforms

American Uniform Sales for white shirts and caps
Castle Uniform Company for coats, trousers and blue shirts
Stinnette Uniform Company for work jackets

Mr. Godwin offered motion to accept the bids of the foregoing for the Police and Fire Dept. winter uniforms as recommended by the City Manager. Motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to the payment to Cumberland County for costs incurred as a result of modifications accomplished in the new Law Enforcement Building recently occupied by the City Police Dept.

The City Manager stated that he had been presented an invoice by Mr. C.L. Twine, County Manager, for the following expenses in the new Law Enforcement Building.

Change storage room to office - \$386.00; (2) Electrical work required as result of above - \$360.00; (3) Division of property room - \$1,244.50; (4) Additional paving approved by City Council on January 13, 1975 - \$6,500.00; (5) Cost of city plaque - \$256.00. Total due \$8,746.50

Following brief discussion, Mrs. Beard offered motion for approval of the foregoing \$8,746.50 to the County as recommended, motion seconded by Mr. Shaw and carried unanimously.

Council heard further recommendation from the City Manager and City Engineer for approval of the payment of an estimated cost of \$1,500.00 for a sidewalk along East Russell Street abutting the new law enforcement building. This request was being made according to the City Engineer at the request of Mr. Carter Twine, County Manager, who had advised him that the County Commissioners were asking that the appearance be improved around the new law enforcement center and the County Manager had asked that the city complete all the abutting street sidewalks possible so that landscaping around the new building could be finished up to the new sidewalk. The City Engineer stated that this sidewalk does need replacing and the city has a favorable price for same on the existing contract with Triple A Construction Company.

Mr. Godwin offered motion, seconded by Mrs. Beard that the foregoing sidewalk be constructed at the estimated cost of \$1500.00. Motion carried unanimously.

Council next gave consideration to the adoption of the Fayetteville Pay Plan for fiscal year 1975-76.

Mayor Lee stated that this matter was before the Council this evening for adoption as discussed at the conference meeting last week and as modified and as recommended by the Institute of Government and the City Manager to be effective October 1, 1975.

Following some discussion, Mr. Shaw offered motion for adoption of the Fayetteville Pay Plan for the fiscal year 1975-76 to be effective October 1, 1975. Motion seconded by Mr. Godwin.

Following some further discussion, Mr. George offered a substitute motion for the adoption of the Pay Plan with Police Dept. and Inspection Dept. left open to grade 9. The motion received no second.

Following some further lengthy discussion, Mayor Lee called for vote on the original motion for adoption and it carried by the following vote: FOR: Mr. Kelly, Mrs. Beard, Mr. Godwin, Mrs. Finch and Mr. Shaw; AGAINST: Mr. George.

Council next gave consideration to Taxi Driver Permits.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, Taxi Driver Permits were approved for the following named as recommended by the Chief of Police, City Taxi Cab Inspector and the City Manager: OWEN RAY BAKER, ROBERT LEE MCLEAN AND PAUL WALTER ROSEMARK, JR.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, a taxi driver permit was disapproved for Alexander Morrow as recommended by the Chief of Police, City Taxi Cab Inspector and City Manager.

Council next gave consideration to an ordinance granting to Airport Limousine, Inc. a franchise to operate a limousine service between Grannis Field and all points to which the using public requests.

City Attorney Clark stated that there was only one bidder for this franchise and he was the present franchisee and Airport Commission requests approval.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, N.C. GRANTING TO AIRPORT LIMOUSINE INC. A FRANCHISE TO OPERATE A LIMOUSINE SERVICE BETWEEN THE FAYETTEVILLE MUNICIPAL AIRPORT AND ANY AND ALL OTHER POINTS TO WHICH THE USING PUBLIC REQUESTS THE SERVICE.

Mr. George introduced the foregoing ordinance and moved its adoption on first reading, motion seconded by Mrs. Beard and carried unanimously.

Mayor Lee stated that this matter would come back before City Council for second reading at the next regular meeting on Sept. 8, 1975.

Council next gave consideration to the appointment of the City of Fayetteville Director of Community Development.

Mayor Lee reminded Council that this matter was before them tonight for confirmation of the appointment of Mr. Ronald Hickman as approved in the special joint meeting of the City Council and County Commissioners held on August 14, 1975,

Following brief discussion, Mr. Godwin offered motion that Mr. Ronald Hickman be and he is appointed Executive Director of the Community Development Dept. Motion seconded by Mr. Shaw and carried by the following vote: FOR: Mr. Kelly, Mr. Godwin, Mrs. Finch and Mr. Shaw; AGAINST: Mr. George and Mrs. Beard.

CITY MANAGER REPORTS

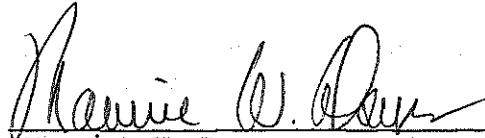
The City Manager stated that bids were advertised for a van for the Bureau of Identification. Only one bid was received and it was excessive. He requested authorization of the Council to reject this bid and readvertise.

Mr. Kelly offered motion, seconded by Mrs. Beard that this one bid be rejected and that the City Manager be authorized to readvertise. Motion carried unanimously.

MATTERS OF INTEREST TO THE CITY COUNCIL

Mr. Shaw was recognized and offered a statement that after serving for more than 10 years on the City Council, he had come to the decision that he would not seek reelection to the Council nor would he seek election to the office of Mayor. Mr. Shaw expressed his pleasure at serving on the Council over the past years, at the opportunity of serving the Citizens of Fayetteville, and of his pleasure at serving with Mayor Lee, the other Council Members, former City Manager Gilbert Ray, present City Manager Guy Smith and all city employees.

Thereafter, all matters of business having been completed, this 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
SEPTEMBER 8, 1975
8:00 P. M.

Present: Mayor Pro Tem Beth Finch

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

Absent: Mayor Jackson Lee and Councilman Marion George

Others Present: Mr. Guy Smith, City Manager
Mr. William Clark, City Attorney
Mr. Ray Muench, PWC
Mr. Joe Stowe, PWC

Mayor Pro Tem Finch, presiding in the absence of Mayor Lee, called the meeting to order. The invocation was given by Councilman Shaw following which Mrs. Finch led the assembly in the Pledge of the Allegiance to the Flag.

Mrs. Finch recognized the following named City Employees and presented them with Service Pins.

FIVE YEARS

Harold Maxon, Recreation and Parks Dept.

FIFTEEN YEARS

Hubert Leach, Sanitation Dept.
Malloy Quick, Fire Dept.

TWENTY YEARS

Joseph R. Jernigan, Fire Dept.

THIRTY YEARS

JOSEPH FARRIOR, FIRE DEPT.

Following the presentation, Mrs. Finch extended congratulations to these employees for their dedicated service to the city and they were accorded a vigorous round of applause by those assembled in the Council Chamber.

Mrs. Finch then recognized the Fayetteville Youth Council representatives present in the audience to observe Council proceedings: Brian Brooks, Don Casto, Beth Nunnale.

Council then moved to the first agenda item.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, Minutes of the Regular Council Meeting of August 25, 1975 were approved as submitted by the Clerk.

Upon motion by Mr. Kelly, seconded by Mr. Shaw and carried unanimously, a public hearing was ordered published for October 13, 1975 on the annexation of property located on Law Road and owned by Mr. Floyd Ammons pursuant to 100% petition.

Upon further motion by Mr. Kelly, seconded by Mr. Shaw and carried unanimously, a public hearing was ordered published for October 13, 1975 on the confirmation of the assessment rolls for the paving of North Street from Blueberry Court to Brookwood Avenue by the adoption of the following resolution.

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-1975-59.

A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book R-1975.

PLANNING BOARD MATTERS

Council gave consideration to Lake Clair Apartments - Preliminary revision review located on Village Drive at Saxony Place. Planning Board recommended conditional approval per their memorandum.

Upon motion by Mr. Shaw, seconded by Mr. Godwin and carried unanimously, the foregoing matter was approved conditionally as recommended by the Planning Board.

Council next gave consideration to a second reading of an ordinance granting to Airport Limousine, Inc., a franchise to operate a limousine service between Grannis Field and all points to which the using public requests. Approval was given on first reading to this ordinance at the last regular Council meeting on August 25.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, N.C. GRANTING TO AIRPORT LIMOUSINE, INC. AND HIS, ITS OR THEIR SUCCESSORS AND ASSIGNS, A FRANCHISE TO OPERATE A LIMOUSINE SERVICE BETWEEN THE FAYETTEVILLE MUNICIPAL AIRPORT (GRANNIS FIELD), THE CITY OF FAYETTEVILLE AND ANY AND ALL OTHER POINTS TO WHICH THE USING PUBLIC REQUESTS THE SERVICE. ORD. NO. NS-1975-68

Mr. Godwin introduced the foregoing ordinance and moved its adoption on second reading, 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 Ordinance Book NS-1975 and also on file in the office of the Airport Manager.

Council next gave consideration to an ordinance prohibiting parking on the north side of Westlawn Avenue between Sutton and Bethune Streets. This matter was continued from the August 25th meeting.

The City Manager presented this matter and stated that the property owners on Westlawn Avenue had presented a petition for the adoption of an ordinance prohibiting parking on the north side due to the excessive traffic congestion. The City Manager stated that the above matter was discussed by Council at the August 25 meeting and he was instructed to get in touch with the City School Officials to determine their feelings.

Mr. Zolly Bowden, Assistant City School Supt., had investigated the possibility of parking on school property (two buses and about 5 or 6 teachers cars now parking on Westlawn Avenue) and stated that there is no space available. He also stated that there is no other space available in the vicinity, on side streets and even so it would not be feasible to park the school buses where they could not be watched by school officials.

He stated further that if parking is not allowed on the north side of the street the cars would simply park on the south side which would result in competition for parking between the resident owners and the non-residents who work in the area. There is a playground at the rear of the school which Mr. Bowden said is not large enough to park the school buses without depriving the children of needed play area and also would create a safety problem. School buses are now being parked halfway on the sidewalk.

A Mrs. Mason, a resident of Westlawn Avenue, was recognized and requested Council's help in this matter.

Following some discussion, Mr. Shaw offered motion for the adoption of an ordinance prohibiting parking on the north side of Westlawn Avenue between Sutton and Bethune Streets except for an unloading zone on the north side and two bus parking only spaces for school buses on the north side, motion seconded by Mr. Godwin and carried unanimously.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, N.C. SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 11 "PARKING PROHIBITED" ON THE NORTH SIDE OF WESTLAWN AVENUE BETWEEN SUTTON AND BETHUNE STREETS EXCEPT FOR AN UNLOADING ZONE ON THE NORTH SIDE AND TWO BUS PARKING ONLY SPACES FOR SCHOOL BUSES ON THE NORTH SIDE. ORD. NO. NS-1975-69.

A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book NS-1975.

Council next gave consideration to a request for authorization for the Bicentennial Committee to coordinate painting of the fire hydrants.

Mr. Woody Bass was recognized for Mr. R.B. Goforth for the Bicentennial Commission of the Chamber of Commerce and requested that their committee be designated the coordinating agency for the painting of the fire hydrants. PWC Manager Ray Muench reminded Council that the fire hydrants are now color coded to designate their various fire-fighting capacities and suggested that this color coding not be disturbed as well as the brass nut on top of the hydrant and that following the bicentennial year celebration, the hydrants be repainted their original color.

Mr. Bass stated that his committee would be responsible for this matter, for the designs which are to be painted on the hydrants, and for the repainting afterward.

Following brief discussion, Mr. Shaw offered motion to approve the request as put by Mr. Bass that the Bicentennial Committee be the coordinating agency for the painting of the fire hydrants. Motion seconded by Mr. Kelly and carried unanimously.

It was suggested to Mr. Bass that he contact Mr. John Raper, Chairman of the Bicentennial Commission, and coordinate this matter.

Council next heard a report by City Attorney, Billy Clark, on the annexation of the Hillendale Subdivision and property abutting the Morganton Road.

Mr. Clark reported first on the Hillendale area.

The Annexation Technical Review Committee submitted the following report to the Council on the proposed annexation of Hillendale.

- (1) A Map prepared by the Engineering Dept. showing the present and proposed city limits.
- (2) Map prepared by PWC showing the present major trunk water mains and sewer interceptors and outfalls and the proposed extension of such mains and outfalls into the area to be annexed.
- (3) Map prepared by the Cumberland County Joint Planning Board showing the general land use in the area to be annexed.
- (4) The area proposed for annexation is an area developed for urban purposes.
- (5) A plan for extending municipal services.
- (6) Section 2-2 study

A Mr. Ransom N. Smith was recognized with comments that his subdivision adjacent to Hillendale was not a part of the Hillendale Subdivision and that he did not wish to be considered for annexation. Mrs. Finch informed him that this was not before Council tonight for annexation but rather for consideration of the report and that he, Mr. Smith, would be given a chance to speak at the public hearing on October 13.

Mrs. Finch then asked if Council desired to approve the foregoing report submitted by Mr. Clark and Mr. Shaw offered motion for approval and for the placement of file in the Clerk's office. Motion seconded by Mr. Godwin and carried unanimously.

Council next gave consideration to the Morganton Road area and City Attorney Clark presented the following report.

The Annexation Technical Review Committee submits the following report to the Council on the proposed annexation of an area known as Morganton Road area as follows:

- (1) Map prepared by the Engineering Dept. showing the present and proposed city limits.
- (2) Map prepared by PWC showing the present major trunk water mains and sewer interceptors and outfalls and the proposed extension of such mains and outfalls in to the area to be annexed.
- (3) Map prepared by the Cumberland County Joint Planning Board showing the general land use in the area to be annexed.
- (4) The area proposed for annexation qualifies as an area developed for urban purposes.
- (5) The plans for extending municipal services into the proposed area.
- (6) Section 2-2 study.

Mr. Charles Kirkman, a resident property owner on Farmbrook Road, was recognized with comments. Mr. Riley Williams, a resident property owner on Farmbrook Road, was also recognized with comments and asked if he would be permitted to be heard further on this matter. Mrs. Finch assured him that he would be able to be heard on the matter at the October 13, 1975 public hearing.

Mrs. Finch then asked Council if they wished to approve the report submitted by the City Attorney and Mr. Shaw offered motion, seconded by Mr. Godwin for approval of the report and for the placement of it on file in the Clerk's office. Motion carried unanimously.

Council next gave consideration to a resolution authorizing the filing of an application with the Bureau of Outdoor Recreation for a \$75,000.00 grant for the development of Phase 2 and Phase 3 of Glenville Park.

The City Manager presented and reviewed this matter for Council and stated that the land and water conservation fund acts of 1965 provided for the making of grants by the Bureau of Outdoor Recreation Dept. of Interior of United State Government, to states and to local municipalities in support of outdoor recreation projects and such funds are available after approval of the appropriate state agency and the Bureau of Outdoor Recreation.

RESOLUTION AUTHORIZING THE DEVELOPMENT OF A FAYETTEVILLE CITY PARK BY THE FAYETTEVILLE CITY COUNCIL AND FOR THE FILING OF AN APPLICATION WITH THE BUREAU OF OUTDOOR RECREATION FOR A \$75,000.00 GRANT FOR THE DEVELOPMENT OF PHASE 2 AND PHASE 3 OF GLENVILLE PARK. RES. NO. R-1975-60.

Following brief discussion, Mr. Kelly moved for approval of the filing of the foregoing application by the adoption of the foregoing resolution and that the Mayor and Clerk are hereby 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 R-1975.

Council next gave consideration to an ordinance imposing a lien against the real property located at 359 Van Story Street for the demolition cost incurred. The City Manager presented this matter.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$125.00 AGAINST THE REAL PROPERTY LOCATED AT 359 VAN STORY STREET AND OWNED BY MRS. ANNIE MAE CONNER "HEIRS"; MRS. GLORIA MAE HUNT FOR THE DEMOLITION COST OF A SUBSTANDARD STRUCTURE. ORD. NO. NS-1975-70.
at 9:00 P.M.

Mr. Kelly 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 Clerk's office in Ordinance Book NS-1975.

Council next gave consideration to the approval of several bids. The City Manager presented these matters the first of which was a contract for office furniture for the police dept. The City Manager stated the low bids meeting specifications were as follows and are recommended.

Item 1: K & M Office Supply

15 metal tables with center drawer as specified
36 metal chairs as specified for \$3,378.00

Item 2: Fayetteville Office Supply Company

4 executive desks as specified
1 secretarial desk as specified for \$908.50

Item 3: Poole Office Supply Company

4 executive chairs as specified
1 secretarial chair as specified for \$519.50

A public hearing had been set for this date and hour on the rezoning from R5 Residential District and C1 Local Business District to C3 Heavy Commercial District or to a higher classification of an area bounded on the north by the CBD Loop and located between Washington Drive and Murchison Road. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R5 RESIDENTIAL DISTRICT AND C1 LOCAL BUSINESS DISTRICT TO C3 HEAVY COMMERCIAL DISTRICT AN AREA BOUNDED ON THE NORTH BY CBD LOOP AND LOCATED BETWEEN WASHINGTON DRIVE AND MURCHISON ROAD. ORD. NO. NS-1975-71.

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 NS-1975.

A public hearing had been published for this date and hour on the initial zoning to M1 Industrial District or to a higher classification of Public Works Point of Power Delivery No. 2 located on S.R. 1723. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY TO M1 INDUSTRIAL DISTRICT PUBLIC WORKS POINT OF POWER DELIVERY NO. 2 LOCATED ON S.R. 1723. ORD. NO. NS-1975-72.

Mr. Kelly introduced the foregoing ordinance and moved its adoption, seconded by Mr. Godwin and carried unanimously. A copy of the foregoing is on file in the office of the City Clerk in Ord. Book NS-1975.

A public hearing had been published for this date and hour on the rezoning from R5 Residential District to C1 Local Business District an area located on Eastern Blvd. south of Bell Street and bounded by New York Avenue on the west. Planning Board recommended approval. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: REZONE FROM R5 RESIDENTIAL TO C1 LOCAL BUSINESS DISTRICT AN AREA LOCATED ON EASTERN BLVD. SOUTH OF BELL STREET AND BOUNDED BY NEW YORK AVENUE ON THE WEST. ORD. NO. NS-1975-73.

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 City Clerk's office in Ord. Book NS-1975.

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 located at 1400 North Street Extension. Planning Board recommended denial. There was no opposition present.

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

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, public hearings were set for October 27, 1975 on the following two items:

- A. A request for a special use permit for a neighborhood resource center in an R5A Residential District as provided for in the City of Fayetteville Zoning Ordinance Section 32-24 (5) "Orphanages and Charitable Institutions" located at 1912 Slater Avenue.
- B. A request for a special use permit to construct parking facilities in an R5 Residential District for an area located at Lot No. 13 Lamson Street.

PLANNING BOARD MATTERS

Council heard recommendation from the Planning Board for approval of three colonies, section III - preliminary revision review located on Cliffdale Road at Lox Drive. Planning Board recommended conditional approval in accordance with their memo which included the construction of tot lots and multi-use playcourt before occupancy of any unit in section 3.

Following brief discussion, Mr. Godwin offered motion for conditional approval of the foregoing as recommended by the Planning Board. Motion seconded by Mrs. Beard and carried unanimously.

Council heard conditional approval recommended for preliminary and final planned commercial (C1P) review for Sambo's Restaurant located in the Fayetteville Mall Shopping Center on Raeford Road at Cheselka Street.

Following brief discussion, Mr. Godwin offered motion for conditional approval of the foregoing as recommended by the Planning Board in their memo, motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to preliminary group development review of the Hasty Professional Property located at 3401 Melrose Road. Planning Board recommended conditional approval to grant the 13 foot building set back variance as requested and that the condition for providing a sidewalk along Melrose Road only include the area fronting the proposed buildings. (The Planning Staff had recommended that sidewalks be provided along Melrose Road the entire length of the property).

Following brief discussion, Mr. Shaw offered motion to follow the recommendation of the Planning Board and grant the 13 foot building set back variance and follow the Planning Staff's recommendation that sidewalks be provided along Melrose Road the entire length of the property. Motion seconded by Mrs. Finch.

Following some further discussion, Mr. Godwin offered substitute motion to follow the recommendation of the Planning Board and grant the 13 foot building set back variance and for providing a sidewalk along Melrose Road only along the area fronting the proposed buildings. Motion seconded by Mrs. Beard. Mayor Lee then called for vote on the motion and it was as follows: FOR: Mr. Kelly, Mrs. Beard and Mr. Godwin; AGAINST: Mrs. Finch, Mr. Shaw and Mr. George. Mayor Lee cast the deciding vote in favor of the substitute motion and declared it carried.

PUBLIC WORKS COMMISSION MATTERS

Upon motion by Mr. Shaw, seconded by Mr. Godwin and carried Mrs. Beard voting against, an application by Alexander Powell for a one inch water connection on River Road to serve his residence was approved.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried Mrs. Beard voting against, an application by Elvin Baggett, 1307 James Street, for a one inch water connection for service to his residence was approved.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried Mrs. Beard voting against, an application by Joseph W. Williams for a four inch sanitary sewer connection to serve lot 144, Holiday Park Subdivision was approved.

On a final PWC matter, Mr. Stowe stated that in February City Council had approved a peak shaving generation study by PWC and this study was now completed^{and} approved by PWC and requested a conference meeting between PWC and the City Council for presentation and discussion of the study. A conference meeting was set by City Council with PWC for Monday, Sept. 29, 1975 at 7:30 P.M. in the City Hall Council Chamber.

Council next gave consideration to several ordinances imposing liens against the real property for demolition and cost incurred.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$150.00 AGAINST REAL PROPERTY LOCATED AT 1938 PAMALEE DRIVE AND OWNED BY RALPH M. POTTER AND STEVE PARIS. ORD. NO. NS-1975-74

Mr. Godwin introduced the foregoing ordinance and moved its adoption at 9:05 P.M., motion seconded by Mrs. Beard and carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$150.00 AGAINST REAL PROPERTY LOCATED AT 1617 ELLIOTT STREET OWNED BY ELLA MAE McNeill, Heirs. Ord. NO. NS-1975-75.

Mr. Kelly introduced the foregoing ordinance and moved its adoption at 9:06 P.M., motion seconded by Mr. Godwin and carried unanimously.

AN ORDINANCE OF THE CITY COUNCIL IMPOSING A LIEN IN THE AMOUNT OF \$400.00 AGAINST THE REAL PROPERTY LOCATED AT 117 "B" STREET AND OWNED BY MRS. I. H. RIDDLE. ORD. NO. NS-1975-76.

Mrs. Finch introduced the foregoing ordinance and moved its adoption at 9:07 P.M., motion seconded by Mrs. Beard and carried unanimously.

Copies of the foregoing ordinances are on file in the Clerk's office in Ordinance Book NS-1975.

Council next gave consideration to proposed ordinances requiring the Building Inspector to correct substandard housing conditions at 1804 Newark Avenue, owned by Mrs. G.W. Allen, 1806 Newark Avenue owned by Dr. G.W. Allen, 1808 Newark Avenue owned by DR. G.W. Allen and 1913 Newark Avenue owned by Dr. G.W. Allen.

Dr. Allen was present and was recognized. Dr. Allen stated that these buildings owned by him on Newark Avenue are vacant and that vandals had removed wiring and plumbing from them and that he is now in the process of rebuilding and will correct the conditions. He requested an extension of 90 days in which to do this.

Following brief discussion, Mr. Shaw offered motion to grant the 90 day extension to Dr. Allen for the four buildings on Newark Avenue as requested. Motion seconded by Mr. Godwin and carried unanimously.

Council then moved to consider other ordinances requiring the Building Inspector to correct substandard conditions as follows:

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 911 WATERLESS STREET AND OWNED BY MR. THOMAS WOOD AND WIFE EDITH N. WOOD. ORD. NO. NS-1975-77.

Mrs. Beard 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 DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 947 E. COLLIER DRIVE AND OWNED BY MR. JOHN HOWARD. OR. NO. NS-1975-78.

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 BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 945 E. COLLIER DRIVE AND OWNED BY MR. JAMES F. LEACH. ORD. NO. NS-1975-79.

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 BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 411 MURCHISON ROAD OWNED BY MR. R.B. BAREFOOT. ORD. NO. NS-1975.80.

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 Ordinance Book NS-1975.

Council next gave consideration to an ordinance amending section 15-6 of the City Code - Permits and fees. The City Attorney presented this matter and stated this ordinance amended the code by adding a provision for the charge for permits and fees for hoods, canopies and/or ducts for commercial type cooking equipment. Some discussion of this ordinance followed.

AN ORDINANCE AMENDING SECTION 15-6 OF THE CITY CODE OF THE CITY OF FAYETTEVILLE - PERMITS AND FEES. ORD. NO. S-1975-13.

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 City Clerk's office in Ord. Book S-1975.

Council next gave consideration to an ordinance amending section 21-37 of the City Code regarding poolrooms allowing minors to loiter.

The City Attorney presented this matter and stated that section 21-37 now allows only billiard rooms located within bowling alley establishments that do not sell beer or wine for on premise consumption to allow minors the use of a poolroom on a billiard room.

Allowing poolrooms and bowling alley establishments that do not sell beer or wine for on premise consumption to be the only commercial establishment that would allow minors the use of a poolroom in my opinion is too restrictive a limitation. It is my recommendation, he stated, that section 21-37 be amended to strike out the words that restrict minors to the use of poolrooms within bowling alley establishments that do not serve alcoholic beverages.

There was brief discussion.

AN ORDINANCE AMENDING SECTION 21-37 OF THE CITY CODE OF THE CITY OF FAYETTEVILLE - POOLROOMS ALLOWING MINORS TO LOITER. ORD. NO. NS-1975-14.

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 Ordinance Book S-1975.

Council next gave consideration to an ordinance repealing section 5-15 of the City Code regarding the sale of beer on ground or street floors.

The City Attorney presented this matter and stated that section 5-15 of the City Code prohibits the sale of wine or beer for consumption on the premises unless such sale is on the ground or street floor provided this restriction does not apply to a multi-story hotel or motel or to a grade A restaurant.

Permitting a multi-story hotel or motel or a grade A restaurant to sell beer or wine on other than the ground floor but not to permit other commercial establishments to sell other than on the ground or street floor in my opinion is not a distinction that would pass judicial scrutiny. The City Attorney then recommended that section 5-15 be repealed.

Following some discussion of this matter, Councilman Shaw offered motion to continue this matter to the next regular meeting on October 13. Motion seconded by Mr. Godwin and carried Mr. Kelly voting against.

Council next gave consideration to an ordinance proposing that Campbell Avenue loop and Cape Fear Court be made "one way".

The City Engineer stated that Fayetteville Metropolitan Housing Authority Director, Robert H. Ward, has asked that the city consider making Campbell Avenue loop one way to eliminate traffic congestion. The project does not have enough off street or bay type parking and the loop is not wide enough for two way traffic with parking on each side. He recommended approval of the passage of this ordinance.

Council also recognized Housing Authority Director Ward who presented the same information that the City Engineer had just stated and requested approval of the passage of this ordinance.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, N.C. SECTION 20-106 OF THE CITY CODE TRAFFIC SCHEDULE NO. 7 (ONE WAY STREETS) - CAMPBELL AVENUE LOOP. ORD. NO. NS-1975-81.

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-1975.

Council next gave consideration to an ordinance prohibiting parking at all times along Ray Avenue between Rowan Street and Moore Street.

The City Engineer stated that at the last Council meeting, Mayor Pro Tem Finch mentioned traffic congestion within the foregoing block particularly immediately north of Rowan Street. He stated he had reviewed the problem and suggested a parking prohibition ordinance on each side of the street near Rowan Street as well as at the Moore Street end. This will provide for turning movements at the intersection. We are also proceeding painting parking stalls on the remaining portion of Ray Avenue.

Following some discussion of this matter, Mr. George offered motion for continuance to the next regular meeting on October 13, 1975. Motion seconded by Mrs. Beard and carried Mrs. Finch voting against.

Council next gave consideration to a resolution awarding settlement to Jack and Edith Mendlesohn for the taking of property for Franklin Street Extension. In a memorandum to the Mayor and Members of the City Council, City Attorney Clark stated that the city's appraisal for the acquisition of the Mendlesohn property for the extension of Franklin Street was \$5,000.00. The Mendlesohns would not accept this offer and the property was condemned by the Council and the Mendlesohns were awarded \$4,200.00. This award was appealed to the Superior Court.

The Mendlesohns have offered in settlement for the taking of property the sum of \$5,800.00. This would include the deeding of additional adjoining property to the city.

If this offer is acceptable by the Council, the resolution would allow the termination of this matter.

RESOLUTION AUTHORIZING THE SETTLEMENT OF CLAIM WITH JACK AND EDITH MENDLESOHN FOR THE ACQUISITION OF THE MENDLESOHN PROPERTY FOR THE CONSTRUCTION OF THE FRANKLIN STREET EXTENSION. RES. NO. R-1975-61.

Mr. Shaw introduced the foregoing resolution and moved its adoption as recommended by the City Attorney. 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 R-1975.

Council next gave consideration to several bids. The City Manager presented these items.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, the low bid of Cumberland Tractor Company in the amount of \$5,753.00 was accepted for a Massey Ferguson 235 tractor for the Recreation and Parks Dept.

Upon motion by Mr. Kelly, seconded by Mr. Shaw and carried unanimously, the low bid of Powers-Swain Chevrolet Company in the amount of \$4,634.50 was accepted for one station wagon and the low bid of M & O Chevrolet Company in the amount of \$6,566.21 was accepted for one three-quarter ton truck for the I.D. Bureau.

Upon motion by Mr. Shaw, seconded by Mr. Godwin and carried unanimously, the bid of Central Metal Supplies in the amount of \$3,888.00 was accepted for the purchase and installation of lockers and benches for the police dept. (The lowest proposal was actually submitted by Williams Office Equipment, Inc., the City Manager reported, but their bid contained serious miscalculation by their supplier and Williams had requested that their bid be rejected.)

Upon motion by Mr. Shaw, seconded by Mr. Godwin and carried unanimously, the low bid of Patrick Ford Inc. in the amount of \$35,660.80 was accepted for 9 police sedans.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, the low bid of Metal Building Systems of N.C. in the amount of \$8,557.00 was accepted for an addition to the Recreation and Parks Maintenance Building on Gray Street.

Upon motion by Mrs. Beard, seconded by Mr. Godwin and carried unanimously, the low bid of F & P Electric Company in the amount of \$8,481.00 was accepted for a Ballfield Lighting System for the Recreation and Parks Dept.

Council next gave consideration to the Merit Salary increases for the fiscal year 75-76 procedures. Mayor Lee reminded Council that this matter had been presented to the Council at a conference meeting last week for their study of the procedures and for further consideration of the implementation of such at this time.

In a memorandum dated Sept. 3 to the City Council, the City Manager stated that at Council's

meeting on June 30, 1975 for the purpose of approving the budget for fiscal year 75-76, Council also approved a 2½% merit salary increase for 90% of the city employees to be effective January 1, 1976. Since that time, City Administration has been investigating various merit systems in effect and other governmental units.

The investigation of merit systems has enabled administration to identify four principal methods utilized by governmental units to determine the selection of those employees to receive merit salary increases or promotions. These four systems are listed below with comments derived from our study conclusions:

- A. Tests of job skill and job knowledge
- B. Measurement of an employee's work through production records.
- C. Seniority
- D. Performance Evaluation

After consideration of the above four systems, the administration recommends the formal performance evaluation approach as the best system for determining merit salary increases. In doing so, the administration realizes that there is a general feeling of dislike for ratings, however, it must be recognized that even if no formal system is provided, ratings still will be and must be made informally. If informal, comparisons would be difficult and the credibility of such ratings for determining merit salary increases would be questionable. There are many advantages in the formal performance evaluation over and above providing a means to determine those to receive merit salary increases, he stated. The City Manager then continued in his memorandum to give a schedule of implementation for Council's consideration.

Mrs. Beard raised several questions concerning the merit salary increases concerning seniority, performance evaluation, review by Council of performance evaluations of department heads, merit raises and qualifications for merit raises. Mrs. Beard also suggested more study on this matter.

Following some further brief discussion, Mr. Kelly offered motion to delay action on this matter to the next regular meeting on October 13. Motion seconded by Mrs. Beard.

Mr. George then offered a comment on a seniority-longevity plan.

Mrs. Finch raised the question on the cost of a longevity plan based on five year increments. The City Manager stated that he would provide this information.

Mr. Shaw suggested that this matter be reconsidered at the conference meeting on Sept. 29.

Mrs. Beard also suggested a pay plan formulation that would show an employee where he stands salary wise three years from date of employment. This is necessary, she stated, to retain good people in city employment.

Mayor Lee then called for vote on the motion for deferment of action on this matter and it carried unanimously.

Council next gave consideration to a request from Cape Fear Valley Coaches.

Mayor Lee reminded Council of the receipt of the letter of Sept. 3 from Mr. A.T. Watson, President of Cape Fear Valley Coaches, which was considered at the conference meeting last week. Mayor Lee reminded Council of the content of Mr. Watson's letter and of Mr. Watson's request that due to increases in all purchases of the company especially fuel plus a need to raise the salaries of the bus operators that he must notify the city that an additional outlay from the City of Fayetteville to the bus operation of \$2,875.00 per month would have to start by November, 1975 or the bus company would have no choice but to close its city bus operation. (The city is now paying \$3,125.00 per month on a delayed purchase plan agreement.)

Mayor Lee stated that it would appear that the Council has a decision to make based on the contents of Mr. Watson's letter and that decision being does the city want to continue a bus system or not?

Mr. George pointed out that according to the purchase agreement, the bus company is not obligated to do anything.

Mrs. Finch asked if Mr. Watson had reduced bus service, and the City Manager replied apparently not since he must have Council authorization to do so.

There then followed a discussion of the option to purchase provisions.

Mrs. Beard asked if an audit had been made of the bus company and the City Manager replied that it had not but it could be done if desired.

Following some lengthy discussion, Mr. George stated that this is an emotional, legal, and economic issue and he suggested that City Administration and the City Attorney prepare a legal proposal and recommendation for the Council.

Mrs. Beard also suggested that the City Manager contact Mr. Al Wheatley concerning a bus operation for the city.

Mrs. Finch suggested a conference meeting on the subject.

Following some further discussion, Mr. George suggested continued negotiations with Mr. Watson concerning the bus company.

Finally, Mayor Lee stated that Council would receive the information suggested by Mr. George from the City Manager and City Attorney and then set a conference meeting to discuss this matter further.

Council next gave consideration to a request from the Chief of Police that ten spaces in parking lot #2 be set aside for police dept. vehicles on a temporary bases.

In a memorandum to the Mayor and Members of the Council, the Assistant City Manager stated that lower deck parking for vehicles at the new law-enforcement center is still not possible due to an unknown chemical agent leaking through the roof which damages the paint finish on vehicles.

The architect has been authorized by the county to hire a testing laboratory to identify the chemical agent involved. Hopefully, once the cause has been determined, timely corrected action can be taken to restore lower deck parking.

Until lower deck parking can be restored, the loss of the parking spaces for police vehicles will continue to present a parking problem for the police dept. It is recommended that ten spaces in parking lot #2, these spaces fronting along Dick Street and directly opposite the law enforcement center, be set aside for police department vehicles on a temporary bases until lower deck parking is again available.

Following brief discussion, Mr. Kelly offered motion, seconded by Mr. Godwin for approval of the foregoing request on a temporary bases. Motion carried unanimously.

Council next gave consideration to the approval of Taxi Cab Driver Permits. Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, a taxi driver permit was approved for Phillip Andrew Grauley as recommended by the Taxi Cab Inspector, Chief of Police and City Manager.

Upon motion by Mr. Shaw, seconded by Mrs. Beard and carried unanimously, a taxi cab driver permit was disapproved for Larry McCoy as recommended by the Taxi Cab Inspector, Chief of Police and City Manager.

No delegations responded to Mayor Lee's invitation for recognition.

CITY MANAGER REPORTS

The City Manager reported that ten applicants had been certified by the Civil Service Commission 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. as certified by the Civil Service Commission, and as recommended by the Fire Chief and City Manager: JACKIE C. LEE, GARY R. MCDANIEL, TED L. BEVERLY, LARRY E. PLEASANTS, PAUL W. SIMPSON, MAJOR D. MORRIS, MARVIN R. HALL, RAEFORD D. LOCKAMY, II, EDWARD A. WATSON AND HAROLD L. AVERETTE.

Upon motion by Mr. Godwin, seconded by Mrs. Finch and carried unanimously, the following named promotions were made in the Fire Dept. from Lieutenant to Captain: DARRELL J. PAGE, from fireman to lieutenant JAMES L. REYNOLDS.

Upon motion by Mrs. Finch, seconded by Mr. Godwin and carried unanimously, the following promotion was made in the police dept. as the result of a retirement, from sergeant to captain CLARENCE B. MORRISON.

Upon motion by Mrs. Finch, seconded by Mrs. Beard and carried unanimously, the following promotion was made in the police dept. from patrolman to sergeant M.C. MILLS.

The City Manager reported that seven candidates had been certified by the Civil Service Commission for appointment to the police dept.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, the following named were appointed to the police dept. as certified by the Civil Service Commission and as approved by the Chief of Police and City Manager. JULIAM E. DAVIS, MARVIN D. MCCAULEY, KEITH MCLAUGHLIN, DAVID E. NEELY, ROBERT PRONIER, BILLY TURNER AND JAMES JUMALON

MATTERS OF INTEREST TO THE CITY COUNCIL

Mr. George stated that some weeks ago a resident of the southeast Fayetteville Wilmington Road area came before Council with a problem of dense undergrowth and shrubbery along some streets in the area which were slightly and dangerous and Council had taken some steps to correct the situation. Mr. George then recommended that Council needed to investigate this problem further and take additional steps to better the situation.

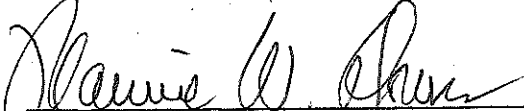
Mr. George commenting on an article that appeared in the local newspaper, recommended that City Administration secure a copy of the Midwest Research Institute Study and distribute it to the

Council Members as soon as possible.

Mayor Lee informed Council members that he had reappointed Mrs. Inez F. Easley to an additional five year term of office to the Fayetteville Metropolitan Housing Authority, said term to expire in September 1980.

Mayor Lee informed Council of the receipt of a proposed resolution on setting property values received from Community Development Director Ron Hickman. He suggested that Council study the resolution and Mr. Hickman's request.

Thereafter, all matters of business having been completed, the meeting was adjourned at 10:45 P.M., upon motion made and duly seconded.


Maurice W. Downs
City Clerk

SPECIAL MEETING
OF THE CITY COUNCIL
WEDNESDAY, OCTOBER 8, 1975
7:00 P. M.
COUNCIL CHAMBER, KYLE HOUSE

Present: Mayor Jackson F. Lee

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

[Handwritten signature]

SPECIAL MEETING
OF THE CITY COUNCIL
WEDNESDAY, OCTOBER 8, 1975
7:00 P.M.
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. William Clark, City Attorney
Mr. Robert H. Butler, PWC
Mr. James Warner, PWC
Mr. Ray Muench, PWC
Mr. Joe Stowe, PWC
Mr. Denny Shaffer, Private Citizen

Mayor Lee called the meeting to order and stated its purpose was to consider peak shaving generation, the Merit Pay Plan, the Cape Fear Valley Coaches matter and any other matter to be brought up.

Mayor Lee recognized Public Works Commissioner Robert H. Butler on the peak shaving generation matter. Mr. Butler presented this subject and requested authorization for a bond referendum in the amount of \$18,000,000.00 for the purchase of peak shaving generators.

Mr. Shaffer was recognized and recommended to Council that publicity be given to the citizens of this community for the use of electricity at a level rate to eliminate peaks. His interest, he stated, is from a conservation standpoint concerning the use of fossil fuels. He requested Council to delay the proposed bond issue for two weeks in order to give the State Legislature a chance to act first on a similar matter. Some discussion followed and Mr. Shaffer's proposal was taken under consideration.

Following some discussion of the bond issue matter, Mayor Lee asked Council's direction on the call for the bond issue for \$18,000,000.00 as requested and recommended by Public Works Commission and their consulting engineer, Mr. Popham.

Mrs. Beard then offered a motion to authorize a bond referendum in the amount of \$18,000,000.00 as requested and recommended by PWC and that the general public be fully informed about the issue. Motion seconded by Mr. Kelly and carried unanimously. The Public Works Commission members then excused themselves from this session.

The City Council then convened itself as the Community Development Agency and considered several matters. At the completion of this, Council reconvened itself as the City Council for the consideration of the merit pay plan.

In the presentation of this matter for reconsideration, Mayor Lee reviewed the minutes of past meetings of the Council and of their subsequent action on this subject.

Discussion followed. Detective Sgt. Charles House of the Fayetteville Police Dept. was recognized as spokesman for some 35 city police officers with comments and severe criticism on the proposed pay plan. Mr. House presented a petition signed by a majority of the members of the Fayetteville Police Dept. said petition requesting Council to adopt a realistic pay plan to include seniority.

Following considerable discussion, Mr. Shaw offered motion that no action be taken on the merit pay plan tonight and that the present City Council make a recommendation to the new City Council for a study and that the \$60,000.00 in the present budget for salaries be placed aside for use by the new Council as they choose. Motion seconded by Mr. Kelly.

Considerable discussion followed and Councilman Shaw moved to call the question. Motion was duly seconded and carried unanimously.

Mayor Lee then called for vote on the motion that no action be taken and the vote was as follows: FOR: Mr. Kelly, Mr. Godwin and Mr. Shaw; AGAINST: Mrs. Beard, Mrs. Finch and Mr. George. Mayor Lee then cast the deciding vote in favor of the question and declared the motion carried.

Mr. George then offered a motion that the City Council grant a 2% across the board increase to all city employees to be effective January 1, 1976. Motion seconded by Mrs. Beard.

Mayor Lee ruled Mr. George's motion out of order and Mr. George appealed the ruling from the chair.

A vote was then taken on the appeal and the Mayor's ruling that the motion was out of order was approved by the following vote: FOR: Mr. Kelly, Mrs. Finch, Mr. Shaw and Mr. Godwin; AGAINST: Mr. George and Mrs. Beard.

Council then moved to consider the Cape Fear Valley Coaches Matter (the bus company) Council again reviewed Mr. A.T. Watson's letter of Sept. 3, 1975 in which MR. Watson stated that an additional outlay from the City of Fayetteville to the bus operation would have to start by

November 1975 or the bus company will have no choice but to close its city bus operation.

The City Manager informed Council that pursuant to their request, he had contacted Mr. Al Wheatley and that Mr. Wheatley had stated to him that he was not interested in a city bus operation franchise.

City Attorney Clark stated that he had spoken with bus company, Counsel Rudolph G. Singleton, Jr., concerning the present bus company option to purchase agreement and that a supplemental agreement could be drawn between the city and Watson.

There was considerable discussion of the City Attorney's report.

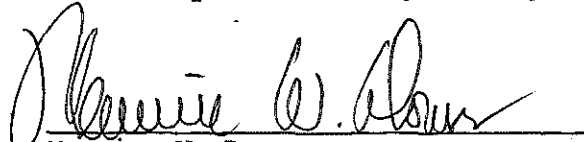
It was then suggested that the City Attorney draw a supplemental agreement for consideration by the City Council at its regular meeting on Monday night, October 13, 1975 for the Mayor and City Clerk to sign for the city.

On a final matter, Mayor Lee stated that he had received a letter from the Board of Cumberland County Commissioners on the extension of water and sanitary sewer facilities to Montclair Subdivision (Montclair Subdivision proper is now contiguous to the corporate limits of the city due to a recent annexation of ten lots on Stoney Kirk Drive.)

Council then proceeded to discuss briefly the city's present policy regarding the extension of utilities to areas outside the corporate limits of the City but contiguous thereto.

Following this, Mayor Lee stated that a letter should be written to the Chairman of the Cumberland County Commissioners stating the city's policy on the extension of utilities and for the submission of a petition for annexation necessary on areas contiguous to the city in which public utilities are requested. Council was in agreement with the foregoing suggestion made by Mayor Lee and he was so authorized to write such a letter.

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


Maurice W. Downs
City Clerk

REGULAR MEETING
OCTOBER 13, 1975
CITY HALL COUNCIL CHAMBER
8:00 P.M.

Present: Mayor Jackson F. Lee

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

Council Member Absent: Mr. Harry Shaw

Others Present: Mr. Guy Smith, City Manager
Mr. William Clark, City Attorney
Mr. Joe Stowe, PWC
Mr. Ray Muench, PWC

Mayor Lee called the meeting to order and the invocation ^{was} by the Rev. Paul Bunn of Haymount United Methodist Church. Mr. Maurice Salani, Grand Knight, Cardinal Gibbons Counsel, Knights of Columbus, led the assembly in the Pledge of the Allegiance to the Flag in observance of Columbus Day.

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

Mayor Lee then recognized the following city employees and presented them with service pins and commended them on their loyal and faithful service to the city.

TEN YEAR PIN

James C. Jones, Inspection Dept.

TWENTY YEAR PIN

Joseph L. Fields, Fire Dept.

TWENTY FIVE YEAR PIN

George Crumbley, Recreation & Parks Dept.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, Minutes of the Regular Meeting of Sept. 22, 1975 were approved as submitted by the Clerk.

A public hearing had been published for this date and hour on the annexation of property owned by Mr. Floyd Ammons located on the north side of Law Road by 100% petition.

There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL EXTENDING THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE TO INCLUDE PROPERTY OWNED BY MR. FLOYD AMMONS LOCATED ON THE NORTH SIDE OF LAW ROAD PURSUANT TO GS-168-31. ANNEXATION #160.

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 Clerk's Office in Annexation Book 1975.

Council next considered a report on the proposed annexation of an area along Morganton Road pursuant to GS-160A-47.

City Attorney Clark presented this matter and gave a report and outlined the urbanization. Mr. Muench presented the utilities plan report. Mr. Clark presented other services plans and land use report.

Mr. I.H. O'Hanlon, a Morganton Road resident, was recognized in opposition and presented a 19 signature petition for a referendum. Mr. Charles Kirkman, a Farmbrook Road resident, was also recognized in opposition.

After these persons had been heard, Mayor Lee stated that this matter would be set for City Council action on October 27, 1975.

A public hearing had been published for this date and hour to hear a report on the proposed annexation of an area known as Hillendale pursuant to GS 160A-47. (The Hillendale area is located off Country Club Drive). Mr. Clark again presented a report on this area and outlined the urbanization of the area and contiguous to the city limits. Mr. Muench again presented the utilities plan report and Mr. Clark presented the other services plan and land use report.

Mr. George W. Armetzo, a Clearwater Drive resident, was recognized in opposition and presented a 42 signature petition for a referendum. Mr. Ransom N. Smith, an area property owner, was recognized and requested that his property be excluded from this area.

Mr. Adrian Williams, developer of Hillendale area, was recognized in opposition.

Following brief discussion, Mayor Lee stated that this matter would be set for city council action on October 27, 1975.

A public hearing had been published for this date and hour on confirmation of the assessment roll for the paving and other improvement on North Street from Blueberry Court to Brookwood Avenue. Mayor Lee read a certificate from the City Clerk stating that all property owners involved in this paving project had received due and proper notice of their assessment and of this public hearing. The City Manager presented Council with background on this paving project.

Attorney Stacy Weaver was recognized for 11 property owners on Taylor Drive who stated that due to the fact that their lots fronted on Taylor Drive, they are not the benefactors of this paving on North Street but rather a federal housing project and an industry.

Mayor Lee stated that the assessments were calculated and appraised to compensate for benefits. The City Manager stated that this was also true due to the relocation of a storm sewer line with an increased capacity from Taylor Drive to North Street.

A Mr. John Land of Taylor Drive was recognized and stated he had receipts substantiating payment for paving in 1953.

Mr. W.A. DePrater, an area property owner, was also recognized with a question on the amount of assessments and requested appraisal of the Purdie property.

Following lengthy discussion, Mr. Godwin offered motion to recalculate the computed assessment at \$9.40 and that appraisals be made on the Lacy and Purdie properties and that this public hearing be continued to November 10, 1975. Motion seconded by Mrs. Beard and carried unanimously.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, a public hearing was ordered published for consideration of initial zoning of property owned by Floyd Ammons located on the north side of Law Road for November 10, 1975.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, a public hearing was ordered published for November 24, 1975 on consideration to close Pine Street and Rachel's Alley as a public thoroughfare.

PUBLIC WORKS COMMISSION MATTERS

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried Mrs. Beard voting against, a one inch water connection outside the city for a Mr. Earla Raynor, Jr., at 3907 Daytona Road was approved.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried Mrs. Beard voting against, a one inch water connection for a Mr. Jesse Kyle Ellis on the River Road outside the city was approved.

Upon motion by Mrs. Finch, seconded by Mr. Kelly and carried Mrs. Beard voting against, a one inch water connection outside the city was approved for Mrs. Matthew I. Ellis on River Road.

Upon motion by Mrs. Finch, seconded by Mr. Godwin and carried unanimously, an encroachment agreement was approved with Seaboard Coastline Railroad Company for an electric line crossing on Langdon Street and execution by the Mayor and City Clerk authorized and directed.

On two extra PWC matters, Mr. Kelly offered motion, seconded by Mr. Godwin and carried Mrs. Beard voting against, for approval of an outside city water connection for Mr. Clyde Byrd on Raynor Drive.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried Mrs. Beard voting against, a water connection outside the city was approved for Mr. William Johnson on Raleigh Road in the vicinity of Andrews Road.

The City Council received the following certificate of the Board of Elections for the City of Fayetteville Municipal Primary Election held on October 7, 1975.

CERTIFICATE OF THE BOARD OF ELECTIONS
FOR
CITY OF FAYETTEVILLE MUNICIPAL PRIMARY ELECTION
OCTOBER 7, 1975

CUMBERLAND COUNTY
NORTH CAROLINA

We, the undersigned Board of Elections of Cumberland County, North Carolina, do hereby certify that we met in the office of the Board at 12:00 noon on Thursday, October 9, 1975 and did canvass the original returns of the Registrars and Judges of Election of the votes cast in the municipal primary election for Mayor and City Council candidates held on October 7th and we do hereby certify that the following are true and correct totals of votes cast for the following candidates in said returns:

<u>FOR MAYOR</u>	<u>TOTAL VOTES RECEIVED</u>
Larry Buie, Jr.	490
Edward Peter Devenish	358
Beth Finch	4,269

<u>FOR CITY COUNCIL</u>	<u>TOTAL VOTES RECEIVED</u>
Marie Williford Beard	2,570
Robert H. Beatty	946
Kyndal Bizzel Davis	180
J.L. Dawkins	2,786
Marion George	2,892
Vardell Godwin	1,847
Donald Grimes	994
Rosa Lee Harrelson	404
Roger Highsmith Hobson	324
John W. "Bill" Hurley	2,425
Robert T. MacMillan	1,466
Jim Maloney	2,189
E.J. "Ed" Miller	700
Gene Plummer	2,809
Steve Satisfsky	2,303
Vincent H. Shields	2,642

We, therefore certify that pursuant to such tabulation, we have judicially determined that the votes received for candidates for Mayor and City Council resulted in the nomination of the following candidates to run in the municipal election to be held on November 4, 1975:

FOR MAYOR (2 candidates receiving the highest number of votes)

Larry Buie, Jr. (2) Beth Finch (1)

FOR CITY COUNCIL (12 candidates receiving the highest number of votes)

Marie W. Beard (5)	Vardell Godwin (9)	Jim Maloney (8)
Robert H. Beatty (12)	Donald Grimes (11)	Gene Plummer (2)
J.L. Dawkins (3)	John W. Hurley (6)	Steve Satisfsky (7)
Marion George (1)	Robert T. MacMillan (10)	Vincent H. Shields (4)

Given under our hand and seal, this 9th day of October, 1975.

CUMBERLAND COUNTY BOARD OF ELECTIONS

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

Council next gave consideration to a resolution authorizing the condemnation of certain parcels of land for the acquisition of right-of-way for the improvement of Cain Road between Bragg Blvd. and Pamalee Drive.

City Attorney Clark presented this matter and stated that the proposed resolution resolves that the City Attorney institute condemnation proceedings against certain parties and parcels of land for the acquisition of right-of-way for the improvement of Cain Road. A Mr. Howard Cain, Darvin R. Schlegel and others from the area were recognized with questions concerning the proposed paving of Cain Road and the assessments therefor. There was also some discussion about the consideration of this matter prior to the public hearing on the paving of Cain Road. However, the City Attorney stated that this was the proper procedure in his opinion.

Following this discussion, Mrs. Finch offered motion to postpone this matter to October 27, 1975. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave reconsideration to an ordinance which would repeal Section 5-15 of the City Code of the City of Fayetteville regarding the sale of beer and wine limited to ground or street floors. This matter was continued from the Sept. 22, 1975 meeting. The City Attorney presented this item.

There was considerable discussion but Council took no action on this matter.

Council next gave reconsideration to a proposed ordinance amending Section 20-106 Traffic Schedule #11 "Parking Prohibited" on Ray Avenue. This matter was continued from the Sept. 22 meeting. City Engineer Bennett reminded Council that this proposed ordinance had been drawn due to the traffic congestion within the block of Ray Avenue between Rowan Street and Moore Street. There was considerable discussion again about the churches along Moore Street using this section of Ray Avenue for overflow parking for Sunday services. There was also discussion about signing this street to prohibit parking during the week but allow it on Sunday but City Engineer Bennett stated this was not practical due to the street lay out and the traffic pattern.

After considerable discussion, Mr. George offered motion to continue this matter to the October 27 meeting, motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to a resolution ordering condemnation of Southern Railway property for Eastwood Avenue crossing.

RESOLUTION ORDERING CONEMNATION OF SOUTHERN RAILWAY PROPERTY FOR EASTWOOD AVENUE CROSSING.
RES. NO. R-1975-62.

Mrs. Finch introduced the foregoing resolution and moved its adoption, seconded by Mrs. Beard and carried unanimously. A copy of the foregoing resolution is on file inthe officé of the City Clerk in Resolution Book R-1975.

Council next gave consideration to a suggestion that the brick wall at Cross Creek Cemetery No. 1 be restored as a community project. In a memorandum to the Mayer and Council, the City Manager stated that representatives of the Woman's Club, Fayetteville Technical Institute and E.E. Smith Senior High School, have proposed that the brick wall on the Grove Street and Cool Spring Street sides of Cross Creek Cemetery No. 1 be restored as a community project.

If the city will provide the necessary materials, students of FTI and E.E. Smith masonry class will restore the wall under the supervision of their instructors without charge. The estimated cost of materials are as follows: 2500 hand-made bricks \$375.00; 18 bags of mortor mix \$39.50; 2 yards of mortor sand \$40.00 total cost to the city \$454.50.

Should you approve the above proposal, the City Manager stated, an amendment to the budget reallocated funds to meet the material cost of \$454.50 will be provided for your approval at a later date.

Following brief discussion, Mr. Kelly offered motion, seconded by Mrs. Beard and carried unanimously for approval of the foregoing request and forthe transfer of \$450.00 from the contingency fund for the cost of same.

Council next gave consideration to a request for a loading zone on the north side of Cashwell Street at its intersection with Hillsboro Street. The City Manager presented this matter and stated that a Mr. Collins, operator of the Casino Lounge, was requesting a loading-unloading zone beside his building at the Cashwell Street Hillsboro Street Intersection on the north corner. This side has no parking from 10 P.M. until 7 A.M. as does the south side. The City Manager stated that Council has been requiring loading zones to be available for at least 10 businesses and with more needful loading, than is apparent for this one which will serve only this business. The City Manager recommended against approval of the request.

Following brief discussion, Mr. Godwin offered motion to follow the foregoing recommendation of the City Manager and deny this request for a loading-unloading zone. Motion seconded by Mr. Kelly and carried unanimously.

Council next was to have given consideration to the Public Works Commission bond resolution; however, the City Attorney reported that this resolution was not as yet ready.

Council next gave consideration to several bids.

The first was the awarding of a contract for a cab and chassis for the Fire Dept.

Council recognized Fire Chief Thurman Bishop who displayed a sketch of the proposed vehicle and stated that they had developed and designed a vehicle that would cover all functions of the company safety officer, that is it can be used for police patrol, for fire protection and as a quick response for emergency medical service. The vehicle will have a crew cab, first aid supplies and a water pump and tank.

Mayor Lee complemented Chief Bishop and the department for this innovative idea.

Following brief discussion, Mr. Kelly offered motion, seconded by Mr. Godwin and carried unanimously for awarding the contract for the foregoing cab and chassis for the Fire Dept. to the low bidder, Edmac Truck Sales, Inc. for their bid of \$7,031.63.

Upon motion by Mr. Godwin, seconded by Mrs. Finch and carried unanimously, the sole bidder Duncan-Parnell, Inc. was awarded the contract for a reflecting projector for the Engineering Dept. for their bid of \$5,750.00

Upon motion by Mr. Godwin, seconded by Mr. George and carried unanimously, the low bidder Super Secur Comfort Stations, Inc., was awarded the contract for a comfort station for the Glenville Park project for their bid of \$7,981.00.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, the low bidder meeting specifications Wesco and Associates was awarded the contract for bleacher planks for the recreation and parks dept. for their bid of \$6,793.00.

Council next gave consideration to a supplemental agreement with Cape Fear Valley Coaches to continue city bus service until February 1, 1976. (Council had discussed this matter previously at the special meeting on October 8, 1975 and had authorized and directed the City Attorney to draw said supplemental agreement for consideration by the Council at this time)

The City Attorney presented thismatter and stated that the supplemental agreement will provide

for the payment by the city to the bus company of an increased monthly amount of \$2,875.00 for the months of November, December 1975 and January 1976 and that this amount shall be in addition to the current monthly payment to the bus company in the amount of \$3,125.00. The increased amount of \$2,875.00 per month shall be a credit against the purchase price of \$200,000.00. Should the bus company fail to continue operations as set forth in the original contract, above referred to, the City Attorney stated during the month of November and December 1975 and January 1976, then any increased monthly payments made under this agreement to the bus company shall be added to the existing balance of the note and deed of trust as set forth in paragraph 8 of the agreement of July 1, 1974 between the city and the bus company.

A lengthy discussion then followed and several motions put which received no seconds.

Mr. George then offered motion that city administration be authorized to work out the best possible agreement with Cape Fear Valley Coaches for the continuation of services through January 1976. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to the approval of several Taxi Cab Driver Permits.

Upon motion by Mrs. Finch, seconded by Mr. Kelly and carried unanimously, taxi cab driver permits were approved for the following named as recommended by the City Taxi Cab Inspector, Chief of Police and the City Manager: RONALD PATRICK JEFFRIES, EUGENE SOUTHERN PARHAM, JERRY ROGER SMITH, WILLIAM O. MILLS, AND AUGUSTA ERVIN WILLIAMS.

Councilman Kelly then requested and received permission to be excused from the meeting at this point.

Council next gave consideration to several appointments.

Mayor Lee informed the Council that although the agenda reflected only the term of office of George Armstrong, expiring in October on the Advisory Recreation and Parks Commission, that due to an error, three other terms of office of Recreation and Parks Commission members should also be shown as expiring in October. They were Miss Maude Freeman, Mr. Bill Acker and Mr. Richie Smith. Mayor Lee stated that Mr. Armstrong had agreed to serve again if reappointed and that between now and next meeting the other three members would be contacted to see if they would serve again and this item will reappear on the agenda for the October 27th meeting.

No delegations responded to Mayor Lee's invitation for recognition.

CITY MANAGER REPORTS

The City Manager stated that the following named had been certified by the Civil Service Commission for appointment to the Fire Dept. and were recommended by the Fire Chief and himself: JEFFREY L. INGRAM AND CHARLES A STEPHENS.

Mr. Godwin offered motion, seconded by Mrs. Beard for appointment of the aforementioned to the Fire Dept. as certified and as recommended. Motion carried unanimously.

The City Manager reported the resignation of the following named from the Fire Dept.: ROBERT W. CLARK AND of the following named as having been appointed but never employed: RAYMOND D. LOCKAMY AND MARVIN R. HALL.

Council noted the resignation of Mr. Clark and of the circumstance regarding Mr. Lockamy and Mr. Hall.

MATTERS OF INTEREST TO THE COUNCIL MEMBERS

Mr. George stated that concerning the allocation of \$60,000.00 set aside in the 1975-76 budget for salary increases, Council should consider allocating these funds either for a 1% Christmas bonus and something else later in the year for city employees.

Mayor Lee replied that by official action by the Council at the special meeting on October 8, 1975 left the disposition of these funds up to the new City Council and would hesitate to take any action tonight with two members of the Council absent.

Discussion followed. Mr. George then suggested that this matter be placed on the agenda for discussion at the next meeting for consideration of a merit pay plan, a longevity plan, a combination of the two or nothing at all and his suggestion was accepted.

Mayor Lee stated that at Council's request, he had contacted all of the railroads in the area about their crossings in the city and that a letter in the agenda packet tonight from one railroad outlined the various cost involved to repair their crossings. Mayor Lee stated that he had also received replies from other railroads.

Mrs. Finch called attention to the fact that several City Council Members would be in attendance next weekend at the Annual North Carolina League of Municipalities Conference in Winston Salem. This is a 2 and one-half day seminar and that Council's attendance at this meeting, they would come away better informed and able to provide better service to the citizens of the Fayetteville community.

3. That a sworn statement of debt of the City has been filed with the City Clerk and is open to public inspection.

4. That this order shall take effect when approved by the voters of the City at a referendum as provided in said Act.

The City Council thereupon designated the Finance Director as the officer whose duty it shall be to make and file with the City Clerk the sworn statement of debt of the City which is required by The Local Government Bond Act, as amended, to be filed before the adoption of the order which was introduced at this meeting.

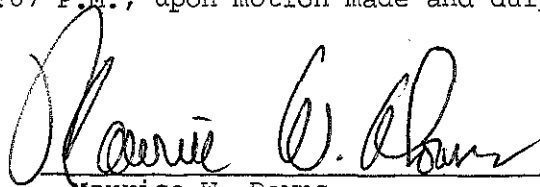
Thereupon the Finance Director filed with the City Clerk, in the presence of the City Council, the sworn statement of debt as so required.

Thereupon the order entitled: "ORDER AUTHORIZING \$18,000,000 ELECTRIC ENDS" was passed on first reading.

On motion duly made, seconded and unanimously carried the City Council fixed 7:00 P.M., October 30, 1975, as the hour and day for the public hearing upon the foregoing order, and directed the City Clerk to publish said order, together with the appended statement as required by the Local Government Bond Act, as amended, in The Fayetteville Observer not later than the sixth day before said date.

Following the introduction of the order, Councilman Kelly offered motion for its adoption, the motion was seconded by Mrs. Finch and upon being put to vote carried unanimously.

Thereafter, this special session was adjourned at 12:07 P.M., upon motion made and duly seconded.



Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
OCTOBER 27, 1975
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
Mr. Joe Stowe, PWC

Mayor Lee called the meeting to order and the invocation was offered by the Rev. Bobby Glenn Smith, College Lakes Free Will Baptist. Following the invocation, the assembly was led in the Pledge of the Allegiance to the Flag by David Callahan, Post 670 Veterans of Foreign Wars, District Commander of 8th District VFW, in recognition of Veterans Day.

Mayor Lee then recognized the following School Crossing Guards presented them with Service Pins and commended them for their loyal and dedicated service to the City.

FIVE YEARS

Betty Autry
Cornelia Dixon
Lola Mae Horne
Catherine Leavy
Rosa Lee Rhone
Edith Schewe
Ruth Williams

TEN YEARS

Cattie I. Green
Marcellite Odom
Luzetta Speight
Ingeborg Vinent

FIFTEEN YEARS

Pearl Black

TWENTY YEARS

Johnnie Bellamy

Mayor Lee then recognized the following Youth Council representatives present in the audience to observe Council proceedings: Robin Drake, Steve Pate and William Hollerund.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, Minutes of a Special Meeting of the Council on October 8, 1975 were approved as submitted by the Clerk.

Upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, Minutes of the Regular Meeting of October 13, 1975 were approved as submitted by the Clerk.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, Minutes of a Special Meeting of October 23, 1975 were approved as submitted by the Clerk.

Council then proceeded to hear two public hearings.

A public hearing had been published for this date and hour on the consideration of a request for a special use permit for a neighborhood resource center in an R5A Residential District as provided for in the City of Fayetteville Zoning Ordinance Section 32-24(5) "Orphanages and Charitable Institutions" located at 1912 Slater Avenue. Planning Board stated that this request came from the Cumberland Community Action Program and Planning Board recommended approval. There was no opposition present.

Following brief discussion, Mrs. Finch offered motion for approval of the foregoing special use permit as requested. Motion seconded by Mr. Godwin and carried unanimously.

A public hearing had been published for this date and hour on the consideration of a request for a special use permit to construct parking facilities in an R5 Residential District for an area located at lot #13 Lamon Street. Planning Board stated that this request came from the developer of a restaurant to be located on Grove Street. Planning Board recommended approval. There was no opposition present.

Following brief discussion, Mr. Shaw offered motion for approval of the foregoing special use permit as requested and as recommended. Motion seconded by Mr. Kelly and carried unanimously.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, public hearings were set on the following zoning matters for November 24, 1975.

- A. The initial zoning to C3 Heavy Commercial District or to a higher classification an area located at the intersection of Owen Drive and Cumberland Road.
- B. The rezoning from R6 Residential District to C1 Local Business District or to a higher classification of an area located at 1711 Ramsey Street.
- C. Special use permit for an antique shop in a P2 Professional District as provided for in the City of Fayetteville Zoning Ordinance, Section 32-27(11) located at 116 Broadfoot Avenue.
- D. The rezoning from R5 Residential District to P2 Professional District or to a higher classification an area located at 719 Athens Avenue.
- E. The rezoning from R10 Residential District to P2 Professional District or to a higher classification an area located at the intersection of Cain Road and U.S. 401 By-Pass.

PLANNING BOARD MATTERS

1 Council heard conditional approval recommended for Cedarwoods self service gas station planned commercial area - C1P preliminary and final review located on Raleigh Road and Treetop Drive.

Among the conditions that the Planning Staff recommended were that no additional driveway be permitted for the entire tract of land known as Cedarwoods Shopping Center along Raleigh Road as per previous approval and access only be provided as shown on the previously approved plan.

A Mr. David Gregg, project manager, had appeared before the Planning Board in behalf. Mr. Gregg stated that the developer was in agreement with all of the conditions with the exception of condition number 5 which permits only one driveway access from Raleigh Road to this entire tract of land.

Planning Board recommended to conditionally approve the request with the exception that condition number 5 providing for only one driveway accessible from Raleigh Road be deleted.

Following brief discussion, Mr. Shaw offered motion for approval of the foregoing per the conditions as recommended by the Planning Board to allow the extra driveway. Motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to University Hills Subdivision preliminary and final extension review located on Chadwick Road. Planning Board recommended conditional approval as shown in their memorandum of October 27, 1975.

Following brief discussion, Mr. Godwin offered motion for conditional approval of the foregoing as recommended by the Planning Board. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to Broadell Subdivision, Section 3 - preliminary and final review located on Cochran Avenue. Planning Board recommended conditional approval as appears in their memorandum of October 27, 1975.

Following brief discussion, Mr. Godwin offered motion, seconded by Mrs. Finch for conditional approval of the foregoing as recommended by the Planning Board. Motion carried unanimously.

Council next gave consideration to Briarwood Subdivision, section 10 - preliminary subdivision review located on Village Drive at Bryn Mawr Drive.

Planner Mitchell stated that the 10 members present at the October 21, 1975 regular meeting of the Planning Board voted to delay this request until Council could consider the realignment of Bryn Mawr Drive prior to approving the preliminary plat.

Planner Mitchell stated that the Planning Staff recommended denial until consideration for the realignment of Bryn Mawr Drive was made by the City Council.

Planner Mitchell stated that Mr. Walter Moorman, representing the developer, appeared before the Planning Board. Mr. Moorman stated that the city had had numerous opportunities in the past to purchase the necessary right-of-way for connecting Bryn Mawr Drive and Marlborough Road and the developer would like to have the eight lots west of Bryn Mawr Drive approved.

Planning Board recommended to delay the request until Council realignment of Bryn Mawr Drive prior to approving the preliminary plat.

Attorney R.G. Singleton, Jr., recognized for Mr. Teague, the developer, opposed to the realignment of Bryn Mawr Drive and the subsequent condemnation of the present lots intended for development by Mr. Teague.

Following some discussion, Mr. Shaw offered motion to continue this matter to the next meeting and to request a report from the City Engineer on the proposed realignment of this street. Motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to Green Valley Estates Subdivision, section 4, preliminary extension review located on Helen Street off Pamalee Drive.

Planner Mitchell stated the Planning Board recommended conditional approval as contained in their memorandum of October 27, 1975.

Following brief discussion, Mrs. Beard offered motion, seconded by Mr. Godwin for conditional approval of the foregoing as recommended by the Planning Board. Motion carried unanimously.

Council next gave consideration to Bordeaux East Shopping Center ClP addition review located on Village Drive at Owen Drive.

Planning Board recommended conditional approval pending agreement by the developer to the conditions as outlined in their memorandum of October 27, 1975. Planner Mitchell stated that the developer had been contacted and had agreed to the conditions.

Following brief discussion, Mr. Kelly offered motion, seconded by Mr. Godwin for approval of the foregoing as recommended by the Planning Board and subject to the conditions as outlined. Motion carried unanimously.

PUBLIC WORKS COMMISSION MATTERS

Council recognized PWC Manager Muench who stated that the PWC had no matters to present to Council this evening but that he had one item for information and that was the application for certification of convenience and necessity had received approval by the Public Works Commission on Friday, October 24, 1975 and filed with the North Carolina Utilities Commission for the peak shaving generators project.

Council next gave consideration of the annexation of an area along Morganton Road under the provisions of GS 160A-47. City Attorney Clark presented this matter and stated that if Council elected to annex the effective date would be January 1, 1976.

There was no opposition present.

AN ORDINANCE EXTENDING THE CITY LIMITS TO INCLUDE AN AREA ALONG BOTH SIDES OF MORGANTON ROAD IN THE VICINITY OF ITS JUNCTION WITH CLIFFDALE ROAD AND EXTENDING TO MCPHERSON CHURCH ROAD. ANNEX. #161.

Mr. Shaw introduced the foregoing ordinance and moved its adoption said annexation to be effective January 1, 1976. Motion seconded by Mr. Kelly and carried Mr. George voting no.

Council next gave consideration to an annexation of an area known as Hillendale under the provisions of Gs 160A-47 (Hillendale is located off Country Club Drive in the vicinity of Rose Hill Road).

City Attorney Clark presented this matter and stated that should Council elect to annex the effective date would be January 1, 1976.

There was no opposition present, however, a Mr. Bradley Jones of the Law Office of Cook & Cook Attorneys-at-Law was recognized and asked if there would be any reimbursement to city councilman Vardell Godwin due to any possible interest in this matter. Mr. Godwin stated that he nor his firm had any interest whatsoever in this area or in Country Club north subdivision and that there would be no reimbursement of any sort should this area be annexed.

PWC Manager Muench was recognized and stated that there would be absolutely no reimbursement for utilities in this area.

AN ORDINANCE EXTENDING THE CITY LIMITS TO INCLUDE THE HILLENDALE AREA. ANNEX. #162.

Mr. Shaw introduced the foregoing ordinance and moved its adoption for annexation to be effective January 1, 1976. Motion seconded by Mr. Kelly and carried Mr. George voting no.

Copies of both of the foregoing ordinances are on file in the office of the City Clerk in Annexation Book 1975.

Council next gave reconsideration of a resolution authorizing condemnation of several tracts for the improvement of Cain Road. (This matter continued from the October 13, 1975 meeting.)

City Attorney Clark presented this matter and requested that the list of Cain Road condemnations be amended to include parcel W-5 owned by Sotiriosk Mantekas with a deposit of \$225.00.

Council recognized Mr. Howard Cain, a Cain Road resident, who offered comments that the Council appeared to be rushing this matter and stated that in his opinion Cain Road should be a state highway commission system street.

Mayor Lee informed Mr. Cain that the city had made numerous attempts to get the State Highway Commission to accept Cain Road on to their system but with no success.

A Mr. Sherman B. Corren, a resident at the corner of Pamalee Drive and Cain Road, was recognized with several comments and stated that the city and state both want his property and that he had been approached by both agencies and he suggested that the City Engineer contact the State Engineer to determine what was desired. City Engineer Bennett displayed a map indicating that portion of Mr. Corren's property which the city requested in order to improve Cain Road and stated that he was not aware of State Highway Commission's desires.

A Mr. Paul Malonee, a private citizen, was recognized with questions. Mr. Malonee asked if it was feasible to expend city tax funds for this project when in his opinion they could be spent better for something else. His reasoning, he stated, was that Cain Road was a short street connecting

Bragg Blvd. with Pamalee Drive and carried mostly local traffic.

Following detailed discussion, Mr. Godwin offered motion to take no action on this matter and to recontact the State Highway Commission (Dept. of Transportation) and renew the request that they take Cain Road into the State Highway Commission system. Motion seconded by Mrs. Beard and carried by the following vote: For: Mr. Kelly, Mrs. Beard, Mr. Godwin and Mr. George; AGAINST: Mrs. Finch and Mr. Shaw.

Council next gave consideration to an ordinance of the City of Fayetteville City Code Section 20-106 Traffic Schedule No. 11 "Parking Prohibited" on Ray Avenue. (This matter had been continued from several previous meetings).

The City Engineer again presented this matter and stated that it was instigated at Mrs. Finch's request at a Council meeting several weeks ago due to the congested vehicular conditions in this one block section of Ray Avenue between Rowan Street and Moore Street. The City Engineer displayed a map and stated that the proposed ordinance would prohibit parking at all times on Ray Avenue on (1) the east side beginning at the northern curb line of Rowan Street for 169 feet northwardly, (2) the east side of Rowan Street beginning at the southern curb line of Moore Street for 152 feet southwardly, (3) the west side of Ray Avenue beginning at the northern curb line of Rowan Street for 259 feet northwardly and (4) the west side of Ray Avenue beginning at the southern curb line of Moore Street for 200 feet southwardly. Mr. George again raised the question of overflow parking into this street on Sunday's from the large Baptist and Episcopal churches on Moore Street.

Councilman George then moved that no action be taken. Motion was seconded by Mrs. Beard. A tie vote resulted as follows: FOR: Mrs. Beard, Mr. Godwin, Mr. George; AGAINST: Mr. Kelly, Mrs. Finch and Mr. Shaw. Mayor Lee broke the tie and the motion was lost by his casting his vote against.

Following some further discussion, Mr. Shaw offered motion that parking be prohibited at all times on the south end of Ray Avenue only (that is to say the east side beginning at the northern curb line of Rowan Street for 169 feet northwardly and the west side of Ray Avenue beginning at the northern curb line of Rowan Street for 259 feet northwardly) Motion seconded by Mrs. Finch.

Following some detailed discussion, the question was called and carried unanimously and by the following vote the following ordinance was adopted. FOR: Mr. Kelly, Mr. Godwin, Mrs. Finch and Mr. Shaw; AGAINST: Mr. George and Mrs. Beard.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, N.C. TRAFFIC SCHEDULE No. 11 PARKING PROHIBITED-RAY AVENUE. PARKING PROHIBITED AT ALL TIMES. RAY AVENUE-THE EAST SIDE BEGINNING AT THE NORTHERN CURB LINE OF ROWAN STREET FOR 169 FEET NORTHWARDLY AND THE WEST SIDE OF RAY AVENUE BEGINNING AT THE NORTHERN CURB LINE OF ROWAN STREET FOR 259 FEET NORTHWARDLY. ORD. NO. NS-1975-82.

A copy of the foregoing ordinance is on file in the Clerk's office in Ordinance Book NS-1975.

Council next gave consideration to a request from the Fayetteville Museum of Art for two signs to be installed at the Market House 30" x 90" indicating the hours of operation of the Museum of Art.

Council recognized Mr. William Fields, who displayed a copy of the signs proposed to be installed.

Following brief discussion, Mrs. Finch offered motion for approval of the installation of the signs as presented by Mr. Fields. Motion seconded by Mr. Shaw and carried unanimously. (Inasmuch as the sign presented by Mr. Field tonight was not of scale design, he was advised to contact the City Building Inspector to confirm the proper size of signs to be installed. This Mr. Field's agreed to do).

Council next gave consideration to the approval of authorizing city participation of street improvement costs in Englewood Subdivision, Section 3.

In a memorandum to the City Manager, the City Engineer stated that on April 28, 1969, the developer of Englewood Subdivision requested Council approval to pave streets in this subdivision under private contract and be reimbursed pursuant to the city's policy for participation in such construction. The policy at that time was to assess 40% of the construction to each side of the street and the city pay 20% as well as the entire cost of intersections. Based on this formula, the city's participation in this cost is \$10,590.50.

This development is now complete and settlement is recommended of this obligation by paying the above amount to the present owner Key Homes of Greensboro, N.C. Following brief discussion, Mr. Shaw offered motion for approval of the foregoing city participation in this street paving program in the amount of \$10,590.50. Motion seconded by Mrs. Finch and carried unanimously.

Council next gave consideration to a request by Community Development for increased car allowance.

Mayor Lee then convened the City Council as the Community Development Agency to consider this request. The City Manager reported that he had received a request from the Community Development Director that the car allowance for the Community Development staff be increased from \$30.00 to \$50.00 per month and mileage increased to 15 cents per mile for out of town driving. The City Manager recommended approval of these two requests.

Following brief discussion, Mr. Kelly offered motion to follow the foregoing recommendation of the City Manager and approve the car allowance for Community Development from \$30.00 to \$50.00 per month and 15 cents per mile for out of town driving. Motion seconded by Mr. Godwin and carried unanimously.

Mayor Lee then adjourned the Council as the Community Development Agency.

Council next gave consideration to the declaring as surplus, certain vehicles and equipment and the authorization to offer said vehicles and equipment for sale at public auction.

The City Manager presented this matter and stated that three trucks, two motorcycles and nine automobiles which were either wrecked or worn out beyond repair and were not good as trade-ins were requested to be declared surplus to the needs of the city and sold at public auction. The resolution title appears below:

RESOLUTION AUTHORIZING SALE OF SURPLUS VEHICLES. RES. NO. R-1975-63.

Mr. Godwin introduced the foregoing resolution and moved its adoption, seconded by Mr. Kelly that the foregoing vehicles be and they are declared surplus to the city needs and sold at public auction on Monday, December 1, 1975 at 2:30 P.M. at the City Street Department. Motion carried unanimously. (This item is to be published in the local newspaper and a list of the surplus vehicles is on file in the office of Mr. James Fortune, the City Purchasing Agent)

Council next gave reconsideration to a proposed personnel salary increase (merit pay plan, longevity, or combination).

A very lengthy discussion followed during which time Council considered and discussed a proposed plan to implement the merit pay increases approved by City Council to be effective January 1, 1976, a review of the longevity plans in effect in North Carolina cities over 20,000 population, the affect of a guaranteed salary increase of 5% per year for all city employees over a 5 year period and analysis of the military longevity pay increase system and a pay comparison of all police sergeants which provided information as to the total length of service, the length of service as a patrolman, length of service as a sergeant and present salary for each sergeant in the Police Dept.

Following a very lengthy discussion, Mrs. Finch offered a motion to request the City Manager to submit a combined merit pay plan-longevity plan at the next regular meeting of the Council on November 10. Motion seconded by Mr. Shaw and carried unanimously.

Council next gave consideration to a report from the City Manager on negotiations with Cape Fear Valley Coach Company. The City Manager reported that he had another meeting with Mr. Watson and that Mr. Watson had informed him that the bus company will close its operations as indicated on November 1, 1975 without an increase in payment from the city as originally proposed.

The City Manager stated that he had had prepared a supplemental agreement between the city and Cape Fear Valley Coaches as requested by the Council at its last meeting and that he felt this was the best agreement that could be negotiated.

The City Manager stated the supplemental agreement in part states that the bus company is desirous of acceleration of payment of a portion of the \$200,000.00 purchase price specified in said agreement and that the city is agreeable to said acceleration.

The City will pay an increased monthly amount of \$2,875.00 for the months of November-December 1975 and January 1976. This amount shall be in addition to the current monthly payment to the bus company in the amount of \$3,125.00.

The increased amount of \$2,875.00 per month shall be a credit against the purchase price of \$200,000.00.

Should the bus company fail to continue operations as set forth in the original contract above referred to, during the months of November-December 1975 and January 1976, then any increased monthly payments made under this agreement to the bus company shall be added to the existing balance of the note and deed of trust as set forth in paragraph 8 of the agreement of July 1, 1974 between the city and the bus company.

Following brief discussion, Mr. George offered motion to approve the foregoing supplemental agreement as recommended by the City Manager, motion seconded by Mrs. Finch and carried unanimously. A copy of the supplemental agreement is on file in the Clerk's Office with a copy of the original agreement of July 1, 1974.

Council next recognized Ms. Barbara Todd on Historic Preservation needs for the City of Fayetteville and Cumberland County.

Ms. Todd stated that a report had been prepared by the Joint Planning Board in March 1974 on the creation of a Historical Preservation Zone for the city. The report suggests that the city set up an Historical District in the Downtown area of the city for the establishment and preservation of buildings of historical significance. A public hearing must be held on this matter. She requested the Council request the Joint Planning Board to hold the first public hearing on this matter.

The Historical District would cover some 20 blocks in the downtown area but only 2 or 3 blocks would be requested tonight to include both sides of the 100 block of Person Street, the Kyle House and St. John's Episcopal and First Presbyterian Churches. This would be administered by an Historical District Commission appointed by the Council who would work with the property owners to see that the exteriors of the buildings would maintain an Historical character.

Following brief discussion, Mr. Shaw offered motion that the City Council requests the Joint Planning Board to hold the first public hearing on this matter on the creation of an historical district. Motion seconded by Mrs. Finch and carried unanimously.

Council next gave consideration to several bids.

The City Manager presented these matters and stated that the first bid was on awarding a contract for the customized body for the police-fire vehicle discussed at last Council meeting.

Upon motion by Mr. Godwin, seconded by Mr. Kelly and carried unanimously, the bid of Sturdy Truck Equipment, Inc. in the amount of \$3,274.00 for the customized body for the police-fire vehicle was approved.

The next bid considered was on awarding the contract for the Street and Sanitation Dept. equipment (two dump trucks and one brush picker vehicle). The City Manager presented this matter and stated that these bids were in four parts. The first was for two dump trucks with the sole bid being submitted by Lafayette Ford in the amount of \$55,710.00. The second was a sole bid by Lafayette Ford for a 25,000 GVW truck with a gasoline engine in the amount of \$9,750.00. The third part was for an hydraulic brush loader and the bid of Simpson Equipment Company in the amount of \$9,600.00 was recommended. The fourth part was for the truck body and the bid of Simpson Equipment Corporation in the amount of \$2,871.75 was recommended.

The City Manager informed Council that although these bids exceeded the appropriation set aside for this equipment that funds to purchase this equipment would be used from the contingency fund.

Following brief discussion, Mr. Godwin offered motion to award all of the foregoing bids as recommended by the City Manager. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to the approval of Taxi Driver Permits.

Upon motion by Mr. Kelly, seconded by Mr. Godwin and carried unanimously, taxi cab driver permits were approved for the following named as recommended by the City Taxi Cab Inspector, Chief of Police and the City Manager: GARY A WHITE, DAVID T. ELLIOTT AND JOSEPH T. MCDANIEL.

Council next gave consideration to several appointments to the Advisory Recreation and Parks Commission. Mayor Lee informed Council that the terms of Mr. George Armstrong, Miss Maude Freeman, Mr. Bill Acker and Mr. Ritchie Smith would expire in October. He stated that he had contacted all four of these members and all except Miss Maude Freeman had agreed to serve again if reappointed.

Mr. George nominated Mrs. Louise Jenkins to replace Miss Maude Freeman and Mr. Ritchie Smith, Mr. Bill Acker and Mr. George Armstrong for reappointment.

Mr. Godwin then offered motion, seconded by Mr. Shaw that nominations be closed and that Mrs. Louise Jenkins, Mr. Ritchie Smith, Mr. Bill Acker and Mr. George Armstrong be appointed and reappointed by acclamation to the Advisory Recreation and Parks Commission for three year terms of office each said terms to expire in October 1978.

Mayor Lee informed Council that Council's appointee to the Joint Planning Board Mr. William D. Pridgen had resigned and the matter of a replacement appointment for him would be considered at the next regular meeting of the Council on November 10.

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

There were no City Manager reports.

MATTERS OF INTEREST TO THE CITY COUNCIL.

Mrs. Finch commented on the improvement of the cigarette smoke condition in the Council Chamber this evening and thanked the City Manager and the Building Maintenance Supervisor for their efforts.

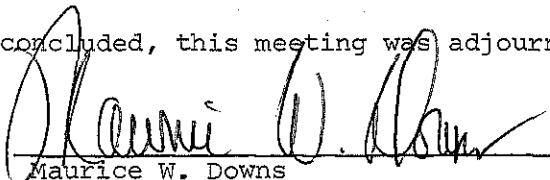
Mrs. Beard requested that due to the lateness of the adjournment of Council meetings and the distance to the parking lots where their cars are parked, the ladies present would appreciate the presence of a police patrol car after the adjournment of the Council meetings. The City Manager stated that this would be done.

Mrs. Beard suggested further that Council give study and reconsideration to the merit pay plan and longevity plan for city employees.

Following a brief discussion, Mayor Lee replied that in view of the discussion held earlier this evening on this matter and the subsequent requests made to the City Manager at that time for the resubmission of same, that further discussion be withheld pending receipt of the plans at the next regular meeting.

Mayor Lee reminded Council members of the public hearing on the Public Works Commission peak shaving generator bond issue which is scheduled for 7:00 P.M. on Thursday, October 30, 1975.

Thereafter, all matters of business having been concluded, this meeting was adjourned at 11:05 P.M., upon motion made and duly seconded.


Maurice W. Downs
City Clerk

ADJOURNED SPECIAL SESSION
7:00 P.M.
THURSDAY, OCTOBER 30, 1975
CITY HALL COUNCIL CHAMBER

Present: Mayor Jackson F. Lee

Council Members: Beth Finch, Marie Beard and Harry Shaw

Council Members Absent: Marion George, Glen Kelly, Vardell Godwin

Others Present: Mr. J. Guy Smith, City Manager
Mr. William E. Clark, City Attorney
Mr. Robert Butler, Public Works Commissioner
Mr. R. A. Muench, Public Works Commission Manager
Mr. Joe Stowe, Public Works Commission Asst. Manager
Mr. Jim Myatt, Public Works Commission Adm. Asst.

The Mayor announced that this was the date and hour fixed by the City Council for the public hearing upon the order entitled: "ORDER AUTHORIZING \$18,000,000 ELECTRIC BONDS" and that the City Council would immediately hear anyone who might wish to be heard on the questions of the validity of said order or the advisability of issuing said bonds.

No one appeared, either in person or by attorney, to be heard on the questions of the validity of said order or the advisability of issuing said bonds and the City Clerk announced that no written statement relating to said questions had been received.

Thereupon, upon motion of Council member Beard, seconded by Council member Finch, the order entitled: "ORDER AUTHORIZING \$18,000,000 ELECTRIC BONDS" was placed upon its final passage, and the vote upon the final passage of said order was: AYES: Council members: Lee, Finch, Beard and Shaw; NOES: None

The Mayor then announced that the order entitled: "ORDER AUTHORIZING \$18,000,000 ELECTRIC BONDS" had been adopted.

The City Clerk was thereupon directed to publish said order once in the Fayetteville Observer, together with the appended statement as required by the Local Government Bond Act, as amended.

Thereupon Councilman Shaw introduced the following resolution which was read:

RESOLUTION CALLING A SPECIAL
BOND REFERENDUM

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

Section 1. A special bond referendum is hereby called to be held between 6:30 A.M. and 7:30 P.M. on Tuesday, December 16, 1975, at which there shall be submitted to the qualified voters of the City of Fayetteville the questions stated in the Notice of Special Bond Referendum set forth in Section 3 of this resolution.

Section 2. For said referendum, (i) the regular registration books for elections in Cumberland County shall be used and the registration books, process or records shall be open for the registration of qualified persons and for public inspection in the manner, under the conditions and at the times and places as provided in said notice set forth in Section 3 of this resolution, (ii) the registrars, judges and other officers of elections appointed by the Cumberland County Board of Elections for the several precincts and voting places shall be the election officers for such precincts and voting places, and (iii) the precincts and voting places shall be those fixed by said County Board of Elections as provided in said notice set forth in Section 3 of this resolution, subject to change as provided by law.

Section 3. The City Clerk shall cause a notice to be published in the Fayetteville Observer once at least fourteen days before November 17, 1975 (being the last day on which persons may register for said referendum) and thereafter once not less than seven days before said day, such notice to read substantially as follows:

NOTICE OF SPECIAL BOND REFERENDUM
in the
CITY OF FAYETTEVILLE, NORTH CAROLINA

A special bond referendum will be held between 6:30 A.M. and 7:30 P.M., on Tuesday, December 16, 1975, at which there will be submitted to the qualified voters of the City of Fayetteville the following question:

Shall the order adopted on October 30, 1975, authorizing not exceeding \$18,000,000 Electric Bonds of the City of Fayetteville, North Carolina, for the purpose of providing funds, with any other available funds, for the generation of electrical power for the City of Fayetteville's electrical distribution system in order to shave the peaks of the electric power demands required by the system's users, including the

purchase of electrical generating equipment, acquisition and construction of buildings to house the equipment, acquisition and construction of other appurtenances necessary for the generating facility, transmission and distribution lines and facilities, and the acquisition of necessary lands, right-of-ways, and equipment, and the payment of necessary engineering and consultant fees.

The question hereinabove set forth contains a statement of the purpose for which the bonds are authorized by the order referred to in such question.

If said bonds are issued taxes in an amount sufficient to pay the principal and interest thereof will be levied upon all taxable property in the City of Fayetteville.

For said referendum the regular registration books for elections in the County of Cumberland will be used and the registration books, process or records will continue to be open for the acceptance of registration applications and the registration of qualified persons from 9:00 A.M. until 5:00 P.M. on Monday to Friday, inclusive, of each week at the office of the County Board of Elections of Cumberland County in the County Courthouse in Fayetteville, North Carolina.

Those residents of the City who are presently registered under Cumberland County's permanent system of registration and who have not changes residence from one precinct to another will be permitted to vote in the special bond referendum.

The last day for new registration of those not now registered under Cumberland County's permanent registration system is Monday, November 17, 1975.

The last day on which registered voters who have changed residence from one precinct to another may transfer registration is Monday, November 17, 1975.

Qualified voters who are not certain whether they are registered should contact the County Board of Elections at the office of said Board mentioned above.

The registration books for elections in the County will be open to inspection by any registered voter of the City during the normal business hours of the County Board of Elections on the days when the office of said Board is open and such days are Challenge Days.

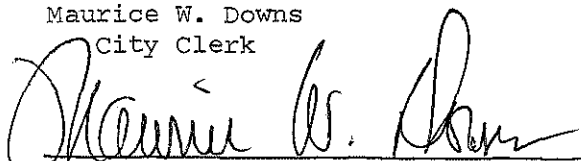
The registrars, judges and other officers of elections appointed by the County Board of Elections will serve as the election officers for said referendum.

The precincts and the voting places for said referendum, subject to change as provided by law, are as follows:

<u>PRECINCT</u>	<u>POLLING PLACE</u>
Cross Creek #1	Pauline Jones School
Cross Creek #2	Court House
Cross Creek #3	Alexander Graham Jr. High
Cross Creek #4	Lion's Civic Center
Cross Creek #5	Ramsey Street School
Cross Creek #6	Margaret Willis School
Cross Creek #7	Westlawn School
Cross Creek #8	Haymount fire Station
Cross Creek #9	Lucille Souders School
Cross Creek #10	Discontinued - Combined with Cross Creek #1
Cross Creek #11	Massey Hill School
Cross Creek #12	Vanstory School
Cross Creek #13	Rosenthal Bldg. FSU
Cross Creek #14	City School Adms. Bldg.
Cross Creek #15	Glendale School
Cross Creek #16	E.E. Smith High School
Cross Creek #17	Westarea Elementary School
Cross Creek #18	Ashley School
Cross Creek #19	Teresa C. Berrien School
Cross Creek #20	County Rescue Station
Cross Creek #21	Eutaw Mall-Mini-Mall Ent.
Cross Creek #22	Reid Ross High School

/s/ Charles H. Burgardt
Chairman of Cumberland County
Board of Elections

Maurice W. Downs
City Clerk


Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
NOVEMBER 10, 1975
8:00 P.M.

Present: Mayor Jackson F. Lee

Council Members: Mr. Marion George, Mr. Harry Shaw, Mrs. Beth Finch, Mr. Vardell Godwin, Mr. Glen Kelly

Council Member Absent: Mrs. Marie Beard

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. Leighton McKeithen, Jr., of Highland Presbyterian Church, offered the invocation. Following the invocation, Tommy Hooper, President of the Fayetteville Youth Council, led the assembly in the Pledge of the Allegiance to the Flag. Mayor Lee then offered congratulations to Tommy for winning the national "Keep America Beautiful" award.

Mayor Lee also recognized Fayetteville Youth Council members Stacy Stone and Susie Summerall present in the audience to observe Council proceedings.

Mayor Lee extended a special welcome to Mr. Francois Boyer, a native of Port Au Prince, Haiti, who was present in the audience tonight from Fayetteville State University.

Mayor Lee then recognized the following City Employees and presented them with service pins and offered them commendation and congratulations for their years of loyal service to the city.

FIVE YEARS

Tony Maccy - Inspection Dept.
Samuel Brown - Fire Dept.
John Hobbs - Fire Dept.

FIFTEEN YEARS

R.C. Wiggins - Fire Dept.

TWENTY FIVE YEARS

Fleet Sessoms - Fire Dept.

THIRTY YEARS

John Hutchinson - Fire Dept.

Following the presentation of these service pins, these employees were accorded a vigorous round of applause from those assembled in the audience.

Mayor Lee then recognized and gave special recognition to Captain James Earl Melvin and presented him with a framed copy of the City's Certification Appreciation on the occasion of Captain Melvin's retirement from the Police Dept. after 33 years of loyal and dedicated service. Captain Melvin was also accorded a vigorous round of applause.

Mayor Lee then noted that Councilwoman Marie Beard was absent from the meeting tonight due to having to be hospitalized.

Mayor Lee also gave special recognition to newly elected Council Members Stephen Satisfy, J.L. Dawkins and Vincent Shields present tonight at the special invitation of Mayor Lee to observe Council proceedings.

Council then proceeded to move to the first order of business.

Upon motion by Mr. Godwin, seconded by Mr. Kelly, and carried unanimously, Minutes of the Regular Meeting of October 27, 1975 were approved as submitted by the Clerk.

Upon motion by Mrs. Finch, seconded by Mr. Shaw and carried unanimously, Minutes of an adjourned special meeting on the PWC Bond Issue on October 30, 1975 were approved as submitted by the Clerk.

A public hearing was held as continued from the August 11 meeting on the rezoning from P2 Professional District to C1 Local Business District or to a higher classification of an area located at 1309 Ft. Bragg Road. Planning Board recommended denial. However, a proposed amendment to the zoning ordinance establishing a new C1A commercial zone was presented by Planner Mitchell who stated that it was Planning Board recommendation that this amendment be adopted.

Dr. Lawrence Paschal, petitioner for the foregoing rezoning, was recognized and requested a continuance of this public hearing until such time as the zoning amendment proposed by the Planning Board is considered by City Council. There was no opposition present to this public hearing.

Following brief discussion, Mr. Shaw offered motion to continue the foregoing public hearing to December 22, 1975. Motion seconded by Mr. Kelly and carried unanimously.

A public hearing was held as continued from the October 13 meeting on consideration of the confirmation of the assessment roll for the paving of North Street from Blueberry Court to Brookwood Avenue. Mayor Lee read a notice from the Clerk certifying that all persons subject to assessment had been mailed amended assessment notices on October 29 giving notice of the adjusted assessment rate as directed by Council and of this meeting tonight.

City Manager Smith presented this matter and stated that appraisals had been made as directed by Council at the October 13 meeting and the assessment rate changed from \$11.55 per foot to \$9.40 per foot and an amended assessment roll prepared.

Mr. Stacy Weaver was recognized in behalf of some of the property owners in this area and requested Council to continue public hearing on this matter to the November 24 or December 8 meeting in behalf of the property owners in order for them to bring additional information back to the Council.

Following brief discussion, Mr. Shaw offered motion to continue public hearing on the North Street assessment matter to November 24, 1975. Motion seconded by Mr. Godwin and carried unanimously.

A public hearing had been published for this date and hour on the initial zoning to R5A Residential District of two tracts of land on the north side of Law Road - property owned by Floyd Ammons and recently annexed to the city.

Planner Mitchell stated that the Planning Board had postponed the original hearing on this matter and will hear it on November 18 and requested Council to continue its hearing on this item to the next regular meeting of the Council on November 24 or later.

Mr. Shaw offered motion that public hearing on the foregoing matter be and it hereby is continued to the next regular meeting of the Council on November 24, 1975. Motion seconded by Mrs. Finch and carried unanimously.

Upon motion by Mr. Shaw, seconded by Mr. Kelly and carried unanimously, a public hearing was set for December 22, 1975 on the proposed amendments to the zoning ordinance as recommended by the Planning Board (to establish a CIA classification and another change)

PLANNING BOARD MATTERS

Council next gave reconsideration to Briarwood Subdivision, Section 10, - preliminary subdivision review located on Village Drive at Bryn Mawr Drive. Planning Board recommended consideration of the realignment of Bryn Mawr Drive prior to approval of the preliminary plat. (This matter continued from the October 27, 1975 meeting)

Planner Mitchell presented this matter and stated that the Planning Board at the October 21 regular meeting voted 8 to 2 to delay the request until Council could consider realignment of Bryn Mawr Drive with Marlborough Drive prior to approving the preliminary plat. Planner Mitchell then presented the proposed realignment of Bryn Mawr Drive.

City Engineer Bennett stated that he had met with the property owners and recommended the new alignment of Bryn Mawr to Marlborough and displayed a sketch of same. City Manager Smith stated the realignment would mean the loss of 4 lots to the developer and the abandonment of part of a court. City Engineer Bennett stated that the owners propose that the city pay for their 4 lots in the amount of \$34,000 and build and install utilities along the new route including the cul-de-sac for the sum of \$39,000 for a total of \$73,000 and that the city bear any legal expense of going through the closing process and the owners would deed the corner of Bryn Mawr at Village Drive to the City.

Attorney R.G. Singleton, Jr., was recognized and stated that he was neither a proponent or opponent but proposed the original plan submitted to the Planning Board for approval.

Mr. Walter Moorman, the developer's engineer, was recognized and reiterated that the city had had numerous opportunities in the past to purchase the necessary right-of-way for connecting Bryn Mawr Drive and Marlborough Road and the developer would like to have the 8 lots west of Bryn Mawr Drive approved at this time.

Mr. J.W. Anderson, a resident of Briarwood Hills Subdivision, was recognized and requested a connecting access to Village Drive and that he and 44 other residents were opposed to the original plan.

Mr. Godwin suggested compensating Mr. Teague, the developer, or leave the street as it is.

Mr. Shaw suggested that Bryn Mawr should be realigned and the city pay for realignment but not for compensating Mr. Teague for the lots.

Mr. Joseph Lohr and Mr. Paul Dean, property owners in Briarwood Hills, were recognized with comments concerning this matter.

Following considerable discussion, Mr. Shaw offered motion that the City Council instruct the

Planning Board as per their request to try to work out a subdivisional plan for this tract of land which will align Bryn Mawr Drive and Marlborough Drive with the possible future addition of a traffic light at Bryn Mawr Drive and Marlborough Drive and at the most reasonable cost to the city and the developer. Motion seconded by Mr. George and carried unanimously.

PUBLIC WORKS COMMISSION MATTERS

Council recognized Ray Muench, Jr., PWC Manager, on a request for the approval of an agreement with Seaboard Coastline Railroad for the installation of a 7200 volt power line crossing railroads tracks at Jasper Street. Mr. Muench stated that the commission recommended approval of this agreement and that the Mayor and Clerk be authorized to sign said agreement for the city. Mr. Muench stated that no payment or rental to the railroad would be required for this crossing.

Following brief discussion, Mr. Kelly offered motion, seconded by Mr. Godwin and carried unanimously for approval of the foregoing agreement as requested by the Public Works Commission and that the Mayor and Clerk be and they hereby are authorized and directed to sign said agreement for the city. (A copy of the foregoing agreement will be placed on file in the Public Works Commission Offices.)

Mr. Muench then presented for consideration an application by Mr. Thomas M. Waring for one 1-inch water connection to an existing water main in Legion Road to serve an office building near the intersection of Heidelberg Drive and Legion Road outside the city.

Following brief discussion, Mr. Godwin offered motion for approval of the foregoing application for the 1-inch water connection as requested and as recommended. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to discussion of the proposed personnel salary increase (merit plan, longevity, or combination) This matter was continued from the October 27 meeting. The City Manager presented this and in a memo dated November 5, 1975 concerning proposed longevity and merit pay plan stated that:

(1) At the council meeting on October 27, 1975, you asked that we propose for your consideration an employee salary increase proposal which includes a longevity provision and a merit pay provision. The two features are to be within the existing budget appropriations for salaries.

(2) After testing several alternatives of various combinations, we believe the following plan best meets the desires of council and may be funded within the 1975-1976 budget allocations.

A. LONGEVITY PAY Adopt the first step of the longevity plan previously considered by you:

First Step	5 years service	2½%
Second Step	10 years service	+2% (total 4½%)
Third Step	15 years service	+1½% (total 6%)
Fourth Step	20 years service	+1½% (total 7½%)

Each employee who has achieved 5 years service by January 1, 1976, would be granted a 2½% salary increase. Other employees would be granted the 2½% salary increase as they achieve 5 years service after January 1, 1976.

The second, third and fourth steps could be implemented later at budget time if funds are available.

Approximately 288 employees would benefit from this proposal. The cost for the last six months of 1975-76 fiscal year would be approximately \$30,936.

B. MERIT PAY. Adopt the merit pay plan recommended previously by the administration which would provide a 2½% merit increase for 90% of the city employees.

At each budget year, the City Council would determine how much, if any, merit increases would be allowed.

Approximately 605 employees would benefit from this proposal.

The cost for the last six months of 1975-76 fiscal year would be approximately \$59,108.

(3) Budget considerations:

Budget Salary Adjustment Account		\$113,780	\$113,780
Less:			
a. Cost of implementing the new pay plan on October 1, 1975		\$33,377	
b. Approximate cost of 2½% longevity pay (January 1 - June 30, 1976)		30,936	
c. Approximate cost of 2½% merit pay (January 1 - June 30, 1976)		59,108	
	TOTAL COST	\$123,421	123,421
	DEFICIT		\$99,641

The \$9,641 deficit could be budgeted by transfer of funds from Council's Contingency Fund.

(4) Obviously, percentage changes could be made on the above proposed merit pay increases; however, increases of 2½% will be less confusing and complicated from the standpoint of bookkeeping and personnel operating procedures.

Whatever is implemented as a longevity plan should be continued in succeeding years. Once the first step is begun, it should not be discontinued in succeeding budget years because this would create a true inequity.

Following some discussion, Mr. Godwin offered motion for adoption of the longevity and merit pay plan as presented by the City Manger effective January 1, 1976. Motion seconded by Mr. Shaw.

Sgt. Charles Mims of the Fayetteville Police Dept. was recognized with comments on the longevity merit pay plan and requested reconsideration.

Sgt. Charles House of the Fayetteville Police Dept. was also recognized with comments concerning the proposed merit-longevity pay plan.

Following this, Mayor Lee called for vote on the motion for adoption of the longevity-merit pay plan and the motion carried as follows: FOR: Mr. Kelly, Mr. Godwin and Mr. Shaw; AGAINST: Mr. George and Mrs. Finch.

Council next gave consideration to a resolution offering certain parcels of land for sale. The City Attorney presented this matter and stated that the persons shown on the resolution have offered the stated amount for various parcels in the city under the procedure that as proposed this would be advertised for sale and be subject to up set bid and come back to City Council after advertising for approval or rejection.

RESOLUTION OFFERING CERTAIN PARCELS FOR SALE. RES. NO. R-1975-64.

Mrs. Finch introduced the foregoing resolution and moved its adoption, 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 R-1975.

Council next gave consideration to a request for participation of storm drainage at the Patterson-Mayflower Moving and Storage Company located on Robeson Street. The City Engineer presented this matter and stated that Mr. Patterson has requested city participation in piping a portion of a ditch along the northern margin of his property as shown on a sketch dated November 5, 1975. The city has drainage into this ditch from Ashley Street; therefore seems to fall within the city policy for participation of one-half of the cost. Our estimated cost for 276 feet of 24 inch pipe is \$3,900. Mr. Patterson, of course, should grant an easement for the installation along the entire length of ditch. We recommend the city obtain bids on this installation and then Mr. Patterson pay his proportionate part to the city after which the city can accomplish the work.

Following brief discussion, Mr. Kelly offered motion, seconded by Mr. Godwin and carried unanimously that the city participate in one-half the total cost of \$3900 for piping this portion of ditch as requested by Mr. Patterson and as recommended by the City Engineer.

Council next gave reconsideration of the contract awards for Street and Sanitation Dept. equipment (two dump trucks and one brush picker). In a memorandum to the City Council, the Assistant City Manager recommended a change to the contract awards for Street and Sanitation Dept. equipment two dump trucks and one brush picker. He stated that at the City Council meeting of October 27, 1975 contract awards were approved for a brush picker body. Approval of the contract award for the body of the brush picker to Simpson Equipment Company rather than the low bidder Lauringburg Machine Company with a bid of \$2,356.00 was based on the Administration's belief that the Lauringburg Machine Company bid did not meet specifications and should therefore be rejected. Later discussion with the Lauringburg Machine Company representative has convinced all concern that the company does intend to meet all specifications and its bid is a valid bid. It is recommended that the contract award for the body of the brush picker be changed from the Simpson Equipment Company to the lowbidder Lauringburg Machine Company for their low bid of \$2,356.20.

Following brief discussion, Mr. Godwin offered motion to rescind Council's action in awarding the foregoing bid to Simpson Equipment Company and award the same to the Lauringburg Machine Company for their bid of \$2,356.20 for the brush picker body. Motion seconded by Mr. Kelly and carried unanimously.

Council next gave consideration to the award of contracts for bids for city tennis courts, fencing and lighting at Massey Hill Recreation Center. The City Manager presented this matter and stated that bids were open on October 30, 1975 for three items of construction as listed above. The recommendation by the City Manager, Recreation and Parks Director and the City Engineer were as follows: (1) for the tennis courts - Richardson Constructors Inc. for their bid of \$13,258.94; (2) for lighting - F & P Electric Company for their bid of \$4,200.00; (3) for fencing - Contractors Services for their bid of \$3,542.91.

Mrs. Finch offered motion for approval and acceptance of the foregoing bids as recommended. Motion seconded by Mr. Shaw and carried unanimously.

The City Manager stated that bids had been received for a backhoe for the Recreation and Parks Dept. The low bid was submitted by Cumberland Tractor Company in the amount of \$3,664.00 and was

the bid recommended.

Mr. Kelly offered motion for approval of the foregoing bid as recommended, motion seconded by Mr. Godwin and carried unanimously.

Council next gave consideration of the confirmation of the width of Beverly Street to be 41 feet wide. (When City Council approved street improvements, width was specified in the discussion but was not included in the minutes.)

The City Manager presented this matter and stated that Beverly Street was paved pursuant to petition and that the 37 foot paving width has now been abolished and the policy is now 29 feet or 41 feet and that the 41 foot width was intended for Beverly Street.

Following brief discussion, Mr. Kelly offered motion, seconded by Mr. Godwin and carried unanimously that the width of Beverly Street be 41 feet.

Council next gave consideration to ordinances requiring the removal of immobilized vehicles from property locations in the city.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO THE REMOVAL OF ALL IMMOBILIZED VEHICLES LOCATED AT 1620 MURCHISON ROAD ON PROPERTY OWNED BY JOHN F. DUPREE AND WIFE. ORD. NO. NS-1975-83.

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 THE REMOVAL OF ALL IMMOBILIZED VEHICLES LOCATED AT 1008 OLD WILMINGTON ROAD ON PROPERTY OWNED BY RAYMOND E. COLE AND WIFE. ORD. NO. NS-1975-84

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

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO THE REMOVAL OF ALL IMMOBILIZED VEHICLES LOCATED AT 3105 MURCHISON ROAD ON PROPERTY OWNED BY J.D. BYRD. ORD. NO. NS-1975-85.

Mr. Kelly introduced the foregoing 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-1975.

Council next gave consideration to proposed ordinances requiring the Building Inspector to correct conditions at substandard property located at several locations in the city.

The first matter was that of property located at 402 Dick Street owned by Mr. Harold D. Holmes.

Mr. Holmes was recognized and requested a 6 months extension to correct the conditions to this substandard structure.

Following brief discussion, Mr. George offered motion that Mr. Holmes be granted a 3 months extension to accomplish the corrections to the substandard structure. Motion seconded by Mr. Shaw and carried unanimously.

On the next matter, Council recognized Housing Inspector Tony Maccy who reported that the owner of substandard property located at 125 1/2 Dunn Road, lot #12, Mr. G. McQueen Williams, had secured a permit to correct the substandard conditions and that he would report this matter back in three months time.

AN ORDINANCE OF THE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY LOCATED AT 125 1/2 DUNN ROAD, LOT #12, OWNED BY MR. G. MCQUEEN WILLIAMS. ORD. NO. NS 1975-86.

Mr. Kelly introduced the foregoing ordinance and moved its adoption to correct the substandard conditions and that the Housing Inspector report back on this matter in three months. Motion seconded by Mr. Shaw 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 STANDARDS CODE OF THE CITY LOCATED 9 WEST COLLIER DRIVE AND OWNED BY MISS JENNIE BUTLER. ORD. NO. NS-1975-87.

Mr. Godwin introduced the foregoing ordinance 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 STANDARDS CODE OF THE CITY LOCATED 110 EASTERN BLVD. AND OWNED BY DUNN INTERNATIONAL CORPORATION. ORD. NO. NS-1975-88.

Mr. Kelly introduced the foregoing ordinance and moved its adoption, seconded by Mrs. Finch and carried unanimously. Copies of all of the foregoing ordinances are on file in the office of the City Clerk in Ordinance Book NS-1975.

In appointment to the Joint Planning Board to replace Mr. William D. Pridgen who has resigned was postponed until the November 24 meeting.

Mayor Lee reported that one appointment to the Human Relations Advisory Commission to replace Mrs. Stephen Safran who has resigned would also be considered at the November 24 meeting.

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

On an additional item, Mayor Lee stated that the certificate of the Board of Elections for the City of Fayetteville Municipal held on November 4, 1975 had been received and such certificate was ordered spread upon the minutes of this meeting as they appear below.

CERTIFICATE OF THE BOARD OF ELECTIONS
FOR
CITY OF FAYETTEVILLE MUNICIPAL
ELECTION ON
NOVEMBER 24, 1975

CUMBERLAND COUNTY
NORTH CAROLINA

We, the undersigned Board of Elections of Cumberland County, North Carolina, do hereby certify that we met in the office of the Board at 12:00 noon on Thursday, November 6th, 1975 after canvassing the original returns of the Registrars and Judges of Election of the votes cast in the municipal election for mayor and city council in the City of Fayetteville, N.C., held on November 4, 1975, and we do hereby certify that the following are true and correct totals of votes cast for the following candidates in said returns:

VOTES FOR MAYOR

Larry Buie, Jr.	1059
Beth Finch	6784

VOTES FOR CITY COUNCIL

Marie Williford Beard	4345
Robert H. Beatty	1375
J.L. Dawkins	4556
Marion George	4651
Vardell Godwin	2641
Donald Grimes	1823
John W. Hurley	3945
Robert T. McMillan	2416
Jim Maloney	3545
Gene Plummer	4088
Steve Satisfy	3968
Vincent Shields	4099

We, therefore, certify that pursuant to such tabulation we have judicially determined that the votes received for candidates for mayor and City Council resulted in the election of the following candidates:

For Mayor

Beth Finch

For City Council (6 candidates with highest number of votes)

Marie Beard (3)	Gene Plummer (5)
J.L. Dawkins (2)	Steve Satisfy (6)
Marion George (1)	Vincent Shields (4)

Given under our hand and seal this 6th day of November 1975.

CUMBERLAND COUNTY BOARD OF ELECTIONS

/s/ Charles H. Burgardt, Chairman
/s/ Charles H. Kirkman, Member

CITY MANAGER REPORTS

The City Manager reported the following resignations from the Fire Dept.: MITCHELL CARTER AND GARY R. MCDANIEL. Council noted the resignations.

The City Manager reported that a fire dept. pumper needed repair with the installation of a Cummings engine. Such engine to cost \$6,400.00. He recommended that this be done.

Mr. Kelly offered motion, seconded by Mr. Godwin for approval of the foregoing repair as recommended by the City Manager. Motion carried unanimously.

The City Manager reported that Sgt. W.D. McCall, the present City Taxi Cab Inspector, had retired from the Police Dept. and that it was his and Chief of Police Keator's recommendation that Sgt. Paul D. Warner be appointed as City Taxi Cab Inspector.

Mr. Godwin offered motion, seconded by Mr. Shaw that Sgt. Warner be appointed City Taxi Cab Inspector as recommended by the Chief of Police and City Manager. Motion carried unanimously.

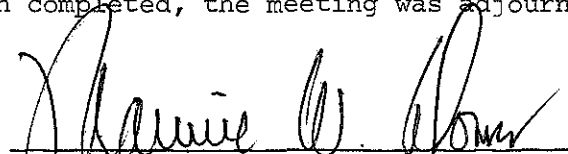
MATTERS OF INTEREST TO THE CITY COUNCIL

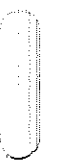
Mr. George offered suggestion that the City Attorney take any and all conservative steps concerning pending litigation to protect the city's interest in legal matters and carried forward to the new City Council for consideration.

The City's Public Relations Officer, Mr. Arthur Adler, was recognized and stated that on November 23, 1975 the new No. 3 Fire Station on Rosehill Road would be dedicated beginning at 2:00 P.M. and running until 5 P.M.

Mayor Lee announced that a Fayetteville School Teacher, Mrs. Ruby Murchison, was honored as the Teacher of the Year and that he had had a resolution drawn and signed and would present it to her at a dinner tomorrow night.

Thereafter, all matters of business having been completed, the meeting was adjourned at 10:15 P.M., upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
NOVEMBER 24, 1975
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. Billy Clark, City Attorney
Mr. Joe Stowe, PWC

Mayor Lee called the meeting to order and the invocation was offered by Chaplain (LTC) Preston C. Brown, Base Chaplain, Pope Air Force. Following the invocation, Mayor Lee led the assembly in the Pledge of the Allegiance to the Flag.

Following the Pledge of the Allegiance to the Flag, Chaplain Brown requested and received recognition from Mayor Lee and presented him with a Certificate of Appreciation from Colonel Robert C. Long, Commanding Pope Air Force Base. Mayor Lee thanked Chaplain Brown for the honor.

Mayor Lee recognized and presented the City's Certificate of Appreciation to the following named persons:

Mr. Ed David, former member and Chairman of the Board of Appeals since 1964 who had resigned

Mr. R.G. Singleton, Jr., City Attorney, for the City of Fayetteville from 1972 through 1974

Mayor Lee then recognized representatives from the Fayetteville Youth Council present in the audience to observe Council proceedings.

Mayor Lee also recognized the following special visitors present: Mr. Sterling Wray and Mr. J. A. McCoy from the Joint Planning Board. Also Mrs. Dottie Norman and Miss Jo Piper, Secretaries to the Mayor and City Attorney respectively.

Moving to the first order of business, upon motion by Councilman Godwin, seconded by Councilman Kelly and carried unanimously, Minutes of the Regular Meeting of November 10, 1975 were approved as submitted by the Clerk.

Council then resumed public hearing and reconsidered confirmation of the assessment roll for the paving of North Street from Blueberry Court to Brookwood Avenue. (This matter continued from the November 10 meeting.) City Manager Smith presented this matter and reminded Council that at their direction, the assessment roll had been recomputed to \$9.40 per foot and that appraisals had been made on all of the parcels in this improved area.

Attorney Stacy Weaver, Jr., was recognized representing Taylor Drive property owners. He cited traffic counts which had been made along North Street on several occasions. He stated that no specific benefits had accrued to the property owners along Taylor Drive as a result of this improvement. He stated that actually the paving had resulted in a deterioration to the property in the form of monetary loss. He read a letter from Mr. Roscoe L. Blue of Blue Realty Company, who established the loss at \$500 per tract and he requested City Council to not assess these property owners whose property fronted along Taylor Drive.

Following considerable discussion, Mrs. Beard offered motion that there be no assessment to the properties fronting on Taylor Drive or to the property of Mrs. Vada H. Scott on Brookwood Avenue. Motion seconded by Mr. George. Mayor Lee called for vote on the foregoing motion and it carried as follows: FOR: Mr. Kelly, Mrs. Beard, Mr. Godwin and Mr. George; AGAINST: Mrs. Finch and Mr. Shaw. (The names of the property owners not assessed are as follows: Mrs. Ethelene Lacy, Hubert Arrowood, Paul Snipes, C.M. Taylor, Mrs. Elsie Welch, Millard B. Matthews, J.D. Pilkinton, R.T. Pleasant, Bernice J. Byrd, John A. Land and Mrs. Vada H. Scott.)

City Manager Smith stated that the following property owners and tracts remained on the assessment roll: Mrs. Nellie Purdy computed assessment \$661.38 appraised assessment \$350.00; Mr. W.A. DePrater computed assessment \$2,140.19 appraised assessment \$5,575.00; Swift and Company computed assessment \$2,391.92 and another tract owned by W.A. DePrater computed assessment \$3,414.74 appraised assessments \$700.00.

City Manager Smith stated that City Council could assess the foregoing tracts at the computed or appraised assessment rate.

Following brief discussion, Mr. George offered motion to assess the foregoing named remaining at the lesser amount of the computed-appraised assessment rate by the adoption of the following ordinance at 8:30 P.M., motion seconded by Mrs. Beard and carried unanimously.

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF NORTH STREET FROM BLUE BERRY COURT TO BROOKWOOD AVENUE. ORD. NO. NS-1975-89.

A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book NS-1975.

A public hearing was held as continued from the November 10 meeting on the initial zoning to R5A Residential District of two tracts on the north side of Law Road - property owned by Floyd Ammons. Planning Board recommended approval.

Mr. Floyd Ammons, the property owner, was recognized in behalf of the initial zoning.

Mr. Ed McDougall, Mr. Arthur Pierce and Mr. James Drury all of Law Road were recognized for themselves and others in the adjacent R10 residential district area opposed to the proposed initial zoning to R5A due to the lowering of their property values.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY R5A RESIDENTIAL DISTRICT OF TWO TRACTS ON THE NORTH SIDE OF LAW ROAD - PROPERTY OWNED BY FLOYD AMMONS. ORD. NO. NS-1975-90.

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

A public hearing had been published for this date and hour on the closing of Pine Street and Rachel's Alley as a public thoroughfare. The City Engineer presented this matter and stated that it was proposed to close Pine Street and Rachel's Alley east of the Seaboard Coastline Railroad.

Attorney Larry Thompson was recognized representing Highland Lumber Company, the petitioner, and displayed colored slides of Pine Street and Rachel's Alley and stated that Highland Lumber Company owned the property on both sides of these streets for the majority of the distance and that no one would be denied access to property due to the closing of this street. He stated that if city should desire it Highland Lumber Company will grant an easement on Pine Street to connect to Glidden Street and for a fire hydrant at Pine Street and the Seaboard Coastline property. There was no opposition present. Brief discussion followed.

RESOLUTION AND ORDER CLOSING PINE STREET AND RACHEL'S ALLEY AS A PUBLIC THOROUGHFARE. RES. NO. R-1975-65.

Mr. Shaw introduced the foregoing resolution and moved its adoption as amended to include relocation of the fire hydrant. Motion seconded by Mrs. Finch and carried Mrs. Beard and Mr. George voting against. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book R-1975.

A public hearing had been published for this date and hour on the initial zoning to C3 Heavy Commercial District or to a higher classification an area located at the intersection of Owen Drive and Cumberland Road. This is the Nelson property which was recently annexed to the city. Planning Board recommended approval of this initial zoning.

Mr. Julius Nelson, owner of the property, was recognized for C3 zoning. There was no opposition present.

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY C3 HEAVY COMMERCIAL DISTRICT AN AREA LOCATED AT THE INTERSECTION OF OWEN DRIVE AND CUMBERLAND ROAD. ORD. NO. NS-1975-91.

Following brief discussion, Mr. Kelly introduced the foregoing ordinance and moved its adoption as recommended by the Planning Board, motion seconded by Mr. Shaw and carried unanimously. A copy of the foregoing ordinance is on file in the City Clerk's office in Ordinance Book NS-1975.

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 an area located at 1711 Ramsey Street. Planning Board recommended approval. There was no opposition present.

Following brief discussion, Mr. Godwin offered to follow the foregoing recommendation of the Planning Board and rezone the foregoing area from R6 to C1. Mayor Lee called for vote on the motion and it failed by the following vote: FOR: Mr. Kelly and Mr. Godwin; AGAINST: Mr. Shaw, Mrs. Beard, Mrs. Finch, and Mr. George.

A public hearing had been published for this date and hour on the consideration of a special use permit for an antique shop in a P2 Professional District as provided for in the City of Fayetteville Zoning Ordinance, Section 32-27 (11) located at 116 Broadfoot Avenue. Planning Board recommended approval. There was no opposition present. Councilman Godwin requested and received permission to abstain from discussion and voting on this matter.

Mayor Lee read a letter from the Consulting Engineering firm of Moorman & Little signed by Mr. Keith Little and Mr. Walter Moorman whose firm is located directly across the street from this proposed location and stated that they were in favor of the granting of this special use permit.

Following brief discussion, Mr. Shaw offered motion for approval of the special use permit for the antique shop at 116 Broadfoot Avenue in the P2 Professional District as petitioned and as recommended. Motion seconded by Mr. Kelly and carried unanimously Mr. Godwin abstaining to vote.

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 an area located at 719 Athens Avenue. Planning Board recommended denial.

Council recognized Mrs. Mary Bleacher, the petitioner, who stated that she wished to have this area rezoned in order to establish an antique shop.

It was pointed out by the Planning Board that this area was residential in character.

A Mr. Tom McCoy, a resident of Hillside Avenue, directly opposite Athens Avenue was recognized in opposition to the granting of this rezoning request.

Following lengthy discussion, Mr. Shaw offered motion to follow the foregoing recommendation of the Planning Board and deny this petition for rezoning. Motion seconded by Mrs. Beard and carried unanimously.

A public hearing had been published for this date and hour on the rezoning from R10 residential district to P2 professional district or to a higher classification an area located at the intersection of Cain Road and U.S. 401 By-Pass. Planning Board recommended denial.

Mr. Dave Averette, representing the owner of the property, his mother, was recognized for the petition. Mr. Averette informed Council that with the plans to widen Cain Road in the improvement at the Cain Road 401 by-pass intersection that the value remaining in this property would be only through commercial development and that he intended if the rezoning is approved to construct a professional building on this location which would include his own professional offices, those of Averette & King Engineering Company. There was a lengthy discussion of the residential character of this neighborhood and of several prior petitions for rezoning from residential to business or professional uses. There was no opposition present.

Mrs. Beard requested and received permission of the Council to abstain from discussion and voting on this matter.

Following some further lengthy discussion, Mr. Shaw offered motion to follow the foregoing recommendation of the Planning Board and deny this petition for rezoning. Motion seconded by Mrs. Finch.

Mr. George then offered a substitute motion to continue this matter to the December 22 meeting and the substitute motion carried by the following vote: FOR: Mr. Kelly, Mr. Godwin and Mr. George; AGAINST: Mrs. Finch and Mr. Shaw with Mrs. Beard abstaining to vote.

Upon motion by Mr. Godwin, seconded by Mrs. Finch and carried unanimously, public hearings were set for December 22, 1975 on the following items:

- A. Initial zoning to R5A Residential District, R6 Residential District, PND Planned Neighborhood District and M2 Industrial District or to a higher classification of an area located on the northwest side of A & R Railroad, south of the present city limit line, east following the run of Buckhead Creek, southwest by a portion of Stoneykirk Drive and west by Montclair Subdivision, Section 111.
- B. Rezoning from R6 residential district to M1 Industrial District or to a higher classification an area located on the east side of Hillsboro Street between CBD Loop and Peace Street.
- C. Request for a special use permit for a medical office in an R6 Residential District as provided for in the City of Fayetteville Zoning Ordinance, Section 32-24 (4) Located at 1601 Ramsey Street.
- D. Request for a special use permit to construct parking facilities in an R6 Residential District as provided for in the City of Fayetteville Zoning Ordinance, Section 32-23 (1a) for an area located to the rear of property at 1228 and 1232 Ft. Bragg Road.
- E. Rezoning from R6 Residential District to C1 Local Business District or to a higher classification an area located on the southeast corner of the intersection of Breezewood Avenue and Marlborough Road.
- F. Rezoning from R10 Residential District to P2 Professional District or to a higher classification an area located on both sides of McPherson Church Road and being all of lots 206 thru 342.

PLANNING BOARD MATTERS

Council gave consideration to the Fayetteville Mall - Commercial Area C1P revision review located on Raeford Road. Planning Board recommended conditional approval in their memo to City Council of November 24, 1975.

Following brief discussion, Mr. Godwin offered motion for approval of the foregoing as recommended by the Planning Board. Motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to Whitfield Apartments - preliminary and final group development review located at 230 Pinecrest Drive. Planning Board recommended conditional development as outlined in their memorandum to the City Council of November 24. Planner Mitchell stated that the Planning Staff recommends among other conditions a variance be granted to section 4.7 (6) of the Fayetteville Subdivision regulations requiring all portions of every building to be located within 300 feet of some portion of one or more access points having direct access to a public street. The variance is justified because of the shape of the site and topographic conditions

affecting the site. Planner Mitchell stated that Planning Board recommended to conditionally approve the request and to approve the 300 foot variance for the reason stated.

Attorney Duane Gilliam was recognized representing the developers, Mr. & Mrs. Jack Lytton, and requested approval of the group development review as recommended by the Planning Board.

Following brief discussion, Mr. Shaw offered motion to grant conditional approval to Whitfield Apartments with the 300 foot variance as recommended. Motion seconded by Mr. Godwin and carried unanimously.

Council next gave consideration to Hillendale West, Section 111 subdivision - preliminary and final review located off Rosehill Road on Landau Road.

Again Planner Mitchell stated that Planning Board recommends conditional approval as outlined in their memo to City Council dated November 24.

Following brief discussion, Mrs. Beard offered motion for approval of the aforementioned Hillendale West as conditionally recommended by the Planning Board. Motion seconded by Mr. Godwin and carried unanimously.

Council next gave consideration to a resolution for the installation of certificates to be placed inside the Market House, commemorating the Market House as a historic landmark and any other appropriate designations. Mayor Lee stated that he had initiated the drawing of this resolution because in several instances landmark plaques installed outside the building had been removed by a person or persons unknown. Mayor Lee introduced the resolution as follows:

~~RESOLUTION PRESERVING~~ RESOLUTION PRESERVING LANDMARK PLAQUES

The City Council of the City of Fayetteville resolves that any and all plaques presented to the City of Fayetteville by State and National Historic Commissions commemorating the Market House as a historic landmark shall be appropriately placed inside the Market House and shall be and shall remain permanent fixtures.

Following some discussion, it was suggested that the words "and certificates" be inserted in the second line between the words "plaques presented" and that the words "upon approval of City Council" be inserted between "shall be" in the fourth line of the resolution.

RESOLUTION PRESERVING LANDMARK PLAQUES. RES. NO. R-1975-66

Mr. Godwin then introduced the foregoing resolution just discussed and moved its adoption as amended. Motion seconded by Mrs. Beard and carried unanimously. A copy of the foregoing resolution is on file in the Clerk's office in Resolution Book R-1975.

Council next gave consideration to a request by the Salvation Army to place Christmas Kettle Booths on Hay Street throughout the holiday season.

The request was in a form of a letter to the City Manager from Captain Jesse R. Jones, local Commanding Officer, of the Salvation Army, who stated that they wished to place the Christmas kettle houses on Hay Street at J.C. Penny, S.H. KRESS and First Citizen Bank corners and that they may also wish to have some small mobile tripods and kettles. The request was from the dates of Friday, November 28 thru Wednesday, December 24, 1975.

Captain Jones also stated in his letter that the Salvation Army is continuously grateful to the City Council and City Administration for assistance granted in years past.

Mr. Kelly offered motion for approval of the foregoing request of Captain Jones of the Salvation Army, motion seconded by Mr. Shaw and carried unanimously.

Council next gave consideration to a subgrant resolution - application to LEAA for Police Records Management Phase 11.

The City Manager presented this matter and stated that the resolution - application provides that the project referred is in the best interest of the city and the general public that the City Manager be authorized to file in behalf of the City the application for a subgrant in the amount of \$13,370.00 to assist in defraying the cost of the project. But if the subgrant is made, the city shall provide a local cash matching contribution in the amount of \$6,171.00.

RESOLUTION OF CITY COUNCIL AUTHORIZING THE CITY MANAGER TO FILE IN BEHALF OF THE CITY WITH THE NORTH CAROLINA DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES TO LEAA FOR A SUBGRANT IN THE AMOUNT OF \$13,370.00 FOR POLICE RECORDS MANAGEMENT PHASE 11. RES. NO. R-1975-67.

Following brief discussion, Mrs. Finch 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-application for the City. Motion seconded by Mr. Shaw and carried unanimously. A copy of the foregoing resolution is on file in the City Clerk's office in Res. Book R-1975.

Council next gave consideration to a request by the Fayetteville Redevelopment Commission for payment by the City for two parcels of property owned by the Redevelopment Commission. The two parcels of land are located in the Murchison Road and Wilmington Road areas, the City Manager stated, and are designated A-5 in the amount of \$2,000 and A-6 in the amount of \$50.00 in project # NC A-10 and parcel F-15 in project #N.C. R-90 in the amount of \$300.00. A total of \$2,350.00 for

both parcels. The City Manager stated that Commission's Attorney Richard M. Lewis, Jr. stated deeds have been prepared and executed and are now on file in his office. The City Manager recommended approval of the purchase of the foregoing tracts for \$2,350.00 and that such payment be made from the Contingency Fund.

Following brief discussion, Mr. Shaw offered motion for approval of the foregoing purchase for \$2,350.00 as recommended and that the funds for the purchase of same be taken out of the Contingency Fund. Motion seconded by Mr. Godwin and carried unanimously.

Council next gave consideration to the approval of taxi cab driver permits. Upon motion by Mr. Kelly, 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 the City Manager: ROBERT ANDREW RATH, WILLIAM HAROLD LEEDY AND GARY A. WHITE.

Council next gave consideration to appointments to various Boards and Commissions.

On a vacancy to the Joint Planning Board to replace Mr. William D. Pridgen who has resigned, Councilman Shaw nominated Mrs. Barbara Todd.

Mr. Godwin moved that nominations be closed and that Mrs. Barbara Todd be appointed to the Joint Planning Board by acclamation to complete the term of Mr. William D. Pridgen said term expiring in June 1976. Motion seconded by Mr. George and carried unanimously.

Upon motion by Mr. Shaw, seconded by Mr. George and carried unanimously, one appointment to the Human Relations Advisory Commission to replace Mrs. Stephen Safran who had resigned was carried over to the December 22 meeting.

Mayor Lee informed Council members that Mr. L.D. Byrd, Mr. William G. Martin and Mr. David Hall of the Human Relations Advisory Commission had been absent from three meetings and according to the ordinance, they must be removed by the City Council.

Mr. Shaw offered motion that Mr. L.D. Byrd, Mr. William G. Martin and Mr. David Hall be removed from the Human Relations Advisory Commission. Motion seconded by Mr. Godwin and carried unanimously.

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

CITY MANAGER REPORTS

The City Manager stated that he had received a letter request from the Downtown Fayetteville Association requesting that free on-street parking be permitted during the month of December.

Following brief discussion, Mrs. Beard offered motion for approval of the foregoing request with the provision that the meters be covered by bags furnished by the Downtown Fayetteville Association. Motion seconded by Mr. Godwin and carried unanimously.

Mayor Lee read the letter of resignation from Mr. Ed David, retired Chairman of the Board of Appeals, in which Mr. David highly commended the City Building Inspector's Office and Staff.

The City Manager reported that he had received word from the Dept. of Transportation Urban Mass Transit Authority that final application on the bus system was to be effective by March 15 for 1976 funding; however, several phases must be completed by the city first and this will be done.

Mayor Lee stated that a special meeting needed to be set by Council for 12:30p.m. tomorrow, Tuesday, November 25, in the Council Chamber in the Kyle House and this was done.

Mayor Lee also stated that a special meeting of the Council needed to be set for 7:50 p.m. on Monday, December 8, 1975 to wind up any old Council business and this was done.

MATTERS OF INTEREST TO THE COUNCIL MEMBERS

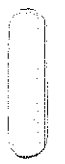
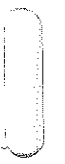
Mayor Lee informed the other Council members that he had enjoyed serving with the City Council during the past four and one-half years.

Public Relations Officer Arthur Adler was recognized with comments on the dedication ceremony of Fire Station No. 3 last Sunday November 23. Mr. Adler stated that in spite of the weather good attendance was enjoyed at this ceremony.

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



Maurice W. Downs
City Clerk



SPECIAL MEETING
OF THE
EXISTING CITY COUNCIL
DECEMBER 8, 1975
CITY HALL COUNCIL CHAMBER
7:50 P.M.

Present: Mayor Jackson F. Lee

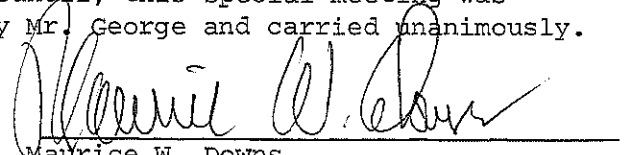
Council Members: Marion George, Harry Shaw, Beth Finch, Vardell Godwin, Marie Beard, Glen Kelly

Others Present: Mr. Guy Smith, City Manager
Mr. Billy Clark, City Attorney

Mayor Lee called the meeting to order.

The first item of business was the approval of the Minutes of the Regular Meeting of November 24, 1975 and upon motion by Mr. Godwin, seconded by Mrs. Beard and carried unanimously, said minutes were approved as submitted by the Clerk.

There being no further business of the existing City Council, this special meeting was adjourned at 7:53 P.M., upon motion by Mr. Shaw, seconded by Mr. George and carried unanimously.


Maurice W. Downs
City Clerk

REGULAR MEETING
CITY HALL COUNCIL CHAMBER
DECEMBER 8, 1975
8:00 P. M.

Mayor Jackson F. Lee, (Outgoing Mayor)

Present: Mayor Beth D. Finch (Mayor Elect)

Harry Shaw, Vardell Godwin and Glen Kelly (Outgoing Council)

Council Members: Marie Beard, J.L. Dawkins, Gene Plummer, Marion George, Vincent Shields
Steve Satsky (Council Elect)

Also present were the newly elected Council Members elect: J.L. Dawkins, Vincent Shields, Gene Plummer, Steve Satsky seated in the staff seats in front of the raised City Council area.

Others Present: Mr. Guy Smith, City Manager
Mr. Billy Clark, City Attorney
Robert H. Butler, PWC Chairman
Ray Muench, Jr., PWC Manager

Mayor Lee called the meeting to order and the invocation was offered by the Rev. James C. Cammack, Snyder Memorial Baptist Church. Following the invocation, the audience was led in the Pledge of the Allegiance by Thomas Hooper, Fayetteville Youth Council President.

Mayor Lee stated that the results of the Municipal Election held on November 4 had been certified at an earlier meeting by the Board of Elections and the results were as follows: Marion George, J.L. Dawkins, Mrs. Marie Beard, Vincent Shields, Gene Plummer and Stephen Satsky as Council Members.

Mayor Lee then proceeded to administer the oaths of office to the foregoing Council Members.

Mayor Lee then stated that Mrs. Beth Finch had been certified as Mayor by the Board of Elections at the Municipal Election of November 4 and that as his last official act as Mayor would be to administer the oath of office to Mrs. Finch. This he proceeded immediately to do.

Copies of the oaths of office of the Mayor and City Council are on file in the Clerk's Office.

Following the administration of the oath to Mayor Finch, she offered the following comments to those present in the audience.

"Tonight, we are sharing together a bit of history --- for never before in this community has a woman held this prestigious office of Mayor. It is an occasion that encapsulates our ancestral daring and foresightedness in a modern day setting. It says to everyone, both here at home and beyond our borders, that in this city there is a place and an opportunity for every person... that we are willing to explore new ideas, to grow and to change. That is the spirit and attitude that brought us to this point and can be carried by this Council into the coming two years of city government.

It seems particularly significant to me that such an event should occur on the threshold of our Bicentennial year and fits well in to the Bicentennial theme of HORIZONS... a theme I think we might adopt as our governmental participation in the Bicentennial celebration.

This new Council---diverse in its character and experience--- has already expressed to you its intention to seek a number of new and worthwhile things for this city. Each of us believes there is something better for Fayetteville than deterioration and an undesirable image. We are realistic enough to know that this will never again be a small town where everybody knows everybody else, but in becoming a city we hope and believe it is possible to retain the characteristics reminiscent of neighborliness and pleasure and to re-establish a quality of life that guarantees both.

It is my belief that the coming decade will be a critical one for Fayetteville. Decisions---made either by intention or by default---will shape our character. There is a growing awareness in our city that all is not as we wish it is to be--- and while we deplore that reality it is also a healthy sign, for it indicates the kind of concern that can be translated into constructive action.

This community is more---much more---than 7 people making decisions in an almost empty meeting hall twice a month. We have the honor of the office, to be sure, but you, too, must share some of the responsibility for creating---and recreating---a community to our liking.

Already, we, the governing body have set our eyes on a new horizon and it is our hope that you will line up behind us and join us in our efforts to reach that destination. We would hope that the next centennial celebration could pinpoint the Bicentennial year as a new beginning that eventually became a new community.

In closing, I would like to use a quotation that our former mayor used when he first took office. One of the greatest Christian leaders, Augustine, said, "Man lives by the tradition of the past and the hope of the future, but makes his decisions in the present."

That is a timeless commentary on the hopes and intentions of those who undertake the task of serving their fellowman."

Mayor Finch then recognized the following visitors in the audience: Former Mayors Wilbur Clark, Monroe Evans, Robert Butler and Charles Holt.

Mayor Finch also recognized Lt. General Henry E. Emerson, Commander of the XVIII Airborne Corp and Ft. Bragg, also Brigadier General Robert F. Coverdale, Commander of the 317th Tactical Air-Lift Wing, Major General Robert C. Kingston, Commander of the John F. Kennedy Center, Ft. Bragg.

Mayor Finch then recognized the following special guests of Councilman Marion George: Mrs. Gladys Edwards, Mr. & Mrs. Douglas Jones and their daughter and Mr. H.K. George of Columbus County, Mr. Marion George's brother.

Mayor Finch then recognized her husband Tom and their son, Hank present in the audience this evening for this occasion and publicly thanked them for their encouragement and fortitude in her race as the first woman mayor of the City of Fayetteville.

Mrs. Finch also recognized Fayetteville Youth Council Members Susan Linder, Susan Summerall, Vice President of the Youth Council, Jack Lindsay, Kathy Hooper and Allen Oakland.

Mayor Finch then requested former Councilman Harry F. Shaw, Vardell Godwin and Glen Kelly to step forward and she presented them with signed framed resolutions of appreciation.

Mayor Finch then called on former Mayor Jackson F. Lee to step forward and presented him with a signed framed resolution of appreciation.

The new Mayor and Council then proceeded to take their seats.

Prior to the beginning of the business session, Mayor Finch also recognized Miss Rhesa Lou Hipp, Miss Fayetteville, also present in the audience this evening.

The Mayor and Council then proceeded into the business of organization of the New City Council and the election of the Mayor Pro Tempore.

Mayor Finch asked for nominations and Councilman Plummer nominated Mr. Marion George as Mayor Pro Tempore.

Councilman Shields then moved for the close of nominations and that Mr. George be elected Mayor Pro Tempore by acclamation vote. Motion seconded by Mr. Satsky and carried unanimously.

Mayor Finch then recognized Mayor Pro Tempore George and he offered the following comments.

To Our Honorable Mayor, Fellow Members of the Fayetteville City Council, and Fellow Citizens:

"With prayerful humility, I accept the prestigious responsibility that you have bestowed upon me tonight. The law gave you, the Council, the right to elect the Mayor Pro Tempore, and on behalf of myself and many others, I want to thank you for the way in which you exercised your discretion. Permit me to also express my appreciation to the thousands of City Voters, who by their vote and conduct, named me the traditional candidate for Mayor Pro Tempore.

The good people of Fayetteville attempted to elect persons to the City Council that could and would represent all of the people, living in many diverse neighborhoods, throughout our city. It now appears that they have elected a Council with the requisite qualifications, ability, interest and intention of doing just that. I am therefore pleased to be a member of this body.

Our campaigns for election or re-election to the Council were very long, hard and difficult. But in retrospect they served a good purpose. They afforded candidates and voters ample time to know each other and to reflect on the demanding needs of the various segments and neighborhoods of our city. We promised that we could and would work together for a better Fayetteville. It is now time to perform that promise, We all, Council persons and Citizens alike, should welcome the opportunity. Thank you."

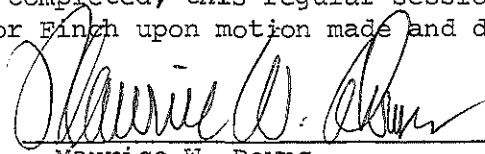
On a second item of business, Mayor Finch suggested that a conference meeting be set for next Monday evening, December 15, at 7:30 P.M. in the Council Chamber in the Kyle House for the purpose of hearing a report from the Community Development Director on public hearings that will be held this week and on further Community Development matters. The suggestion was accepted and the meeting was set.

On another item of business, Councilman Plummer moved that inasmuch as Christmas Day falls on Thursday this year this month and pay day for city employees is normally on Friday, the 26th, that city employees be paid on Wednesday, December 24 this year. Motion seconded by Mr. George and carried unanimously.

MATTERS OF INTEREST TO THE CITY COUNCIL MEMBERS

Mayor Finch then called on each new City Council member in turn and each offered comments of thanks for their election, of their assurance to the citizens of the community that they would do their new jobs well, and requested citizen involvement in municipal government matters.

Thereafter, all matters of business having been completed, this regular session of the new Council was declared adjourned at 8:25 P.M., by Mayor Finch upon motion made and duly seconded.



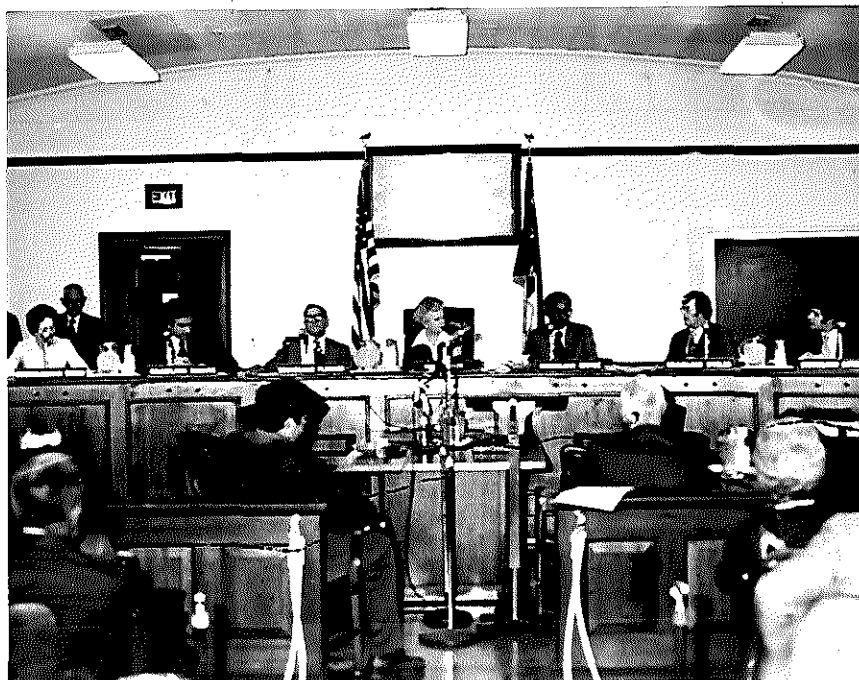
Maurice W. Downs
City Clerk

INAUGURATION CEREMONY-DEC. 8, 1975

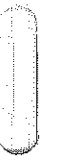


MAYOR LEE ADMINISTERING OATH OF OFFICE TO MRS. FINCH

FIRST MEETING OF NEW COUNCIL -DECEMBER 8, 1975



Beard Dawkins Plummer Finch George Shields Satsky



SPECIAL SESSION
MONDAY, DECEMBER 15, 1975
9:45 P. M.
COUNCIL CHAMBER, KYLE HOUSE

Present: Mayor Beth Finch

Council Members: Marion George, Marie Beard, J.L. Dawkins, Vincent Shields, Gene Plummer
Steve Satsky

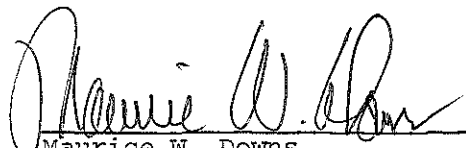
Others Present: Mr. Guy Smith, City Manager
Mr. Billy Clark, City Attorney

Mayor Finch called this special executive session to order to hear report and recommendation from the City Attorney on a matter of litigation.

City Attorney Billy Clark was recognized and stated in the matter of litigation involving Mittie Clark vs William Waddell and the City of Fayetteville offer \$5,000.00 in terms of settlement.

Following brief discussion of the matter, Mr. Plummer offered motion to accept the City Attorney's recommendation. Motion seconded by Mr. Shields and carried, Mr. George voting against.

Thereafter, all matters of interest having been completed, this special session was adjourned at 10:10 P.M., upon motion made and duly seconded.


Maurice W. Downs
City Clerk



REGULAR MEETING
CITY HALL COUNCIL CHAMBER
DECEMBER 22, 1975
8:00 P.M.

Present: Mayor Beth Finch

Council Members: Marie Beard, J.L. Dawkins, Gene Plummer, Marion George, Vincent Shields, Steve Satsky

Others Present: Mr. Guy Smith, City Manager
Mr. Billy Clark, City Attorney
Mr. Ray Muench, PWC
Mr. Joe Stowe, PWC

Mayor Finch called the meeting to order and the invocation was offered by Captain Jesse Jones, Commander of the Salvation Army. Following the invocation, Mayor Finch led the audience in the Pledge of the Allegiance to the Flag.

Mayor Finch recognized Mr. M.M. Rock of the Fayetteville Fire Dept. and presented him with a Certificate of Appreciation in recognition of the donation by Mrs. Joseph Haefner of a riding lawn mower to Fire Station No. 4.

Mayor Finch also recognized Mr. James Hall of the Fayetteville Fire Dept. and presented him with a five year service pin.

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

Council then moved to the first order of business.

Upon motion by Mr. George, seconded by Mr. Dawkins and carried unanimously, Minutes of the Special Meeting of December 8 were approved as submitted by the Clerk.

Upon motion by Mr. Plummer, seconded by Mr. Shields and carried unanimously, Minutes of the Regular Meeting of the Council on December 8 were approved as submitted by the Clerk.

Council then proceeded to move into the public hearings.

A public hearing had been published and continued to this date from November 24 on the rezoning from R10 residential district to P2 professional district or to a higher classification of an area located at the intersection of Cain Road and U.S. 401 By-Pass. Planner Mitchell stated the Planning Board recommends a 6 months deferral of this item due to a study of major street intersections now pending. There were neither proponents nor opponents present.

Following brief discussion, Mr. Plummer offered motion to follow the foregoing recommendation of the Planning Board and continue this public hearing for 6 months (June 28, 1976). Motion seconded by Mr. Dawkins and carried unanimously.

There being no objection Mayor Finch then moved to item D on the agenda the consideration of a proposed amendment to the City of Fayetteville Zoning Ordinance, Chapter 32, Section 28 to provide for automobile sales in the C1 local business district. Mrs. Finch explained that taking up this matter at this time could have some affect on item C on the agenda. Planner Mitchell stated that the Planning Board recommended approval of this amendment.

A Mr. Ray Espy of 1231 Marlborough Road was recognized in opposition to this proposed change. A Mr. Norman Snellgrove of Arlington Avenue was also recognized in opposition.

Following brief discussion, Mr. Plummer offered motion that no action be taken on items D and E on the agenda and return to item B. Motion received no second.

Following brief discussion, Mr. George offered motion that Chapter 32, Section 28 of the Fayetteville City Code not be amended as proposed at this time. Motion seconded by Mr. Plummer and carried unanimously.

Council then moved to item E (A) and (B) on the agenda which were to be considered together. Item E (a) was consideration of a proposed amendment to the City of Fayetteville Zoning Ordinance Chapter 32, Section 41 to provide a new commercial zoning district known as C1A commercial district. Planning Board recommended approval. Item E (b) was consideration of a proposed amendment to the City of Fayetteville Zoning Ordinance, Chapter 32, Section 27 to permit the uses included in the C1A commercial district.

Planner Mitchell presented these matters.

Mr. Ray Espy was again recognized and requested a change in the wording of one of the amendments.

Following some discussion, Mrs. Beard offered motion to delete the words "other personal services" from No. 3 of the proposed ordinance. Motion seconded by Mr. Satsky.

Following brief discussion, Mrs. Beard withdrew the foregoing motion and Mr. Satsky withdrew

XXXXXX
XXXXXX

his second.

Mr. George offered motion to continue this public hearing to the second meeting in January (Jan. 26, 1976) Motion seconded by Mr. Plummer and carried unanimously.

Council then moved to consider agenda item B which was the rezoning from P2 professional district to C1 local business district or to a higher classification of an area located at 1309 Ft. Bragg Road. (This item continued from November 10, 1975.) Planning Board recommended denial of this rezoning.

Dr. Lawrence Paschal, the petitioner, was recognized and requested a continuance of this public hearing until after agenda items E (a & b) are again considered by Council in January 1976.

Mr. Shields requested and received permission to abstain from discussion or voting on this matter due to a conflict of interest.

Following brief discussssion, Mr. Plummer offered motion for approval of Dr. Paschal's request and that this public hearing be continued until February 23, 1976. Motion seconded by Mrs. Beard and carried unanimously, Mr. Shields abstaining to vote.

A public hearing was held as continued from the September 22, 1975 meeting on the proposed rezoning from C1 local business district to C3 heavy commercial district or to a higher classification of an area located at 2725 and 2727 Raeford Road. Planning Board recommended denial.

Mr. Wilson Yarborough, Sr., the petitioner, was recognized and requested a continuance of this public hearing to February 23, 1976.

Mr. Nerman Snellgroves of Arlington Road, Mr. Ray Espy and Mr. Jack Hinson of Marlborough Road were all recognized in opposition to this proposed rezoning.

Following some discussion, Mr. Satsky offered motion, seconded by Mr. Plummer that the foregoing rezoning be denied as recommended by the Planning Board. Motion carried unanimously.

Council then moved to item F on the agenda which was the consideration of rezoning from R10 residential district to P2 professional district or to a higher classification of an area located on both sides of McPherson Church Road and being all of lots 207 thru 342. Planning Board recommended denial.

Mr. Sylvester Sluka was recognized representing property owners in behalf of this rezoning. Mr. Sluka stated that it was the property owners contention that the manner in which McPherson Church Road was being developed at this time left these properties open for commercial development only.

Mr. Sam Sanford of Palomar Street was recognized representing approximately 400 residents in the area in opposition, presented a valid petition requiring a 3/4 vote of the Council to amend the zoning ordinance and an additional 361 signature petition of opposition to the proposed rezoning. Approximately 50 persons were also present in the audience opposed to the rezoning. Mr. Sluka was again recognized with remarks and comments and a Mr. Howard King of McPherson Church Road was recognized in opposition.

Mr. Satsky requested and received permission to abstain from discussion and voting on this matter due to a conflict of interest.

Following some discussion, Mr. Plummer offered motion to follow recommendation of the Planning Board and deny this petition for rezoning. Motion seconded by Mr. Dawkins and carried unanimously, Mr. Satsky abstaining to vote.

Council next gave consideration to the initial zoning to R5A residential district, R6 residential district, PND Planned Neighborhood District and M2 Industrial District or to a higher classifications of an area located on the northwest side of the A & R Railroad, south of the present city limits line, east following the run of Buckhead Creek, southwest by a portion of Stoneykirk Drive and west by Montclair Subdivision, section 3. Planner Mitchell stated that this was a recent annexation to the city and the Planning Board recommended PND, R5A and R10 zoning and against R6 and M2 zoning as shown on the map. There was no opposition present.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL AMENDING THE ZONING ORDINANCE AS FOLLOWS: ZONE INITIALLY R5A AND R10 RESIDENTIAL DISTRICTS AND PND PLANNED NEIGHBORHOOD DISTRICT AN AREA LOCATED ON THE NORTHWEST SIDE SIDE OF THE A & R RAILROAD, SOUTH OF THE PRESENT CITY LIMIT LINE, EAST FOLLOWING THE RUN OF BUCKHEAD CREEK, SOUTHWEST BY A PORTION OF STONEYKIRK DRIVE AND WEST BY MONTCLAIR SUBDIVISION, SECTION 3. ORD. NO. NS-1975-92.

Mr. Satsky introduced the foregoing ordinance and moved its adoption, seconded by Mr. Shields and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book NS-1975.

Council next gave consideration to the rezoning from R6 residential district to M1 Industrial district or to a higher classification of an area located on the east side of Hillsboro Street between the CBD Loop and Peace Street. Planning Board recommended approval of this rezoning.

Attorney Jerome Clark 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 R6 RESIDENTIAL DISTRICT TO M1 INDUSTRIAL DISTRICT AN AREA LOCATED ON THE EAST SIDE OF HILLSBORO STREET BETWEEN THE CBD LOOP AND PEACE STREET. ORD. NO. NS-1975-93.

Following brief discussion, Mr. Plummer introduced the foregoing ordinance and moved its adoption, seconded by Mr. Shields and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book NS-1975.

Council next gave consideration to a request for a special use permit for a medical office in an R6 residential district as provided for in the Fayetteville Zoning Ordinance and located at 1601 Ramsey Street. Planning Board recommended approval.

Attorney Duane Gilliam was recognized for the petitioner. There was no opposition present.

Following brief discussion, Mr. George offered motion to follow the foregoing recommendation of the Planning Board and grant the special use permit for the medical office in the R6 residential district located at 1601 Ramsey Street. Motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a request for a special use permit to construct parking facilities in an R6 residential district as provided for in the Fayetteville Zoning Ordinance for an area located to the rear of property at 1228 and 1232 Ft. Bragg Road. Planning Board recommended denial.

A Mr. Guilford Barnhill, the petitioner, was recognized in behalf of this special use permit. Mr. Barnhill stated that he wished to construct a new building fronting on Ft. Bragg Road and needed the special use permit to provide for additional parking facilities for the building.

A Mr. Matthew Smith, a Park Street resident and property owner, was recognized representing several property owners in the area opposed to the granting of this special use permit. Mr. M.M. Smith, another Park Street resident property owner was recognized in opposition to this request.

Following some discussion, Mr. Shields offered motion to follow the foregoing recommendation of the Planning Board and deny this request for a special use permit. Motion seconded by Mr. Satsky and carried unanimously.

Council next considered a petition for 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. Planning Board recommended approval to P2 professional district of the area rather than the requested C1 local business district.

Mr. Joe Peters, the petitioner, was recognized and requested continuance of this public hearing to February 23, 1976.

Mr. Ray Espy, Mr. Jack Hinson and Mr. Wilbur Wyman of Marlborough Road and Mr. Norman Snellgroves of Arlington Avenue were recognized in opposition to this rezoning.

Following brief discussion, Mrs. Beard offered motion that the foregoing request for rezoning be denied. Motion seconded by Mr. Plummer and carried unanimously.

This completed the public hearing matters before Council this evening.

Upon motion by Mr. George, seconded by Mr. Satsky and carried unanimously, public hearings were set on the following matters for January 26, 1976:

- (A) Rezoning from P1 professional district to P2 professional district or to a higher classification of an area located at 3415-A Melrose Road.
- (B) Rezoning from R5 residential district to P2 professional district or to a higher classification of an area located on the north side of Cumberland Street between West Orange and Hillsboro Streets.

PLANNING BOARD MATTERS

Council heard conditional approval from the Planning Board of Northumberland Group Development (formerly Alpine Village) revision review located on Blanton Road.

Following brief discussion, Mr. Plummer offered motion for conditional approval of the foregoing as recommended by the Planning Board. Motion seconded by Mrs. Beard and carried unanimously.

Council heard recommendation for conditional approval from the Planning Board of Hillendale Subdivision preliminary and final review located on Rosehill Road.

Mrs. Beard offered motion, seconded by Mr. Plummer for approval of the foregoing Hillendale Subdivision as recommended by the Planning Board subject to the condition outlined in their memo to City Council. Motion carried unanimously.

Council next gave consideration to Fayetteville Technical Institute Parking Facility preliminary and final review located off Devers Street. Planning Board recommended conditional approval as outlined in their memorandum. Mr. Satsky requested and received permission to abstain from

discussion and voting on this matter due to a personal interest.

Following brief discussion, Mr. Plummer offered motion for approval of the foregoing as recommended by the Planning Board and subject to the conditions outlined by them. Motion seconded by Mr. Shields and carried Mr. Satsky abstaining to vote.

Council next gave consideration to approval of Green Valley Estates, Section 3, Part 3 subdivision preliminary and final extension located off Pamalee Drive. Planning Board recommended approval subject to the conditions as outlined in their memorandum.

Following brief discussion, Mr. Plummer offered motion for approval of the foregoing Green Valley Estates, Section 3, subject to the conditions outlined by the Planning Board. Motion seconded by Mr. Dawkins and carried unanimously.

PUBLIC WORKS COMMISSION MATTERS

Public Works Commission Manager Muench was recognized and presented the PWC matters. The first item was approval of an application by L.C. Beck, Sr. (Maola Milk and Ice Cream Company) for one four inch sanitary sewer connection to an existing main to serve an existing convenience food store on Coventry Road.

Following brief discussion, Mr. Plummer offered motion for approval of the foregoing request as recommended by the Public Works Commission. Motion seconded by Mr. Shields and carried, Mrs. Beard voting against.

Council next gave consideration and review of bids for the purchase by PWC of approximately 200 tons of Liquid chlorine. PWC recommended the low bid by Suffolk Chemical Company in the amount of \$38,920.00.

Following brief discussion, Mr. Dawkins offered motion, seconded by Mr. George for approval of the Suffolk Chemical Company bid of \$38,920.00 as recommended. Motion carried unanimously.

Upon motion by Mr. Plummer, seconded by Mr. Shields and carried unanimously, the low bid submitted by Jones Chemical Company for Caustic Soda Chemical in the amount of \$33,920.00 was approved as recommended by PWC.

Upon motion by Mr. Plummer, seconded by Mr. George and carried unanimously, the low bid submitted by Cities Service Company for Aluminum Sulfate Chemical in the amount of \$16,714.00 was approved as recommended by PWC.

Council next gave consideration to a request by Mr. John Sandrock for approval of Avon Street to be paved to a width of 41 feet curb to curb with the City participating in the cost. The City Manager presented this matter and stated the Council must determine the width of streets that are to be improved to city standards. The minimum width allowed is 29 feet from curb to curb and the next width is 41 feet. The City participates in the cost for the extra width over 29 feet with the developer paying most of the cost for the 29 foot street.

Mr. Sandrock wishes to open Avon Street between Sandhurst Drive and Melrose Road and requests city participation in the extra width in conformance with the city's policy. Mr. Sandrock plans to finance the contract cost and ask for reimbursement from the city for its share of the cost which is estimated to be \$2,000.00. Mr. Sandrock's cost is estimated to be \$20,000.00

Attorney Jerome Clark was recognized for Mr. Sandrock.

Following brief discussion, Mr. Plummer offered motion for approval of Mr. Sandrock's request and for city participation in the cost estimated to be \$2,000.00, Motion seconded by Mr. Shields and carried unanimously.

Council next gave consideration to a resolution accepting the results of the bond issue held on December 16, 1975. The City Attorney presented this matter and stated that the resolution presented was recommended for adoption.

R-1975-68

A regular meeting of the City Council of the City of Fayetteville, North Carolina, was held at 8 o'clock P.M., on December 22, 1975, at the City Hall in Fayetteville, North Carolina, the regular place of meeting.

Present Mayor Finch presiding and Council Members Marie Beard, J.L. Dawkins, Gene Plummer, Marion George, Vincent Shields and Steve Satsky.

The City Council received from the Cumberland County Board of Elections a certified copy of the proceedings of said Board of Elections taken on December 18, 1975, 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 December 16, 1975.

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

RESOLUTION DECLARING THE RESULT OF
THE SPECIAL BOND REFERENDUM HELD
ON DECEMBER 16, 1975

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 December 18, 1975, 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 December 16, 1975, 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 DECEMBER 16, 1975

At a special bond referendum held in the City of Fayetteville on December 16, 1975, 19,923 voters were registered and qualified to vote.

At said referendum 1,266 votes were cast for the order adopted on October 30, 1975, 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 Electric Bonds in an aggregate principal amount not exceeding \$18,000,000 for the purpose of providing funds, with any other available funds, for the generation of electrical power for the City of Fayetteville's electrical distribution system in order to shave the peaks of the electrical power demands required by the system's users, including the purchase of electrical generating equipment, acquisition and construction of buildings to house the equipment, acquisition and construction of other appurtenances necessary for the generating facility, transmission and distribution lines and facilities, and the acquisition of necessary land, rights-of-way and equipment, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, and 136 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.

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 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 December 26, 1975.

CITY COUNCIL
OF THE
CITY OF FAYETTEVILLE, NORTH CAROLINA

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

Upon motion of Council member Plummer, seconded by Council member Satsky, the foregoing resolution entitled: "RESOLUTION DECLARING THE RESULT OF THE SPECIAL BOND REFERENDUM HELD ON DECEMBER 16, 1975" was passed by the following vote:

AYES: Council members Beard, Dawkins, Plummer, Shields, George and Satsky

NOES: NONE

Council next gave consideration to several ordinances requiring the Building Inspector to correct conditions of substandard structures. Council recognized Mr. Tony Maccy of the City Building Inspector's Office who presented three ordinances for adoption and stated that these matters were originally presented in September regarding property owned by Dr. G.W. Allen and a 90 day extension granted at that time. Mr. Maccy stated the structure at 1913-B Newark Street was now in conformance with the law and no action was required; however action was required on the remaining three structures on Newark Street inasmuch as Dr. Allen was still not in compliance with the law.

Following brief discussion, Mr. George offered motion to continue this matter to the next meeting and inform Dr. Allen. Motion seconded by Mrs. Beard.

Following further discussion, Mr. Plummer offered substitute motion for adoption of the three ordinances as presented. Motion seconded by Mr. Dawkins and carried by the following vote: FOR: Mr. Satsky, Mr. Shields, Mr. Plummer, Mr. Dawkins; AGAINST: Mr. George and Mrs. Beard.

The ordinance titles appear below:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 1804 NEWARK STREET AND OWNED BY DR. G.W. ALLEN. ORD. NO. NS-1975-94.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 1806 NEWARK STREET AND OWNED BY DR. G.W. ALLEN. ORD. NO. NS-1975-95.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 1808 NEWARK STREET AND OWNED BY DR. G.W. ALLEN. ORD. NO. NS-1975-96.

Copies of the foregoing ordinances are on file in the office of the City Clerk in Ordinance Book NS-1975.

Council next gave consideration to further demolition ordinances requiring the Building Inspector to correct conditions at several locations throughout the city.

Following brief discussion, Mr. Plummer offered motion for adoption of the following ordinances requiring correction of the substandard condition. Motion seconded by Mr. Satsky and carried unanimously. The ordinance titles and numbers appear below:

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 432 GREENSBORO STREET AND OWNED BY MR. BOYD HARRIS. ORD. NO. NS-1975-97.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 522 DURHAM STREET AND OWNED BY MR. LONNIE L. MELVIN. ORD. NO. NS-1975-98.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 904 EAST COLLIER DRIVE AND OWNED BY MRS. LILLIAN TAYLOR "HEIRS". ORD. NO. NS-1975-99.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 1009 NORTH STREET EXTENSION AND OWNED BY MR. HENRY L. BROWN. ORD. NO. NS-1975-100.

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 906 EAST COLLIER DRIVE AND OWNED BY MRS. CLAUDIA M. BELL "HEIRS". ORD. NO. NS-1975-101

AN ORDINANCE OF THE FAYETTEVILLE CITY COUNCIL REQUIRING THE CITY BUILDING INSPECTOR TO DEMOLISH AND REMOVE A STRUCTURE LOCATED AT 612 GREER AVENUE AND OWNED BY MRS. ARMETTA GILMORE "HEIRS" ORD. NO. NS-1975-102.

Copies of the foregoing ordinances are on file in the Clerk's Office in Ordinance Book NS-1975.

Council next gave consideration to the approval of bids received at public auction of surplus city property on December 1, 1975. The City Manager stated that the Council recently authorized the holding of the public auction for the sale of certain surplus city property said property being three trucks, two motorcycles and 9 passenger cars. The sale was held on December 1 and a tabulation prepared indicating the high bidder and the amount of bid on each item auctioned. The total bids received being \$2,840.00. Some of the vehicles had been wrecked and motors and transmissions transferred to other city vehicles. In general, the bid prices exceeded expectations. The City Manager recommended that Council accept the bids as indicated on the tabulation.

Following brief discussion, Mr. Plummer offered motion for approval of the bids received at the public auction of surplus city property on December 1 as recommended by the City Manager. Motion seconded by Mrs. Beard and carried unanimously. A copy of the bid tabulation is on file in the City Clerk's Office.

Council next gave consideration to rejecting bids on bleachers for the Recreation and Parks Dept. The City Manager presented this matter and stated that if Council looked with favor on rejecting the bids that this matter would be readvertised.

The City Manager stated that the Director of the Parks Dept. was of the opinion that it would be to the best interest of the city and the department recommend to Council that the sole proposal received be rejected for the portable bleachers. Specifications were written and invitations to bid were then submitted to potential suppliers with the understanding that a competitive bid would be forthcoming. The sole bidder however was the only supplier capable of providing the specified bleacher. This development added to the fact that a lower price was expected provides the motivation to recommend rejection of the bid and a re-bid at a future date.

Following brief discussion, Mr. Satsky offered motion for rejection of the sole bid received on the foregoing matter as recommended and that the matter be readvertised, motion seconded by Mr. Dawkins and carried unanimously.

Council next gave consideration to a resolution authorizing the sale of certain city properties.

The City Attorney presented this matter and stated that on November 10, Council offered for sale certain parcels of property located behind Grove Street on Slater Avenue and on Waddell Drive. The City Attorney stated the bids received were as follows; for the Grove Street tract: Robert Mace - \$500.00, for the Slater Avenue tract Wilson McCollum - \$300.00, for the Waddell Drive lots Anthony Maccy - \$500.00. The City Attorney stated that the City Clerk had not received any upset bids and in view of this, the foregoing bids were recommended for acceptance.

RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY PROPERTIES LOCATED BEHIND GROVE STREET ON SLATER AVENUE, AND ON WADDELL DRIVE. RES. NO. R-1975-69.

Following brief discussion, Mr. Plummer introduced the foregoing resolution and moved its adoption as recommended, motion seconded by Mr. Dawkins and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book R-1975.

Council next gave consideration to a resolution authorizing the acquisition of certain properties for rights-of-way for the improvement of Rosehill Road. The City Attorney presented this matter and the City Manager stated that the 1975-1976 budget provided for the improvement of Rosehill Road which would include widening to four lanes, drainage, curbs and gutters. The City Council will at a later date need to hold a public hearing on the Rosehill Road project to determine whether there would be funds available to implement the improvements in one project or whether the project will be divided into two or more phases.

Administration is now in the process of attempting to acquire the necessary rights-of-way for the improvements of Rosehill Road. The needed parcels of property have been appraised by two different appraisers and administration requests the authority to negotiate up to and including the appraised value of the parcels of acquisition of same. The resolution proposed would allow administration to proceed with the acquisition of the necessary right-of-way.

RESOLUTION AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTIES FOR RIGHTS-OF-WAY FOR THE IMPROVEMENT OF ROSEHILL ROAD. RES. NO. R-1975-70.

Following brief discussion, Mr. Plummer introduced the foregoing resolution and moved its adoption as recommended, seconded by Mr. Dawkins and carried unanimously. A copy of the foregoing resolution is on file in the office of the City Clerk in Resolution Book R-1975.

Council next gave consideration to a proposed ordinance amending section 20-106, schedule #11 of the city code. The City Attorney presented this matter and stated that it is recommended that no parking areas be added to schedule #11 and signs indicating the hours during which there shall be no parking from 5 P.M. until 7 A.M. on North King Street, Talbot Street and Beale Street.

AN ORDINANCE AMENDING SECTION 20-106, SCHEDULE #11 OF THE FAYETTEVILLE CITY CODE ENTITLED NO PARKING ADDING THE FOLLOWING STREETS TO SUCH SCHEDULE: (1) NORTH KING STREET BOTH SIDES BETWEEN GROVE STREET AND LEE STREET, (2) TALBOT STREET BOTH SIDES BETWEEN EASTERN BLVD. AND NORTH RACEPATH STREET, (3) BEALE STREET BOTH SIDES BETWEEN EASTERN BLVD. AND NORTH KING STREET. ORD. NO. NS-1975-103.

Following brief discussion, Mr. Plummer introduced the foregoing ordinance and moved its adoption as recommended, and that the Chief of Police be notified and directed to enforce same. Motion seconded by Mr. Dawkins and carried unanimously. A copy of the foregoing ordinance is on file in the office of the City Clerk in Ordinance Book NS-1975.

Council next gave consideration to the approval of the dedication of Fordham Drive and city participation of extra width street to 41 feet.

The City Engineer presented this matter concerning Fordham Drive northwest of Village Drive (adjoining Dark Branch Racket and Swim Club). The City Engineer stated that this section of Fordham Drive has been reviewed by Council; however, the Council has not taken specific action to approve the plat dedicating the street or to accept this section of Fordham Drive.

On April 9, 1973, Council approved a special use permit for the swim-tennis facility in the residential zone. On May 28, 1973, the Council agreed to participate in extra width pavement for this section of Fordham Drive. Moorman & Little Engineers, Inc. has now submitted a plat for dedication of Fordham Drive which needs Council approval. This is the action requested this evening, he concluded.

Considerable discussion then followed centering around the fact that this section of Fordham Drive dead ends at the swim club and apparently will serve only that facility. However, Planner Mitchell stated that Fordham Drive is on an overall street plan which will eventually connect it with another major traffic artery in the vicinity of Raeford Road.

Mr. Plummer then offered motion for adoption of the plat as recommended, motion seconded by Mr. Dawkins and carried by the following vote: FOR: Mr. Satsky, Mr. Shields, Mr. Plummer and Mr. Dawkins; AGAINST: Mr. George and Mrs. Beard.

Council next gave consideration to an ordinance for no parking at anytime on Bradford Avenue, east side from Hay Street southwardly to a point near Arsenal Avenue. The City Manager presented this matter and stated that the City Engineer had met with Doctors McLean, Currie and Olive and the Highsmith Hospital Administrator, Mr. Miller. Their concern he stated, was the hazard caused by cars parking adjacent to several driveways into the hospital parking lot and their office parking lots.

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The onstreet parking cars in this vicinity block the view of drivers attempting to exist the parking lot on to Bradford Avenue, thereby causing a hazard. It was Dr. McLean's suggestion and all the others agreed that 9 parking spaces should be removed from the east side of Bradford Avenue between Hay Street and Arsenal Avenue.

The City Engineer stated that the suggestion has merit particularly since the hospital now has adequate parking adjacent to the hospital building for the patients, visitors and doctors and that their employees now have a 200 car parking lot available about 1/2 block from Bradford Avenue on Arsenal Avenue. The City Engineer stated that he had observed the hospital parking lot and Arsenal parking lot during peak parking hours and there were many vacant spaces in both lots. He recommended the adoption of the proposed ordinance.

Following considerable discussion, Mr. Plummer offered motion to continue this matter to the next regular meeting, motion seconded by Mrs. Beard and carried unanimously.

Council next gave consideration to several appointments.

One appointment to the Board of Appeals to replace Mr. Edward David who had resigned was held over to the next regular meeting.

Council next considered four appointments to the Human Relations Advisory Commission. Mrs. Finch asked if there were nominations for any of these vacancies and Mr. Satsky nominated Mrs. John Stacey (Barbara) Hair, Jr. Mr. George then moved that nominations be closed and Mrs. Hair appointed by acclamation to the Human Relations Advisory Commission for a term of office to run to March 1977. Motion seconded by Mr. Plummer and carried unanimously. The other three appointments were carried over to the next regular meeting.

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

CITY MANAGER REPORTS

The City Manager reported the resignation from the Fire Dept, of Jesse Lee Melton. The resignation was noted by the Council.

MATTERS OF INTEREST TO THE CITY COUNCIL

Mr. Satsky issued a public invitation to all citizens of the community to attend city council meetings and become involved in municipal government.

Mr. Jack Hinson, resident of Marlborough Road, again requested and received recognition from the Council and stated that he and the other residents of Marlborough Road wished to express their expression for the support of the Police Dept. in enforcing the traffic laws on Marlborough Road. Mrs. Finch thanked Mr. Hinson for his expression of appreciation and encouraged him if he had not already done so, to write such a letter of appreciation directly to the Chief of Police in order that the entire department might read it.

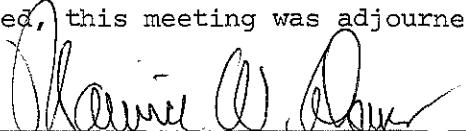
Mr. Shields raised the question of an 11:00 P.M. cut off time for city council meetings in order to keep them from running into the early hours. Mrs. Finch stated that this question had been discussed by several members of the Council. Mr. Shields stated that inasmuch as Council had disposed of quite a lengthy agenda this evening that such cut off time might not be necessary. Among the other suggestions made were those of advancing the meeting time to 7:30 (which would require a charter revision) dividing the agenda into two parts with public hearings and planning matters held the first meeting of the month and other matters held on the second meeting. Mayor Finch suggested that the Council members think about this matter for discussion and possible decision at a later date.

Mrs. Beard was recognized regarding the longevity-merit pay plan recently adopted by the previous city council to be effective January 1, 1976. Following brief discussion, Mrs. Beard offered motion that this Council rescind the action of the former City Council for a combined merit-longevity pay plan, take the \$60,000.00 allocation in the budget and give an across-the-board increase to all city employees with 6 months employment or longer. Motion seconded by Mr. George.

Following some discussion of Mrs. Beard's motion, Mr. Satsky offered a substitute motion that this Council rescind the action by the previous City Council on the combined longevity-merit pay plan and call a conference meeting the first week of January to discuss and perhaps formulate a new plan. Motion seconded by Mr. Plummer and upon a vote being taken carried unanimously.

Mrs. Beard asked about the possibility of receiving the agenda packet on Thursday instead of Friday in order to allow more time for study of the matters to be discussed at Council meetings. The City Manager replied that the difficulty in doing this would be in receiving the matters from the Planning Board immediately following their meeting on Tuesday evening before, but that he would see if it could be done.

Thereafter, all matters of business having been completed, this meeting was adjourned at 11:30 P.M. upon motion made and duly seconded.


Maurice W. Downs
City Clerk